ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

Cap. xc.

An Act for improving and maintaining the Navigation of the River *Suir*, and for making and constructing a Ship Canal at *Carrick on Suir*.

[4th *July* 1836.]

WHEREAS the improving and supporting the Navigation of the River *Suir* from *Granny Ferry* in the Parish of *Kilmacow* and County of *Kilkenny* on the North or one Side of the said River, and from *Grace Dieu* in the Parish of *Killoteran* and County of *Waterford* on the South or other Side of the said River, up to or near the Town of *Carrick* in the Parish of *Carrick* and County of *Tipperary*, and the making a Canal, Cut, or Passage for Vessels at or near certain Rocks in the Bed of the said River *Suir* between *Tinhalla* in the Parish of *Kilmoleran* and County of *Waterford* and the old Bridge of *Carrick* aforesaid, and the deepening, widening, and making and maintaining navigable for Ships of a large Burthen the said River from and between *Tinhalla* aforesaid to the said old Bridge of *Carrick*, would render the Communication between *Carrick on Suir* aforesaid to the Sea more easy and expeditious and regular, and afford a cheaper and more ready Conveyance for the Export of various agricultural and other Articles from thence and from the Borough of *Clonmell*, and from the Towns and Villages of a large Section of the Counties of *Tipperary*, *Waterford*, and *Kilkenny*, to the Port of *Bristol*, and the numerous Ports and Places on the Western and Southern Coasts of *England*, and to the Port of

London, with all and each of which a very considerable and important Trade is now carried on, and would also facilitate the Import of Goods, Wares, and Merchandize from *England* to *Carrick on Suir* and *Clonmell* aforesaid, and the surrounding Country, and would be of great public Utility: And whereas the several Persons hereinafter named are desirous of undertaking the Execution of the Works aforesaid, and of being united into a Company for the Purpose: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *John William* Viscount *Duncannon*, the Most Noble *James* Marquis of *Ormond*, the Right Honourable *John Hely* Earl of *Donoughmore*, the Right Honourable *Cornwallis Maude* Viscount *Hawarden*, the Honourable *Randal Plunkett*, *Thomas Edmond Lalor* of *Cregg* in the County of *Kilkenny*, Esquire, *Henry Whitby Briscoe* of *Tinvane* in the County of *Tipperary*, Esquire, *Maurice O'Donnell* of *Carrick on Suir*, Esquire, *Patrick Hayden* of *Carrick Beg*, Merchant, *William O'Donnell* of *Cottage* in the County of *Tipperary*, Esquire, *John Power* of *Mount Richard* in the said County, Merchant, *Patrick Feehan* of *Carrick on Suir*, Merchant, *Richard Pope* and Company of *Waterford*, Merchants, *Matthew Richard Sausse* of *Dublin*, Barrister-at-Law, *Thomas Hughes* of *Clonmell*, Merchant, *John Malcomson Murphy* of *Clonmell*, Merchant, *Thomas Samuel Grubb* of *Clonmell*, Merchant, *James Morton* of *Clonmell*, Merchant, *Charles Riall* of *Clonmell*, Esquire, *Joseph Malcomson* of *Mayfield* in the County of *Tipperary*, Merchant, *John Bursley Clibborne* of *Two-Mile Bridge* in the said County, Merchant, *John Bagwell* of *Marlfield* in the said County, Esquire, *John Maher* of *Tullamaine Castle* in the said County, Esquire, *Stephen Moore* of *Barn* in the said County, Esquire, *William Barker* of *Kilcooley Abbey* in the said County, Esquire, *Joseph Anderson* of *London*, Merchant, *Charles Henry Harben* of *London*, Merchant, and all and every such other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, as shall from Time to Time become a Subscriber or Subscribers to the said Undertaking, and be duly admitted a Proprietor or Proprietors as herein-after mentioned, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making, completing, and maintaining the said intended Navigation, Canal, Cuts, Passages, and other Works, according to and consistently with the Rules, Orders, and Directions herein-after contained, and for that Purpose shall be One Body Politic and Corporate by the Name and Style of "The River *Suir* Navigation Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony, Misdemeanor, or any Offence indictable by the Laws of this Realm, and shall and may have Power and Authority from Time to Time and at all Times to purchase, and to hold to them, their Successors and Assigns, any Lands, Tenements, and Hereditaments, for the

Proprietors incorporated.

Use

Use of the said Undertaking, in manner by this Act directed, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and also to sell and convey any of the Lands, Tenements, or Hereditaments so purchased in manner by this Act directed.

Purposes of the Company.

II. And be it further enacted, That it shall and may be lawful for the said Company and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to improve and support the Navigation of the said River *Suir* from *Granny Ferry* and *Grace Dieu* aforesaid in the Parishes of *Kilmacow* and *Killoteran* aforesaid to the old Bridge of *Carrick* in the Parishes of *Carrick* and *Kilmoleran* aforesaid, and to make a Navigable Canal, proper Piers, Floodgates or Locks, Bridge or Bridges, and other Works, from, out of, and into the said River *Suir* at the South Side thereof, in the immediate Vicinity of certain Rocks lying in the Bed of the said River to the East or South-east of the Castle of *Carrick* in the Parish of *Carrick* aforesaid, and also to deepen, widen, and make and maintain navigable for Ships of large Burthen the said River *Suir* from *Tinhalla* aforesaid to the old Bridge of *Carrick* aforesaid, and also to make and maintain proper Quays, Wharfs, Landing Places, Warehouses, and other Buildings, Yards, and Conveniences, for the Purpose of Navigation and Commerce, on or near the Banks and Sides of the said River *Suir* between *Tinhalla* aforesaid and the old Bridge of *Carrick* aforesaid.

Power to enter Lands to take Surveys, &c.

III. And be it further enacted, That for the Purposes of this Act it shall and may be lawful for the said Company, their Deputies, Agents, Surveyors, Servants, and Workmen, and they are hereby authorized and empowered, to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same or any Part or Parts thereof, and to ascertain and stake or set out such Part and Parts of the same Lands as shall be necessary for making and completing the said Navigation, Canal, and Works.

Power to take Land, blast the Rocks or to erect a Dam thereon, and to remove Sand Banks, &c.

IV. And be it further enacted, That it shall and may be lawful for the said Company and they are hereby fully authorized and empowered to take, use, and appropriate for the Purposes of this Act the Lands and Hereditaments described or mentioned, or intended so to be, in the Map or Plan and Book of Reference hereinafter mentioned as situate and being on the South Side of the said River at or near the *Cunnywarren* in the Parish of *Kilmoleran* and County of *Waterford*, and by themselves, their Deputies, Agents, Surveyors, Servants, and Workmen, to bore, dig, cut, trench, excavate, embank, and sough in and upon such Lands and Hereditaments, and also to remove, take, and carry away, or to lay and make use of, any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which may be dug, raised, or gotten in making the said Navigation, Canal, and other Works, out of the said Lands and Grounds, or out of any Lands or Grounds adjoining to such Navigation, Canal, and other

Works,

Works, which it may be proper, requisite, or necessary to remove, take, or use for making, carrying on, continuing, maintaining, altering, or repairing the said Navigation, Canal, and other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, and maintaining the same respectively; and also to take, use, and appropriate for the Purposes of this Act certain Rocks described and mentioned, or intended so to be, in the Map or Plan and Book of Reference herein-after mentioned as situate and being in the Bed of the said River nearly opposite the Castle of *Carrick* aforesaid, and by themselves, their Deputies, Agents, Surveyors, Servants, and Workmen, to bore, blast, cut, excavate, remove, dam up, and build upon the said Rocks, and also to remove and carry away, or to lay and make use of, any Stone, Soil, Rubbish, Beds of Gravel or Sand, or any other Materials and Things which may be dug, raised, blasted, cut, or gotten in making the said improved Navigation, Piers, Bridge or Bridges, or other Works, out of the said River, or out of any Lands or Ground adjoining or contiguous thereto, or the said Works, which it may be proper, requisite, or necessary to remove, take, or use for making, maintaining, altering, or repairing the said improved Navigation, Piers, Bridge or Bridges, and Works, and which may hinder, prevent, or obstruct the making, using, completing, extending, or maintaining the same respectively; also to take, use, dredge, remove, and clear away certain Sand Banks mentioned and described, or intended so to be, in the Map or Plan and Book of Reference herein-after mentioned as situate and being in the Bed of the said River between *Granny Ferry* and *Grace Dieu* aforesaid, in the Parishes of *Kilmacow* and *Killoteran* and Counties of *Waterford* and *Kilkenny* aforesaid, and *Tinhalla* in the Parish of *Kilmoleran* and County of *Waterford* aforesaid, together with all other Sand Banks, Obstructions, or Impediments to the Navigation of the said River by Ships of a large Burthen which may from Time to Time arise, form themselves, or be created in, at, or between the Places and Points last mentioned; and also to deepen, widen, make, and support more navigable the said River by means of a Basin or Pool to be formed or constructed to the West of the Rocks aforesaid, and between them and the old Bridge of *Carrick* aforesaid; and by themselves, their Deputies, Agents, Surveyors, Servants, and Workmen, to make, provide, build, erect, bank, and set up such Quays, Roads, Bridges, Houses, Warehouses, Toll Houses, Wharfs, Landing Places, Weighing Beams, Cranes, and other Works and Conveniences as the said Company shall think necessary and proper for the Purposes of the said Undertaking, upon the said Lands and Hereditaments, and upon any Lands adjoining the same; and also from Time to Time to alter, repair, amend, or discontinue the same, or any of them; and also to place, lay, work, and manufacture the Materials necessary for the making, erecting, or maintaining and repairing the said improved Navigation, Canal, Cuts, Passages, Bridge or Bridges, Pool, Basin, and other Works, on the Lands and Grounds adjoining the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done, and to construct, make, or do all other Matters or Things necessary or expedient for the making, altering, preserving, improving, completing, and using the said Navi-

Navigation, Canal, Cuts, Passages, Bridge or Bridges, Basin, Pool, and other Works; they the said Company, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and tendering and making Satisfaction to the Owners or Proprietors of and all Persons interested in any Lands and other Hereditaments which shall be so taken or used in carrying this Act into execution, for the same, or which shall be damaged or injured in or by or by means of the Execution of all or any of the Powers hereby granted, for all Damages so occasioned; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted; subject nevertheless to such Provisoes and Restrictions as are herein-after mentioned and contained.

No Lock or Dam to be placed in the River.

V. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize or empower the said Company, or any other Person or Persons whomsoever, either occasionally or otherwise, except as herein provided, to erect any Lock, Weir, Dam, or other Works in or upon the said River *Suir*, from and between *Granny Ferry* aforesaid and *Grace Dieu* aforesaid to the old Bridge at *Carrick* aforesaid, nor to lessen, diminish, or in any manner whatsoever to impede or obstruct the present Navigation, Course, or Stream thereof.

Nothing herein to extend to impose any Tolls or obstruct the Navigation.

VI. Provided also, and be it further enacted, That nothing herein contained shall extend to or confer a Right upon the said Company, or any Person or Persons whomsoever, to levy or impose any Toll, Duty, or Charge upon any Boat, Barge, or other Craft whatsoever used exclusively in the inland Navigation of *Ireland*, or upon any Goods or Merchandize the Freight or Loading of such Boats, or upon any Lighter or Craft entering the said Navigation to discharge or receive Ballast or Goods, or upon any Ballast or Goods so received or discharged, or to obstruct, hinder, or prevent any such Boats or Barges from navigating the said Canal, Cut, or Basin, or from using any Quay, Wharf, Landing Place, or Mooring belonging to the same, nor to erect any Work whatsoever in the Bed or Stream thereof, except as herein-after provided, which shall or may in any way operate as an Impediment or Obstruction to the free Navigation thereof at all Times by the said Boats and Barges.

Compensation to be made for Lands taken.

VII. Provided always, and be it further enacted, That all and every Corporations, Trustees, or other Persons herein-before capacitated or authorized to sell and convey Lands, or any other Owner, and the Lessee or Occupier of any Lands through or in which the said Canal or other Works hereby authorized are intended to be made, or which may be damaged or injured by the making and completing of the Works hereby authorized, or any of them, shall receive Satisfaction for the Value of such Lands, or for the Damages to be sustained in making and completing the said Works herein-before directed, in gross Sums, as shall be agreed upon by and between the said Owners, Lessees, and Occupiers respectively, or any of them,

and the said Company; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract or Contracts for the same, the said Company may and shall be at liberty to enter upon and from thenceforth for ever to have, take, and enjoy the said Lands, Tenements, and Hereditaments for the Use and Maintenance of the said Canal and Navigation; and in case the said Company and the said Parties interested in such Lands cannot or do not agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury as is herein-after directed.

No Deviation from Plan to exceed 100 Yards.

VIII. And be it further enacted, That the said Company, in making and improving the said intended Navigation, Canal, Basin, or Pool, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan.

Omissions in Book of Reference not to impede the making of the Canal, &c.

IX. And be it further enacted, That no Advantage shall be taken of or against the said Company, or any Interruption be given to the making the said Navigation, Canal, and other Works, on account of any Error or Omission in the said Book of Reference; but it shall be lawful for the said Company, by themselves, their Deputies, Agents, Officers, Surveyors, Servants, and Workmen, to enter into and upon, and to take and use for the Purposes of this Act, any Lands or Grounds between *Tinhalla* and the old Bridge of *Carrick* aforesaid, set out and described in the said Map or Plan, notwithstanding any such Error or Omission, in case it shall appear to any Two or more Justices of the Peace acting for the Counties of *Tipperary*, *Waterford*, or *Kilkenny*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Limiting the Quantity of Land to be taken.

X. And be it further enacted, That the Lands and Grounds to be taken or used for the said improved Navigation, Canal, Bridge, Quay or Quays, Roads, Houses, Warehouses, Toll Houses, Wharfs, Landing Places, Weighing Beams, Cranes, and other Works and Conveniences at and upon the South Bank or Side of the said River *Suir*, and upon or near the *Cunnywarren* aforesaid in the Parish of *Kilmoleran*, shall not exceed in the whole Three Acres, without the Consent of the Owners and Occupiers thereof.

Bodies Politic, &c. empowered to sell and convey Lands.

XI. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall have been set out and ascertained for making and improving the said Navigation, Canal, and other Works and Conveniences hereby authorized to be made, or any of them, or any Part thereof, it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or Persons having any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors and Administrators, and all other 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

and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, 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 therein, and for every other Person or Persons whomsoever who is or are or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract with the said Company for the Sale of and to sell and convey the same and every Part thereof unto the said Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company, and according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

Form of Conveyance to the Company.

'I of in consideration of the Sum of to paid by the River *Suir* Navigation and Canal Company, do hereby grant, release, assign, and confirm unto the said Company and their Successors all [*describe the Premises to be conveyed*], and all Right, Title, and Interest to and in the same and every Part thereof, to hold unto the said Company and their Successors, for the Use of the said Navigation and Canal, for ever, by virtue and according to the true Intent and Meaning of an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*]. In witness whereof have hereunto set Hand and Seal this Day of in the Year of our Lord .'

And all such Contracts, Agreements, Sales, Conveyances, and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and enure as and be a Merger of all outstanding Terms of Years, and be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever, and be held and enjoyed absolutely freed and discharged therefrom.

Bodies Politic, &c. may accept Money in satisfaction for Lands taken for the Canal, &c., and for Damages.

XII. And be it further enacted, That all Bodies Politic, Corporate, or Collegiate, Trustees, and other Persons herein-before capacitated or enabled to sell and convey Lands, Tenements, and Hereditaments, and all other Person and Persons, being Owner and Owners and Occupier and Occupiers of any Lands, Tenements, or Hereditaments through, in, or upon which the said Navigation, Canal, and other Works hereby authorized are intended to be made, or any of them, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Hereditaments, and also Compensation for the Damages to be sustained in making or completing the said Works herein-before authorized to be made, in such gross Sums as shall be agreed upon between the said Owners and Occupiers respectively, or any of them, and the said Company, and not by way of annual Rents.

In case the Parties refuse or are

XIII. And for settling all Differences which may arise between the said Company and the several Owners of and Persons interested in

incapable to act the Value to be settled by a Jury.

in the Lands and Grounds, Messuages, Buildings, Tenements, or Hereditaments which shall or may be affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid or Recompence to be made to them respectively; be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons so interested, for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their Cestuique Trusts, or of any other incapacitated Person or Persons as aforesaid, shall refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered them by the said Company, or their Agent by or on their Behalf, and shall give Notice thereof in Writing to the said Company within Fourteen Days next after such Offer shall have been made, and the Party and Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons seised or possessed of or interested in any such Lands, Messuages, or other Hereditaments as aforesaid, shall refuse to treat or shall not agree with the said Company, or with any Person or Persons authorized by them, for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found, or shall not be known or discovered, or shall not produce or evince a clear Title to the Premises they may be in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Company, or to the Person or Persons authorized by them as aforesaid; then and in every such Case the said Company shall and they are hereby empowered and required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the County of *Waterford*, or in case such Sheriff or his Under Sheriff shall happen to be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to the Coroner of the same County not interested as aforesaid, or if the Coroner shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the said County and who shall not be interested as aforesaid, commanding such Sheriff or Coroner or other Person to impannel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby authorized, empowered, and required to impannel, summon, and return accordingly, a Jury of at least Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trial of Issues joined in His Majesty's Courts of Record at *Dublin*, to appear before the Justices of the Peace for the said County of *Waterford* at some Court of General or Quarter Sessions of the Peace to be holden in and for the said County, or at some Adjournment thereof, as in such Warrant shall be directed or appointed; and if a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner or other Person shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the

the Array; and the Clerk of the Peace for the said County; or his Deputy, is hereby empowered and required to summon and call before the said Justices all and every Persons and Person who shall be thought necessary to be examined as Witnesses or a Witness touching the Matters in question, and may order and authorize the said Jury, or any Five or more of them, to view the Place or Places or Matter in controversy; and such Jury, upon their Oaths, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations to such Person and Persons as shall be called upon to give Evidence, the said Justices are hereby empowered to administer,) shall inquire, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Messuages, Buildings, Tenements, and Hereditaments, and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence, either for the Damages which shall or may before that Time have been sustained as aforesaid, or for the future temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been only in part obviated or repaired by the said Company, and which can or will be no further obviated, repaired, or remedied by them; and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereupon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever: Provided always, that in every such Inquiry the Person claiming Compensation shall always be deemed the Plaintiff, and entitled to the same Rights and Privileges as Plaintiffs in Actions are entitled to; provided that not less than Ten Days Notice in Writing of the Time and Place of meeting of the said Justices and Jury shall be given by the Clerk of the said Company to the Party or Parties with whom any Controversies shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, Trustee or Trustees, or the Clerk or Agent of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises to be valued, or respecting which any such Question shall arise.

The Court of Chancery may order Expences of Purchases to be paid by the Company.

XIV. And be it further enacted, That where, by reason of the Disability or Incapacity of any Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be taken under or by virtue of this Act, or from any other Cause whatsoever, the Purchase Money for such Lands, Tenements, or Hereditaments, or any Money to be paid for or by way of Compensation or Satisfaction of any Injury or Damage to the same, shall be required to be paid into the Bank of *Ireland*, and be subject to the Orders and Directions of the Court of Chancery, under the Provisions herein contained, it shall be lawful for the said Court to order all the reasonable Costs, Charges, and Expences attending such Purchase, taking, or using of any Lands, Tenements, or Hereditaments, or which may be incurred in consequence thereof, and also of the Investment of the Purchase or Compensation Money paid in respect of such Lands,

Tenements, and Hereditaments in Real or Government Securities, and likewise the Reinvestment of such Purchase or Compensation Money, or the Government and Real Securities purchased therewith, in the Purchase of Lands, Tenements, and Hereditaments, as hereinbefore mentioned, together with the Costs, Charges, and Expences of obtaining the proper Orders and of the other Proceedings for such Purposes, and for the Payment of the Dividends and Interest of the said Government or Real Securities, and for the Payment of the Principal of the said Purchase or Compensation Money, and of the Government or Real Securities purchased therewith, out of Court, to be paid by the said Company; and the said Company shall from Time to Time pay such Sums of Money for the said Costs, Charges, and Expences as the Court shall direct.

Company to pay Costs of Conveyances and verifying Titles.

XV. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any Lands which shall be purchased or taken by the said Company for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Company may require to the said Lands, and of making out and furnishing such Abstract and such attested Copies as the said Company may require, and all Expences whatsoever incident to the Investigation, Deduction, or Verification of such Title, shall be exclusively borne and paid by the said Company; and the said Company, before entering into Possession of the Lands so purchased, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same shall obtain such Order as herein-after mentioned, and shall deposit, for the Purpose of paying the same, in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party or Parties from whom the Lands shall be purchased: Provided always, that the said Company shall not be prevented from entering into Possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned made, unless the Party or Parties from whom such Lands and Hereditaments shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Company, deliver a Bill of their said Costs, Charges, and Expences to the said Company.

In case of Dispute the Court of Chancery to determine the Costs.

XVI. And be it further enacted, That if the said Company and the Party or Parties aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Chancery; and it shall be lawful for the said Court, upon Petition to be presented by the said Company, to order and direct that such Costs, Charges, and Expences shall be referred to One of the Masters of the said Court, to be taxed in the usual Manner; and such Order shall be served on the Party or Parties aforesaid, who shall be at liberty to proceed under the same; and after Taxation thereof it shall be lawful for the said Court to order and direct that the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the

the Taxation thereof, or so much of the same as shall be payable by the said Company to the Person or Persons from whom such Lands shall have been purchased or taken, shall be paid to the Person or Persons aforesaid: Provided always, that the said Company shall not be at liberty to enter into Possession of the Land so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Company shall have deposited in the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account there *ex parte* "The River *Suir* Navigation Company," pursuant to the Method prescribed by the Act of the Twenty-third and Twenty-fourth Years of the Reign of King *George* the Third, Chapter Twenty-two, and the General Orders of the said Court; which Sums shall be applied, under the Order of the said Court, in Payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Company, unless One Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Person or Persons from whom the said Lands were purchased or taken, and the Amount thereof may then be paid to the said Company out of the said Sum so deposited by them.

Penalty on Sheriffs, &c.

XVII. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Twenty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear without a sufficient Excuse, or appearing shall refuse to be sworn, (or, being of the Society of Quakers, to make a solemn Affirmation,) or to give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so to be summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, affirmed, examined, or to give Evidence, then and in every such Case every such Person so offending, having no reasonable Excuse, shall forfeit and pay for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned any Sum not exceeding Ten Pounds, to be levied, by virtue of any Warrant or Warrants under the Hand and Seal of any Two of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him or her the Overplus of the Money thereby produced, after such Penalties, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Juries to be under the same Regulations as those of the Courts at Dublin.

XVIII. And be it further enacted, That every such Jury and Juryman as aforesaid shall be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts

Courts of Record at *Dublin*; and all and every Person and Persons who in any Examination to be taken by virtue of this Act upon their Oath (or, being of the Society of Persons called *Quakers*, upon their solemn Affirmation,) shall wilfully and corruptly give false Evidence before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Persons giving false Evidence subject to the Penalties of Perjury.

XIX. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered or tendered by the said Company for the Purchase of any Lands, Grounds, Messuages, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or as a Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs, Charges, and Expences of summoning such Jury and of taking such Inquest, or in any Manner occasioned thereby, and the Expence of Witnesses, shall be defrayed by the said Company; and such Costs and Expences shall be settled and determined by some Two Justices of the Peace for the said Counties of *Tipperary*, *Waterford*, or *Kilkenny*, not interested in the Matter in question (who are hereby authorized and required to settle the same at a Time and Place to be by them appointed, after summoning the Parties therein to attend for that Purpose); and in case such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Company or of the Treasurer of the said Company (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Two Justices of the Peace for the said Counties, which Warrant any such Justices are hereby authorized and required to issue, under their Hands and Seals, on Application made to them for that Purpose by the Party entitled or claiming to receive such Costs and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered or tendered by or on behalf of the said Company, or if no Verdict shall be found for Damages where the whole Dispute shall be whether any Damage has or has not been done, then and in every such Case one Moiety of the said Costs, Charges, and Expences shall be defrayed by the Person or Persons with whom the said Company shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Company; and all such Costs and Expences, having been ascertained and settled by some Two Justices of the Peace for the said Counties in manner herein-before described, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the

Expences of Jury how to be paid.

the Money so to be determined or adjudged shall be deemed and taken to all Intents and Purposes whatsoever to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in all Cases where, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company.

Persons requesting Juries to enter into a Bond to prosecute their Complaint and pay Expences.

XX. And be it further enacted, That all and every Person and Persons with whom the said Company shall have any such Controversy or Dispute as aforesaid shall, before the said Company shall be obliged to issue out the Warrant or Warrants for the summoning of such Jury, first enter into a Bond, with Two sufficient Sureties, to the Clerk of the said Company for the Time being, in a Penalty of Fifty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay his, her, or their Proportion of the Expences of summoning such Jury and taking such Inquest, and of the summoning and of the Attendances of Witnesses, in case such Costs and Expences shall fall upon him, her, or them to be paid according to the true Intent and Meaning of this Act.

No Complaint to be attended to unless previous Notice has been given to the Company.

XXI. And be it further enacted, That the said Company shall not be obliged by virtue of this Act to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever for any Injury or Damage by him, her, or them sustained or supposed to be sustained by virtue or in consequence of this Act, unless Notice in Writing shall have been given in relation thereto by or on behalf of such Person or Persons to the said Company, in manner by this Act authorized, within the Space of Six Calendar Months next after the Time wherein such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Value of Lands and Damages to be ascertained separately.

XXII. And be it further enacted, That the said Juries shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give concerning the Value of Lands, Tenements, and Hereditaments separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Compensation Money to be apportioned.

XXIII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be agreed for, determined, and adjusted or assessed in manner aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Verdict of Juries to be recorded.

XXIV. And be it further enacted, That all the said Verdicts and Judgments shall be returned by the said Justices to and be kept by some

some One of the Clerks of the Peace of the said Counties of *Tipperary*, *Waterford*, or *Kilkenny*, amongst the Records of the Quarter Sessions, and shall be deemed Records to all Intents and Purposes, and the same, or Office Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have free Liberty to inspect the same, paying for each Inspection Two Shillings and Sixpence, and no more, and also to make Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words.

Compensation for Damages not herein-before provided for.

XXV. And be it further enacted, That if at any Time hereafter any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, Hereditaments, or Property, by reason of the Execution of any of the Powers given by this Act, and for which a Compensation is not herein-before provided, then and in every such Case such Damages shall from Time to Time be settled and ascertained or assessed by a Jury, and the Sum or Sums of Money to be paid for the same shall be levied, recovered, and applied in such and the same Manner as is directed with respect to such Damages as are herein-before provided for, and the Money to be paid as a Recompence for the same.

Mortgages to be conveyed to the Company after Tender of Principal and Interest.

XXVI. And be it further enacted, That all and every Persons and Person who shall have any Mortgage or Mortgages of any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act (not being in Possession thereof by virtue of such Mortgage or Mortgages), shall, on Tender of the Principal Money, and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal, by the said Company, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Company; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage or Mortgages shall amount to more than the real Value of the Premises to be taken and made use of for the Purposes of this Act, and which shall be ascertained in manner herein-before directed, then the said Company shall not be liable to pay to the said Mortgagee or Mortgagees more than the real Value of such Premises so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment thereout to any Lessee or Tenant as herein-before directed: Provided also, that in case any such Mortgagee or Mortgagees shall neglect or refuse to convey or assign as aforesaid, then upon Payment of the Principal Money and Interest due on any such Mort-

gage

gage or Mortgages as aforesaid into the Bank of *Ireland*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the said Bank shall give a Receipt or Receipts for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Company, and the said Company shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages to all Intents and Purposes whatsoever: Provided also, that if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so wanted or taken by the said Company, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments to the said Company; and in default of such Conveyance, Assignment, or Transfer, and on Payment of such Money into the Bank of *Ireland*, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, in the said Lands, Tenements, or Hereditaments the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Application of Compensation Money amounting to 200*l.*

XXVII. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or 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, to be placed to his Account there *ex parte* "The River *Suir* Navigation Company;" and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the

Person

Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, be applied in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time beiug have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

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

XXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of 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, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing under their Common Seal, be paid into the Bank of *Ireland* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be

be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands of the Parties nominating such Trustees, and under the Common Seal of the said Company; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

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

XXIX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases 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, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of questionable Title of Persons in Possession.

XXX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Power to enter Lands upon Pay-

XXXI. And be it further enacted, That upon Payment or lawful Tender of such Sum or Sums of Money as shall have been contracted

ment or Tender of Purchase Money.

tracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any Lands, Tenements, or Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Satisfaction or Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or Persons as shall be interested therein or entitled to receive such Compensation, within One Calendar Month after the same shall have been so agreed for, determined, or awarded, or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *Ireland*, as herein-before directed and required, for the Use of such Person or Person so interested or entitled as aforesaid, it shall be lawful for the said Company, and their Agents, Servants, or Workmen, immediately to enter upon and take and use such Lands, Tenements, or Hereditaments, and then and thereupon the same Lands, Tenements, and Hereditaments, and the Fee Simple and Inheritance thereof, or such Part thereof as is or shall be of Fee Simple or Freehold Tenure, and the absolute Estate and Interest of such as shall be Leasehold or of any other Tenure, according to the Nature and Tenure of the same, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Company for the Purposes of this Act for ever; and such Tender, Payment, or Investiture shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whom the same shall or ought to have been made, but shall also extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, or their Issue, and every other Person therein: Provided nevertheless, that before or until such Payment, Tender, or Investiture as aforesaid it shall not be lawful for the said Company, or any Person or Persons acting by or under their Authority, or under the Provisions of this Act, to dig or cut any Land or Ground, or to take down, remove, or alter any Messuage, Building, Tenement, or other Hereditament, for the Purposes of this Act, without the Leave or Consent in Writing of the Proprietor or Proprietors thereof respectively entitled to such Payment.

Power to purchase without Consent to determine in Three Years.

XXXII. Provided always, and be it further enacted, That after the Expiration of Three Years from the passing of this Act the said Company shall not be at liberty to purchase any Lands or Hereditaments without the Consent of the Owner or Owners thereof; and in case any Purchase or Purchases shall be so made with the Consent of the Owner or Owners, such Purchases shall be completed, subject to the Regulations and Provisions of this Act, in the same Manner as if the same had been made before the Expiration of the said Three Years.

XXXIII. Pro-

Treasurer, upon Payment of Money, to give Receipts.

XXXIII. Provided always, and be it further enacted, That upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Person or Persons acting as Treasurer or Treasurers for the Time being to the said Company to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received; and such Purchaser or Purchasers shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof, whether or not such Treasurer or Treasurers shall have been duly appointed to such Office, or shall be duly qualified according to the Directions of this Act.

Empowering the Company to purchase additional Land for erecting or providing Warehouses and Yards, &c.

XXXIV. And whereas it may tend to the Advantage and Accommodation of the Public if the said Company were empowered to purchase other or additional Lands or Grounds, with or without Messuages or Buildings thereon, for the Purpose of making, erecting, forming, and providing any Warehouses, Messuages, or other Buildings, Yards, and Conveniences, for facilitating the Execution of any of the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful for the said Company and they are hereby authorized and empowered to contract with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, for the Purchase of any Parcel or Parcels of Land (not exceeding in the whole Three Statute Acres), and also any Messuages, Buildings, or Hereditaments, in such Place or Places as shall be by the said Company deemed eligible or convenient, for the Purpose of erecting, forming, making, or providing any Warehouses, Messuages, or other Buildings, Yards, and Conveniences, for the Purpose of receiving, lodging, depositing, or keeping any Goods, Merchandize, or other Things carried or conveyed, or intended to be carried or conveyed, upon or in the said Navigation and Canal, or either of them, or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever which the said Company shall judge requisite or expedient for rendering the said Canal or Works more useful or convenient to the Public; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under

under legal Disability or Incapacity, and all other Persons whomsoever, (in case they, he, or she shall be willing and desirous so to do,) to sell and grant or convey to the said Company and their Successors, for such Purposes or any of them, any Parcel or Parcels of Land, and any Messuages, Buildings, and Hereditaments whatsoever, in the same Manner as is herein-before directed concerning Lands, Messuages, Buildings, and Hereditaments to be taken or used for the Purpose of forming, making, and maintaining the said Canal and Works.

Company empowered to re-sell.

XXXV. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to sell and dispose of or demise, and by Indenture under their Common Seal to grant and convey or demise, unto any Person whomsoever, and either in consideration of a Sum of Money in gross, or in consideration of a perpetual or other annual Rent Charge, to be made payable in such Manner as the said Company shall think fit, and to be issuing out of the Lands to be sold, all such of the Lands to be purchased by and conveyed to the said Company as shall not be wanted for the said Canal and Works; and that to every Rent Charge to be granted or reserved pursuant to this Clause unto the said Company or unto any Person shall be incident the usual Power of Entry into and upon, and Perception of the Rents and Profits of the Hereditaments out of which the same is to be issuing, and the same shall be recoverable by all other Means in which Rents Charge are recoverable, and also by Action of Debt in any of His Majesty's Courts of Record at *Dublin* against the Person for the Time being seised or possessed of the Hereditaments whereout or wherefor such respective Rent Charge reserved by virtue hereof shall be expressed to be reserved, and that all such Grants, Conveyances, Demises, or other Assurances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by any such Sale of such Lands as aforesaid, or any Parts or Parcels thereof, as shall be made for a Sum of Money in gross, it shall and may be lawful for the Treasurer of the Company for the Time being to sign and give a Receipt for the Money for which the same shall be sold, which Receipt shall be a sufficient Discharge to the Purchaser for the Money for which such Premises shall be so sold as aforesaid, or for so much thereof as in such Receipt shall be acknowledged or expressed to be received, and such Person shall not be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money or any Part thereof.

The whole of the Expence to be subscribed before the compulsory Powers are put in force.

XXXVI. And whereas the probable Expence of making the said improved Navigation and Canal will amount to the Sum of Ten thousand Pounds, and the Sum of Eight thousand two hundred Pounds, being more than Four Fifth Parts thereof, have been already subscribed by several Persons under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it further enacted, That the whole of the said Sum of Ten thousand Pounds

Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

If Canal, &c. not completed in Seven Years, Powers to cease, except as to the Part completed.

XXXVII. Provided always, and be it further enacted, That in case the said intended improved Navigation, Canal, Cuts, Passages, Piers, Bridge or Bridges, Basin or Pool, and other Works, shall not have been completed or made (unless prevented by inevitable Accident) within the Space of Seven Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Seven Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine.

Empowering the Company to raise a Capital or Joint Stock.

XXXVIII. And be it further enacted, That it shall and may be lawful for the said Company to raise and contribute amongst themselves a competent Sum of Money for making and completing the said improved Navigation, Canal, Cuts, Passages, and Works, not exceeding in the whole the said Sum of Ten thousand Pounds, and the Money so to be raised and contributed shall be and is hereby declared to be the Joint Stock or Fund of the said Company, and shall be laid out and applied in the first place for and towards the Payment, Discharge, and Satisfaction of all Fees and Disbursements for obtaining and passing this Act, and for making the Surveys, Plans, and Estimates preparatory and incident thereto, and all other Expences relating to the same, and all the Residue or Remainder thereof shall be used and applied in, for, and towards the making and completing the said improved Navigation, Canal, Cuts, Passages, and other Works, and in carrying on the said Undertaking, and for other the Purposes of this Act.

The Capital to be divided into Shares.

XXXIX. And be it further enacted, That the said Capital or Joint Stock shall be divided and distinguished into equal Parts and Shares of Twenty Pounds each, and such Shares shall be numbered in numerical Progression, and such Shares shall be and are hereby vested in the said several and respective Subscribers, and their several and respective Executors, Administrators, or Assigns, to their and every of their proper Use and Behoof respectively; and all Persons, and Bodies Politic, Corporate, and Collegiate, their several and respective Executors, Administrators, Successors, and Assigns, who shall severally subscribe for One or more such Share or Shares, and who shall pay the said Sum of Twenty Pounds *per* Share, or such Sum or Sums as shall be demanded in lieu thereof, for or towards carrying on and completing the said Undertaking and other the Purposes of this Act, and other Persons who shall be or become legally possessed of any such Share or Shares, shall be deemed to be Proprietors or a Proprietor of the said Undertaking and of the Capital or Joint Stock of the said Company, and shall be entitled to and shall receive, after the said Navigation shall be completed, a proportionate Part of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, and received by or under the Authority of this Act, according to the Number of Shares so by them respectively paid for or possessed; and every Body Politic, Corporate, and Collegiate, or Person or Persons, having or holding any such Share or

Shares as aforesaid, shall bear and pay an adequate proportionable Sum of Money towards carrying on the said Undertaking, in manner herein enacted, directed, and appointed; and that all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons, of and in the said Undertaking or the Capital or Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and not of the Nature of Real Property.

Shares to be Personal Property.

To compel Payment of Subscriptions.

XL. And be it further enacted, That the several Persons, and Bodies Politic, Corporate, or Collegiate, who have subscribed for or agreed to advance, or who shall hereafter subscribe for or agree to advance, any Money for or towards any of the Purposes of this Act, shall and they are hereby required to pay the Sum or Sums of Money by them respectively so subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company or their Committee under and by virtue of the Powers and Directions of this Act, to such Person or Persons, and in such Manner, and at such Times and Places as shall be directed by the said Company or their Committee in manner herein-after mentioned; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in manner required for that Purpose it shall and may be lawful for the said Company to sue for and recover the same, with legal Interest thereon from the Time appointed for the Payment thereof, and with full Costs of Suit, in any Court of Law or Equity.

Shareholders liable for no more than the Amount of their Shares.

XLI. Provided always, and be it further enacted, That nothing herein contained shall extend to charge or make liable any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be Proprietor or Proprietors of the Stock of the said Company, or Contributor or Contributors thereto, or his, her, or their Real or Personal Estate, with or for any Debt or Demand whatever due or to become due from or by the said Company, or in any ways relating to the said Undertaking, or any of the Matters or Things authorized by this Act to be made, done, or completed, beyond the Extent of his, her, or their Stock or Share of the Capital Stock of the said Company; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Power to raise Money by Mortgage.

XLII. And be it further enacted, That in case the said Company shall be desirous to raise Money by Mortgage of the said Navigation, Canal, and Undertaking, for completing or carrying on the same, then and in such Case it shall be lawful for the said Company to borrow and take up at Interest, of and from any Person or Persons who shall be willing to advance and lend the same, upon the Credit of the said Undertaking, any such Sum or Sums of Money, in addition to their Capital, not exceeding the Sum of Three thousand four hundred Pounds, as to them shall seem meet and convenient; and they are hereby authorized and empowered to assign and make over the said Navigation, Canal, and Works, and the Rates and Tolls to arise by virtue of this Act, or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his,

his, her, or their Trustee or Trustees, by Deed of Mortgage, according to the Form following; (that is to say,)

Form of Mortgage.

'WE, the Company of Proprietors of the River *Suir* Navigation and Canal, in consideration of the Sum of to us paid by *A. B.* of do hereby, 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 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 also by virtue of an Act passed in the First and Second Year of His present Majesty, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, bargain, sell, and transfer unto the said *A. B.* all and singular the Rates and Tolls arising by virtue of the said Acts, and also the said Navigation and Canal, and all the Right, Title, and Interest of us the said Company of, in, and to the same, to hold unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of *per Centum per Annum*, shall be fully paid and discharged. Given under our Seal the Day of .'

And all and every Person and Persons to whom such Mortgage or Mortgages shall be made shall be equally entitled, as Mortgagee or Mortgagees, to his, her, or their Proportion or Proportions of the said Rates, Tolls, and Premises, according to his, her, or their respective Sums in such Mortgages mentioned to be advanced, without any Preference by reason of the Priority of Date of any such Mortgage or on any other Account whatsoever; and the Money so to be borrowed is hereby directed and appointed to be laid out and applied for and towards the making, completing, and maintaining the said Navigation, Canal, and Works, and other the Purposes of this Act, and to no other Use or Purpose whatsoever; and an Entry or Memorial of every such Mortgage, containing the Date thereof, and an Account of the Name or Names of the Party or Parties, with their proper Additions, to whom the same shall have been made, and of the Sum of Money borrowed, together with the Rate of Interest to be paid thereon, shall, within Ten Days next after the Date thereof, be written and inserted (*gratis*) in One or more Book or Books to be kept for that Purpose by the Clerk to the said Company, which Book or Books shall and may be perused at all seasonable Times by the Proprietors and Creditors of the said Navigation and Canal, without Fee or Reward; and every such Mortgagee, and all and every Person and Persons to whom any such Mortgage shall be transferred or assigned, or who shall be entitled to the Money thereby secured, may from Time to Time assign and transfer his, her, or their Right, Title, Interest, or Benefit in his, her, or their Mortgage or Security to any Person or Persons whomsoever; which Transfer shall and may be made according to the Form following; (that is to say,)

Mortgages may be transferred.

Form of Transfer.

'I *A. B.* of in consideration of the Sum of paid by *C. D.* of do hereby transfer a certain Mortgage made by the Company of Proprietors of the River *Suir* 'Navi-

'Navigation and Canal, Number , being dated the
'Day of for securing the Principal Sum of
'and the Interest now due and hereafter to become due thereon,
'and all my Right and Property therein, to the said *C. D.*, his Ex-
'ecutors, Administrators, and Assigns. In witness whereof I have
'hereunto set my Hand and Seal this Day of
'in the Year of our Lord .'

And every such Transfer shall within Twenty Days after the Date thereof be produced and certified to the Clerk to the said Company, who shall thereupon cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and the Sums of Money thereby transferred, in the said Book or Books to be kept for entering the said original Mortgages, for which last-mentioned Entry such Clerk shall be paid the Sum of One Shilling, and no more; and after such Entry made every such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Assignments at any Time afterwards to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money to be so borrowed by Mortgage as aforesaid shall be paid from Time to Time to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said Company or to any of them.

The Interest of the Money borrowed to be paid in preference to Dividends.

Company may borrow from Commissioners under the Act 1 & 2 W. 4. c. 33.

XLIII. And be it further enacted, That it shall be lawful for the said Company to borrow of and from the Commissioners for carrying into execution an Act of Parliament made and passed in the First and Second Year of His present Majesty, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, such Sum or Sums of Money as the said Company may deem expedient for the Purposes of this Act, upon Mortgage or Assignment of the said Undertaking, and of all Tolls authorized to be collected and received by this Act; subject nevertheless to such of the Provisoes and Conditions particularly mentioned and expressed in the said Act of the First and Second Year of His present Majesty, and the Acts therein recited and referred to, and in such Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint.

Such Commissioners to have Priority.

XLIV. And be it further enacted, That any Mortgage or Assignment which shall be given by the said Company to the said Commissioners for the Issue of Exchequer Bills shall have Priority over and shall precede all other Mortgages or Securities granted by the said Company; any thing in this Act, or in any Mortgage or Security which shall hereafter be granted as aforesaid, to the contrary in anywise notwithstanding.

First and other General Meetings.

XLV. And be it further enacted, That the said Company shall hold their First Meeting at some convenient Place within the Town of *Carrick on Suir* as aforesaid on the First Day of *August* after the passing

passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven in the Morning and Three in the Afternoon; and the Proprietors of the said Undertaking then and there assembled shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time, and from Place to Place, as they shall think fit; and from and after the said First General Meeting there shall be a General Meeting of the said Company on the Second Day of *June* in each and every Year, or on some other Day within the Space of Thirty Days next following, in case the said Company shall at any Time or Times appoint such other Day; and it shall also be lawful to hold such and so many Special General Meetings of the said Proprietors as shall be called as herein-after provided; and of all such General Meetings (except General Meetings held on the said Second Day of *June*) and of all Special General Meetings public Notice shall be given Twenty Days at least before the Day of holding the Meeting, once at least by Advertisement in Three Newspapers published respectively in the Counties of *Tipperary*, *Waterford*, and *Kilkenny*, and which Notice of every Special General Meeting shall specify the Purpose for which any such Special General Meeting is called; and all such General Meetings and Special General Meetings may be adjourned from Time to Time, and from Place to Place, as shall be found expedient; and all and every the Proprietors of the said Undertaking shall be entitled to vote at every such Meeting, and to give One Vote for and in respect of each and every such Share (not exceeding Ten Votes to each Proprietor), which Vote or Votes shall and may be given by him, her, or them personally, or by his, her, or their Proxies, duly constituted under the Common Seal of any Corporation, or under the Hand of any other such Person or Persons, or in case of the Infancy or Lunacy of any such Person or Persons, then under the Hand or Hands of his, her, or their Guardian or Guardians, Committee or Committees, as the Case may be, every such Proxy being a Proprietor of the said Undertaking; and every such Vote by Proxy shall be as good and valid to all Intents and Purposes as if such Principal or Principals had voted in Person; the Appointment of which Proxies may be made according to the Form or to the Effect following:

All Proprietors may vote at such Meetings by themselves or by Proxy.

Form of Proxy.

'I of being a Proprietor of Share [*or* of Shares, *as the Case may be*,] in the Capital or Joint Stock of the River *Suir* Navigation and Canal Company, do hereby nominate, constitute, and appoint of to be my Proxy, in my Absence to vote or give my Assent or Dissent to any Business, Matter, or Thing relating to the Affairs of the said Company which shall be mentioned or proposed at any Meeting of the said Company in such Manner as the said shall think proper, according to his Opinion and Judgment, for the Benefit of the said Company or their Undertaking, or any thing appertaining thereto. In witness whereof I have hereunto set my Hand the Day of in the Year of our Lord .'

All Questions to be decided by the Majority of Votes.

And every Election of Committees and Officers, and every Question, Matter, and Thing whatsoever which shall be proposed, discussed, or considered in any General or Special Meeting of the said Company to be held by virtue of this Act shall be finally determined by the Majority of Votes then present by Principals and Proxies, computing One Vote for every Twenty Pounds Share; but no Proprietor shall be entitled to give more than Ten Votes on any One Question, although such Proprietor may be possessed of or entitled to more than Ten Shares in the said Undertaking; and no Person shall be Proxy for more than Five absent Proprietors, nor in Right of such Proxy have more than Ten Votes; and at every such Meeting One of the Proprietors then present shall be appointed Chairman, who shall not only be entitled to vote according to his Number of Shares as a Proprietor and as a Proxy, but in case of an Equality of Votes upon any Question shall also have and be entitled to give, as such Chairman, another or the decisive and casting Vote: Provided always, that for the Purpose of constituting a Meeting as aforesaid there shall be Proprietors present (as Principals or Proxies) who together shall be possessed of Eighty Shares at the least.

Committee of Directors to be appointed.

XLVI. And be it further enacted, That the said Company at their First General Meeting, or at some Adjournment thereof, or at any Special General Meeting, shall or may choose, elect, and appoint Twelve or more Members of the said Company, being at the Time of such Election respectively possessed of Five Shares at the least in the said Undertaking, to be the First Committee of Directors for managing the Affairs of the said Company.

Committee to serve until the next General yearly Meeting.

XLVII. And be it further enacted, That the several Persons so elected and appointed the First Committee of Directors shall continue in Office and be respectively Members of the said Committee until the General Annual Meeting of the said Company which shall be held in the Month of *June* in the Year of our Lord One thousand eight hundred and thirty-seven, or within Thirty Days thereof as aforesaid, in case they shall so long continue Proprietors respectively, and until other Proprietors of the said Undertaking shall be appointed in their or any of their Stead, as herein-after mentioned; and at such General Annual Meeting of the said Company, and also at every succeeding General Annual Meeting, or at some Adjournment thereof respectively, Twelve Proprietors of the said Undertaking shall be elected and appointed to be the Committee of Directors for the ensuing Year for managing the Affairs of the said Company, and the respective Members of every such Committee shall continue in their Offices until the ensuing General Annual Meeting of the said Company, in case they shall so long continue Proprietors of the said Undertaking, and also until others or another shall be duly elected into their or any of their Places, in case they shall continue Proprietors respectively; but every or any Member of any such Committee whose Office shall have expired shall nevertheless be re-eligible, and may be re-elected a Member of the Committee of Directors for the ensuing Year: Provided always, that no Person holding any Office, Place, or Employment, or being

Committee to be annually elected.

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concerned or interested in any Contract or Contracts under the said Company, shall be capable of being chosen to serve or of serving on any such Committee.

For supplying Vacancies in Committee.

XLVIII. And be it further enacted, That when and so often as any Member of the Committee of Directors to be elected by virtue of this Act shall die, or shall cease to be a Proprietor of Five Shares in the said Undertaking, or be otherwise disqualified from acting as a Member of such Committee, or shall by Writing under his Hand, delivered to the Clerk of the said Company, decline or refuse to act, it shall be lawful for the said Committee of Directors, or for the remaining Members thereof, to elect some other Proprietor to be a Member of the said Committee; and every such Proprietor so elected to fill any such Vacancy shall continue in his Office as a Member of the said Committee so long as the Person in whose Place or Stead he was elected would have been entitled to have continued had he lived or continued a Proprietor of Five Shares in the said Undertaking.

General Meetings for choosing Committees to consist of Proprietors holding at least Eighty Shares.

XLIX. Provided always, and be it further enacted, That if at any General Meeting there shall not be Proprietors present who together shall be possessed of or entitled to Eighty Shares or upwards in the said Undertaking, either as Principals or Proxies, no Choice of a Committee shall be made, nor shall any Order, Bye Law, Rule, or Regulation be made or altered at that Time, but in such Case such General Meeting shall stand adjourned to that Day Week, to be held at the same Place; and if a sufficient Number of Proprietors, as Principals or by Proxies, shall not then attend, then such General Meeting shall again stand adjourned to that Day Week, and so on from Time to Time as often as it shall so happen, and until at any such General Meeting there shall be a sufficient Number as aforesaid of Proprietors, as Principals or Proxies, present, and such Choice of such Committee shall then take place, and not before; and the Committee last appointed shall continue to act and have the same Powers as they had and were possessed of until a new Committee shall be appointed as aforesaid.

Special Meetings of Proprietors may be convened.

L. And be it further enacted, That Five or more Proprietors of the said Undertaking, holding in the Aggregate Eighty Shares or upwards, may at any Time, by Writing under their Hands, left at the Office of the said Company, or given to any Member of the said Committee of Directors, or left at his last or usual Place of Abode, require the Committee of Directors to call a Special General Meeting of the said Company, and such Requisition shall fully express the Objects for which such Special General Meeting is required to be called; and the said Committee of Directors shall thereupon call such Meeting by Advertisement in Three Newspapers respectively published or circulated in the said Counties of *Tipperary*, *Waterford*, and *Kilkenny*, specifying that such Meeting will be held on some Day within Thirty Days after the Date of Publication of such Newspapers; and in case of Neglect or Refusal of the said Committee for the Space of Ten Days to call such Meeting by Advertisement as aforesaid, then it shall and may be lawful for such Five or more Proprietors

prietors to call such Special General Meeting by Advertisement in Three Newspapers published in the said Counties of *Tipperary*, *Waterford*, and *Kilkenny*, specifying the Objects for which such Special General Meeting is so called, and appointing the same to be held within Thirty Days after the Date of Publication of such Newspapers; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of the Proprietors of the said Undertaking as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters only specified in such Notice as aforesaid; and all such Acts of the Proprietors, or the major Part of them, assembled at every such Special General Meeting, shall be as valid, with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting at the Time herein-before appointed for holding the same.

General Meetings may make Bye Laws, &c.

LI. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any such General or Special Meeting as aforesaid, to make such Orders, Bye Laws, and Rules as to the Proprietors assembled thereat shall seem right and proper for the good Government of the said Undertaking, and for regulating the Proceedings of their Committee of Directors, and for the Regulation of all Officers, Workmen, and Servants to be employed in or about the Affairs of the said Company, and for the well and orderly Superintendence, Conduct, and Management of the said Navigation, Canal, Basin or Pool, and the Piers, Wharfs, Cranes, Warehouses, Towing Paths, Ways, Roads, Bridges, and other Works and Conveniences belonging or requisite thereunto, and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Orders, Bye Laws, and Rules or Regulations, or any of them, and to make others, and to impose and inflict any reasonable Fines and Forfeitures upon all Persons offending against the same, not exceeding the Sum of Ten Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as are herein-after mentioned; which said Orders, Bye Laws, and Rules, or such of them as shall concern or relate to the using of the said Navigation, Canal, and Works, or to the Conduct or Behaviour of any Officers, Servants, or other Persons employed in or about the said Navigation, Canal, and Works, or of the Persons resorting to or making use thereof, being reduced into Writing under the Common Seal of the said Company, and printed and published, and painted on Boards, in large Characters, shall be hung up and affixed on the Front of the several Toll Houses to be erected on and near the said Navigation, Canal, and Works, and in some conspicuous Place or Places upon or near or adjoining to all the principal Piers, Jetties, and Wharfs on the said Navigation and Canal, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and such Orders, Bye Laws, and Rules shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall in the Execution of this Act act under the same; provided that such Orders, Bye Laws, and Rules be not repugnant

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to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, or to any Directions in this Act contained; and all such Orders, Bye Laws, and Rules shall be subject to Appeal in manner herein-after mentioned.

Appointment of Treasurer and Clerk.

LII. And be it further enacted, That the said Company shall at their First General Meeting or at some Adjournment thereof, and afterwards, from Time to Time when necessary, at any future General Meeting, elect and choose and under their Common Seal appoint a Treasurer or Treasurers to the said Company, and also a Clerk, and shall take good and sufficient Security from such Treasurer or Treasurers for the due and faithful Execution of his or their Office or Offices; and whenever any such Treasurer or Clerk shall die, or quit the Service of the said Company, it shall be lawful for the Committee of Directors from Time to Time to appoint some other Person in the Place of the Treasurer or Clerk so dying, being removed, or quitting, until the next General Meeting of the said Company, when the Appointment of such Clerk, Treasurer or Treasurers, by the Committee of Directors, shall be confirmed under the Common Seal of the said Company, or some other Clerk, Treasurer or Treasurers, shall be elected and appointed as aforesaid; and it shall be lawful for the said Company in any such General Assembly to remove or displace any Person or Persons who shall have been chosen an Officer or Officers by virtue of this Act, and to appoint another or others in his or their Stead.

Treasurer to give Security.

Same Person not to be Clerk and Treasurer.

LIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any

Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Appointment of Superintendents and other Officers, Collectors, &c.

LIV. And be it fnrther enacted, That it shall and may be lawful for the said Company, or their Committee of Directors, or any Five or more of them, and they are hereby authorized, empowered, and required, from Time to Time to nominate and appoint a Superintendent or Superintendents of the Works of the said Company, when they shall think it expedient and necessary so to do, and such Engineers, Surveyors, Collectors of the Tolls, Rates, and Duties, or other Officers, (except such as are directed to be appointed only by General Meetings of the said Company,) as they shall think proper, for the better carrying the Purposes of this Act into execution, (taking good and sufficient Security from all Collectors and other Officers who shall have the Care and Custody of any Money to be raised or received by virtue of this Act, for the faithful Discharge of the Trust reposed in them), and also from Time to Time to discharge and dismiss any such Superintendents, Engineers, Surveyors, Collectors, or other Officers, and appoint others in their Stead, as there shall be Occasion; and that all such Superintendents, Engineers, Surveyors, Collectors, or other Officers who shall at any Time quit or be dismissed from the Service of the said Company, and their Executors and Administrators, and the respective Executors and Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Company or their Committee of Directors, or to such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever which shall be in the Custody or Power of such Superintendents, Engineers, Surveyors, Collectors, or other Officers, Executors or Administrators respectively, in anywise relating to the said Undertaking; and the said Company, or their Committee of Directors, or any Five or more of them, shall have full Power and Authority, and they are hereby required, when and as often as they shall think fit, to call for, audit, and settle all Accounts of Monies received, paid, laid out, and disbursed, for or on account of the said Company or the said Undertaking, by the Treasurer or Treasurers, Collectors, and other Officers so to be appointed as aforesaid, or by any other Person or Persons to be employed on behalf of the said Company in or about the same Undertaking.

If discharged Collector or Warehouseman, Wharfinger, or other Officer, in Possession of Houses or Buildings of the Company, refuse to quit, any

LV. And be it further enacted, That in case any Collector of the said Tolls, Rates, or Duties, or any Wharfinger, Keeper, or other Officer, Agent, or Servant of the said Company, who shall quit or be dismissed from such Offices, shall refuse to deliver up the Possession of any Counting-house or Offices, or any Dwelling Houses, Buildings, and Appurtenances, or any Books, Papers, or other Matters and Things belonging to the said Company, in his Possession, Custody, or Power in right of his or their Appointment or Appointments to such Office or Offices, within Three Days after Notice given to him or them, or left at any such Buildings or Dwelling

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ing Houses, or at his or their then Dwelling House, under the Hands of any Five or more of the said Company, or of the Clerk of the said Company, by Direction of the said Company or their Committee of Directors, or if the Widow or any of the Family of any such Collector, Wharfinger, Warehouse-keeper, or other such Officer, Agent, or Servant, who shall so die as aforesaid, or any other or others who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such Houses or Offices, Dwelling Houses and Appurtenances, Books, Papers, and other Matters and Things, within Three Days after Notice shall have been given or left on the Premises, signed as aforesaid, then and in every or any such Case or Cases it shall and may be lawful for any Two Justices of the Peace for the County, Liberty, or Place wherein the Premises shall be situate, or where such Books, Papers, and other Matters and Things shall then be, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Counting-houses or other Offices, Dwelling Houses, Buildings, and Premises, with the Appurtenances, in the Day-time, and thereout and therefrom to remove all Persons whomsoever who shall be found therein, together with their Goods and Chattels, and to take Possession of all Books, Papers, Matters, and Things which shall be found therein, and to deliver Possession thereof to the said Company, or to whom they shall appoint to receive the same.

Justice may remove the Party.

LVI. And be it further enacted, That every such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, and every other Officer and Person so to be appointed as aforesaid, shall, under their Hands, at such Time or Times and in such Manner as the said Company or their Committee of Directors, or any Five or more of them, shall appoint, deliver to the said Company or their Committee of Directors, or to such Person or Persons as they shall name or appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also all Monies which shall have been by such Officers and Persons respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay over all such Balances or Sums of Money as shall remain in their respective Hands to the said Company or their Committee of Directors, or to such Person or Persons as they shall appoint; and if such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer, or Person shall refuse to produce and deliver up such Receipts or Vouchers, or to make Payments as aforesaid, or shall not deliver to the said Company or their Committee of Directors, or to such Person or Persons as they shall appoint, within Three Days after being thereunto required by the said Company or their Committee of Directors, or any Five or more of them, all Books, Papers, and Writings in his or their Custody or Power relating to the said Navigation and Canal, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Company or their Committee of Directors, or as they shall

Treasurer and other Officers to account and pay over Balances, or in default of Payment Company may recover by Action, or before Two Justices.

shall order or appoint, then and in any of the Cases aforesaid the said Company may and are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Officers or Persons respectively; or if Complaint shall be made by the said Company or their Committee of Directors, or any Two or more of them, or any Person or Persons to be by them appointed for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County, Liberty, or Place wherein the said Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, or other Officer or Person so neglecting or refusing shall be or reside, such Justices may and they are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause such Officer or Person so neglecting or refusing to be brought before them, and upon the Appearance of the Party or Parties, or upon his or their having been summoned and not appearing, without giving some reasonable Excuse for such Nonappearance to the Satisfaction of such Justices, or not being to be found, the same Justices shall and may hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any One or more credible Witness or Witnesses upon Oath, or, being of the Society of Quakers, upon solemn Affirmation, (which Oath or Affirmation such Justices are hereby empowered to administer,) it shall appear to such Justices that any of the Monies which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Person, such Justices may and are hereby authorized, empowered, and required, upon Nonpayment thereof, by Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers or Person or Persons respectively; and if no Goods or Chattels of the Person or Persons against whom such Warrant or Warrants shall be granted can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying such Distress, or if such Officer or Officers, Person or Persons, shall persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid to the said Company or their Committee of Directors, or as they shall appoint, then and in any of the Cases aforesaid such Justices shall commit any such Offender to the Common Gaol or House of Correction for the County or Place where such Offender shall be or reside, at the Discretion of such Justices, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company, and shall have paid such Composition in such Manner as the said Company, or their Committee of Directors, or any Three or more of them, shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company or their Committee of Directors: Provided always, that no Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer, or Person, so committed

For Want of Distress, or in case of Refusal to deliver up Books, &c., Offenders to be imprisoned.

mitted for Want of sufficient Distress, shall be confined or detained in Prison by virtue of this Act for any longer Space than Twelve Calendar Months.

General Powers of Committee.

LVII. And be it further enacted, That the said Committee of Directors or any Five or more of them shall from Time to Time, and at all Times when necessary, have full Power and Authority to meet and adjourn; and at all Meetings of the said Directors One of the Members present shall be appointed Chairman; and at any such Meeting the said Directors shall have full Power and Authority to contract for and purchase all such Lands, Tenements, or Hereditaments which shall or may be wanted for making or maintaining the said improved Navigation and Canal, Basin or Pool, or for any of the Purposes of this Act, and to treat and agree with any Person or Persons whomsoever touching the Compensation to be made for any Damages to be done in the Exercise of the Powers of this Act, and to enter into and make such Contracts, Bargains, or Agreements with any Engineer or Engineers, Surveyors, Agents, Workmen, Servants, or other Persons, for maintaining or improving the said Navigation and Canal, Basin or Pool, or for any Purposes whatsoever touching the same, or the Execution of this Act, as they shall think fit, and to order and direct how the several Works shall from Time to Time be carried on, and also from Time to Time to use the Common Seal of the said Company in such Manner and for such Purposes as they shall think proper, (by which Use thereof the said Company shall be bound,) and generally to direct and manage all the Business and Affairs of the said Company, and to exercise and perform all Acts, Matters, and Things which the said Company are by virtue of the Powers and Provisions of this Act authorized and empowered to do, save and except only such as are hereby expressly directed to be done by the Proprietors at large present at any Special or General Meetings of the said Company to be held as herein mentioned; and on all Matters, Questions, and Proceedings which shall be discussed by the said Committee of Directors each individual Director present in Person shall have One Vote, and in case of an Equality of Votes the Chairman shall have the casting Vote; and all Acts and Proceedings of any Five or more of the said Committee of Directors, in execution of the Powers or Provisions of this Act, shall be as valid and effectual as if all the Members of the said Committee had concurred in and executed the same.

Power of Committee to make Calls.

LVIII. And be it further enacted, That the Committee of Directors of the said Company shall be and they are hereby empowered from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of Shares in the said Undertaking, their Heirs, Successors, Executors, Administrators, and Assigns, to defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Three Pounds at any One Time upon any One Share which any Person or Persons shall or may be possessed of or entitled unto in the said Undertaking, and so that such Calls shall not be made but at the Distance of Four Calendar Months at the least from each other, and One Month's Notice at the least

least shall be given of all such Calls as aforesaid by Advertisement in Three Newspapers published in the said Counties of *Tipperary*, *Waterford*, and *Kilkenny*; and every Owner or Proprietor of any Share or Shares in the said Undertaking, or his, her, or their Heirs, Successors, Executors, Administrators, or Assigns, shall pay his, her, or their respective rateable Proportions of the Monies to be called for as aforesaid to such Person or Persons and at such Time and Place or Times or Places as the said Committee shall from Time to Time direct and appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their respective rateable or proportionable Part or Share of the said Money so called for as aforesaid at the Time and Place to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Wager, or Protection of Law, or more than One Imparlance, shall be allowed; or the said Company may and they are hereby authorized, at a General Meeting, to declare the Shares belonging to any Person refusing or neglecting to pay any such Call in manner as aforesaid to be forfeited to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all Shares which shall or may be so forfeited shall be vested in the said Company, and be sold at a public Sale by the said Company for the most Money that can be gotten for the same, and the Produce thereof shall be applied and disposed of in manner by this Act directed: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking until Notice in Writing under the Hand of the Clerk or Treasurer of the said Company shall have been given or sent by the Post to or left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, nor until the same Share or Shares shall have been declared to be forfeited at some General Annual Meeting of the said Company, or at some Special General Meeting, which shall be held after the End of One Calendar Month from the Day on which such Notice of Forfeiture shall have been given; and every such Forfeiture shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors, and their Executors, Administrators, Successors, and Assigns, so forfeiting, against all Actions, Suits, and Prosecutions for or on account of not paying up such Calls; and every Share so sold shall be transferred to the Purchaser or Purchasers thereof by the said Company, under their Common Seal; and the Proprietor or Proprietors of such Shares so sold and transferred shall be and be deemed a Member or Members of the said Company to all Intents and Purposes whatsoever, and shall be entitled to all the same Privileges and Advantages, and be subject to all the same Liabilities, as if he, she, or they had been a Subscriber or Subscribers to the said Undertaking.

If Proprietors neglect to pay Calls the Company may sue for them, or declare the Shares to be forfeited and sell them.

No Advantage to be taken of forfeited Shares without Notice.

If Money produced by the Sale is more than sufficient to pay Calls, &c.

LIX. Provided also, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares shall be more than sufficient to pay all such Arrears of Call as aforesaid, and lawful Interest thereon, with the Expences attending such Sale or Sales, the Surplus of such Money shall be paid, on Demand, to the Person or

or Persons to whom such Share or Shares shall have belonged; but the said Company shall not sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences as aforesaid, any Share or Shares so vested in such Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Person or Persons, or his, her, or their Executors or Administrators, to whom such Share or Shares shall have belonged immediately before any such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

the Surplus to be paid to the Owner.

LX. And be it further enacted, That in any Action to be brought by the said Committee of Directors against any Proprietor or Proprietors or Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Committee of Directors to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to for such and so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby any Action hath accrued to the said Company or the said Committee of Directors by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants at the Time of making such Call or Calls was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee of Directors who made such Call or Calls, or any other Matter whatsoever; and the said Committee of Directors shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded Three Pounds at any One Time upon any One Share, or was not made after the Interval of Four Calendar Months from the last preceding Call, or was made without Notice given in any Newspapers as aforesaid.

Proceedings in Actions for Calls.

LXI. And be it further enacted, That no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, after any Call shall have been made by the said Committee of Directors for any Sum or Sums of Money in respect of such Share or Shares, unless he, she, or they at the Time of such Sale or Transfer shall have paid or discharged to the Treasurer of the said Company, or to such Person or Persons as the said Committee of Directors shall appoint to receive the same, the

After a Call no Share to be sold until Call shall be paid.

the whole and entire Sum of Money which shall have been called for in respect of each Share so sold or transferred.

The Person whose Name stands first as a Joint Proprietor, with others, to be deemed the Owner, and be entitled to Vote.

LXII. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares shall for the Purposes of this Act be deemed and taken to be the Proprietor or Owner of such Share or Shares; and all Notices hereby required to be given to the Proprietor or Owner of any Share or Shares in the said Undertaking shall or may be given or sent to such Person whose Name shall so stand first in the Books of the said Company, and such Notice to such Person shall be deemed and taken to be a sufficient Notice to all the Owners or Proprietors of such Share or Shares for all the Purposes for which such Notice is intended to be given; and such Proprietors or Owners, being present at any General Meeting of the said Company, shall be entitled to give their Vote or Votes in respect thereof by the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares, and whose Vote shall, either in Person or by Proxy, on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share or Shares.

Lunatics and Minors to vote by their Committees and Guardians.

LXIII. And be it further enacted, That in case any Proprietor or Proprietors entitled to vote at any such Meetings as aforesaid shall be a Lunatic or Lunatics or a Minor or Minors, such Lunatic or Lunatics shall or may vote at such Meeting or Meetings by his, her, or their Committee or any one of such Committee, and such Minor or Minors shall and may vote by his, her, or their Guardians or any one of such Guardians; provided that such Committee or Guardian may also vote in right of his own Shares as well as in the Character of Committee of any Lunatic or Lunatics or of Guardian of any Minor or Minors on the same Occasion.

Proprietors not to vote until Calls are paid.

LXIV. Provided always, and be it further enacted, That no Proprietor of any Shares in the said improved Navigation and Undertaking, either in Person or by Proxy, shall be entitled to vote at any Meeting of the said Company in respect of such Shares unless the same shall be standing in the Name of such Proprietor in the Register Book herein-before directed to be made and kept at and immediately before such Meeting, nor unless the Sums of Money from Time to Time to be called for by the Committee of Directors for the Time being to be appointed as herein-after provided, and due and payable at or before any such Meeting, in respect of all and every the Shares of such Proprietor, and all Arrears thereof, shall have been duly paid to the Treasurer of the said Company.

Accounts to be balanced and Division of Profits made annually.

LXV. And in order to ascertain the Amount of the clear Profits of the said Undertaking, be it further enacted, That the said Company or their Committee of Directors shall and they are hereby required, from the Time of the passing of this Act, to cause a true, exact,

exact, and particular Account to be kept, and annually made up and balanced on the First Day of *May* in each Year, Thirty Days at least before each General Annual Meeting, of the Money collected or received by the said Company or their Committee of Directors, or otherwise, for the Use of the said Company, by virtue of this Act, and of the Charges and Expences attending the erecting, making, supporting, maintaining, and carrying on the said Undertaking and Works, and of all other the Receipts and Expenditure of the said Company or their Committee of Directors; and at the General Annual Meeting of the said Company to be from Time to Time holden as aforesaid, or at some Adjournment thereof, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such Annual Meeting shall declare otherwise, and such Dividend or Dividends shall be at and after the Rate of so much *per Centum* upon the several Sums invested by the respective Proprietors in the Joint Stock of the said Company, as such Meeting or Meetings shall think fit to appoint and determine: Provided always, that no Dividend shall be declared or paid until the General Annual Meeting which shall be holden next after the Expiration of Twelve Calendar Months from the passing of this Act; provided also, that no Dividend shall be made whereby the Capital of the said Company shall be in any degree reduced or impaired, nor shall any Dividend be paid in respect of any Share or Shares, after a Day appointed for Payment of any Call for Money in respect thereof, until such Call shall have been paid.

Books of Account to be kept, and declared to be the Property of the Company.

LXVI. And be it further enacted, That proper Books of Account and other Matters relating to the said improved Navigation and Undertaking shall be kept, and the same shall be deposited, under the Direction of the said Company or their Committee of Directors, at such Place or Places in *Carrick on Suir* aforesaid as they shall from Time to Time appoint, and every Proprietor or Proprietors, at all reasonable Times, shall have free Access to the same, for his, her, or their Inspection, without Fee or Reward; and in One or more of such Book or Books to be provided by the said Company for that Purpose the Clerk to the said Company shall enter and keep a true and perfect Account of the Names and Places of Abode of the several Members of the said Company and Proprietors of the said improved Navigation, and of the several Persons who shall from Time to Time become Owners or Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company, and of all Receipts, Payments, and Disbursements under this Act; and each of the said Members and Proprietors shall and may at all convenient Times have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof or of any Part thereof, paying for every One hundred Words so to be copied the Sum of Sixpence; and if any such Clerk to the said Company shall refuse to permit any Proprietor or Person so interested as aforesaid to inspect such Book or Books of Proceedings, or refuse to make any such Copy or Copies, within Three Days after Demand thereof, at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; and all Books of Account, and other Books, Accounts, Writings, and Papers what-

soever, which shall be in the Custody of any Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, and every other Officer and Person to be appointed as aforesaid, his Executors or Administrators respectively, in anywise relating to the said improved Navigation, Canal, Basin, or Pool, shall be and the same are hereby declared to be, and shall be construed, deemed, and taken to be, the Right and Property of the said Company.

Names of Proprietors and Number of Shares to be entered in a Book.

LXVII. And be it further enacted, That the said Company shall, as soon as the same can be done, cause the Names and Additions of the several Persons who shall be entitled to any Share or Shares in the said Capital or Joint Stock, and the Number of Shares to which they shall be respectively entitled, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Register Book to be kept by the Clerk of the said Company, and after such Entry to cause the Common Seal of the said Company to be affixed to such Entry, which said Book shall from Time to Time be altered and corrected, and new Books shall from Time to Time be sealed with the said Common Seal, as the Change of Proprietors and Transfers of Shares shall render necessary or expedient; and the said Clerk shall also cause as many Tickets or Instruments to be prepared as there shall be Shares in the said Capital or Joint Stock, bearing respectively the same Numbers as in the said Books, and the said Common Seal of the said Company to be affixed to each of such Tickets or Instruments, and thereupon to cause to be delivered to every Subscriber (whether by Securities as aforesaid or in Money) towards the said Undertaking, upon Demand, a Ticket or Tickets specifying the Share or Shares to which he or she is entitled in the said Joint Stock or Undertaking; and every such Subscriber shall pay to the Clerk of the said Company, or there shall be paid to the said Clerk by the said Company out of the Joint Stock or Funds of the Company, Two Shillings, and no more, for every such Ticket or Instrument; and every such Ticket or Instrument shall be admitted as Evidence in all Courts whatsoever of the Title of such Subscriber, his or her Executors, Administrators, Successors, or Assigns, to the Share therein specified, but the Want of any such Ticket or Instrument shall not hinder or prevent the Owner of any Share from selling or disposing thereof, or from receiving, annually or otherwise, as the Account shall be made up, his or her Share of the Profits of the said improved Navigation and Undertaking in respect thereof; which said Ticket shall be in the Words or to the Effect following; (that is to say,)

Ticket for Shares to be delivered to Subscribers,

and to be Evidence of Subscriber's Title.

Form of the Ticket.

'River *Suir* Navigation.

'Number

'THESE are to certify, That

'of is (*or* are) a Member (*or* Members) of the Company of Proprietors of the River *Suir* improved 'Navigation and Canal, and is (*or* are) possessed of the Share or 'Number in the said improved Navigation or Undertaking, 'subject to the Rules, Orders, and Regulations of the said Company, 'and that the said his (her *or* their) 'Executors, Administrators, (*or* Successors) or Assigns, is (*or* are) 'entitled

'entitled to the Profits and Advantages of the said Share. Given 'under the Common Seal of the said Company the Day of ' in the Year of our Lord .'

The Persons whose Names appear in the Register Book to be deemed the Proprietors of the Shares standing in their Names, and answerable for Calls.

LXVIII. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons, whose Name or Names shall at any Time hereafter stand in the said Register Book or List of the Proprietors of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said improved Navigation, whether as original Subscribers, or as Successors, Executors, Administrators, or Assigns of original Subscribers, or as Creditor or Creditors of the said improved Navigation and Canal as aforesaid, shall be deemed and taken to be Proprietors of the several Shares standing in the said Book in his, her, or their respective Names, and as Creditors for the Sums mentioned therein, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon, to such Rules, Orders, and Regulations, and to all Actions, Suits, Forfeitures, and Penalties, to which such Proprietors of Shares in or Creditors on the said improved Navigation and Canal, are made subject and liable by this Act; and all Notices by this Act required to be given previous to the Forfeiture of Shares to the Proprietors thereof shall, if given to the Person or Persons appearing by the Register Book of the said Company to be such Proprietor or Proprietors, or their Representatives, be in all respects good, sufficient, and conclusive; and all Payments of Interest and Dividends due and to grow due on any such Shares, or on or in respect of any Securities on the said improved Navigation and Canal, as herein-before mentioned, shall be made to such Persons as by the said Book shall so appear to be Proprietors thereof or Creditors thereon as aforesaid; and that no Assignment or Transfer of any Share or Shares, or any Instrument giving Title thereto, or to any Securities on the said improved Navigation and Canal, or the Monies thereby secured, which shall not have been brought to the said Clerk to be entered or registered as directed by this Act, shall be given or admitted as Evidence either to defeat any Action or Suit brought or to be brought by the said Company or their Committee of Directors to recover the said Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the said Company, or to make the said Company liable to the Payment of any Interest or Dividends to any other Person or Persons than such as appear upon the said Book to be Proprietors of the said Shares, or Holders or Holder of such Securities as aforesaid, but that in all such Cases, unless where it shall be expressly proved that the said Book is defective by reason of some Neglect or Default of the said Clerk, the said Book shall be considered as sufficient and conclusive Evidence of the Right and Title in and to the said Shares and Securities respectively.

For giving new Shares or Tickets and Securities in case of the old ones being damaged or destroyed.

LXIX. And be it further enacted, That in case any Tickets or Transfers, Assignments or Instruments, denoting the Ownership of Shares or Securities, shall be worn out or damaged, then and upon the same being produced or shewn at some General Assembly of the said Company, such Tickets or Transfers, Assignments or Instruments, shall be cancelled or destroyed, and other original Tickets and Securities

Securities given, under the Common Seal of the Company, of correspondent Numbers to the said original Tickets and Securities, to the Persons in whom the Property of such Shares or Securities shall be at any Time vested; and in case such Tickets, Transfers, Assignments, or Instruments shall be burnt or destroyed, then, upon satisfactory Proof thereof, like new or original Tickets and Securities shall be given to the Person or Persons who was or were the Owner or Owners of those so burnt or destroyed, so as that a due Entry of the same had been made by the Clerk of the said Company, and of any Transfers of the same (if any made in manner herein directed), for which the Sum of Two Shillings, and no more, shall be paid to such Clerk for each such new or original Ticket and Security.

Shares may be sold.

LXX. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, their respective Executors, Administrators, and Assigns, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; the Transfer of which Shares shall be in the Form or to the Effect following:

Form of Transfer.

'I of , in consideration
'of paid to me by of
'do hereby bargain, sell, assign, and transfer to the said
', his (*or* her) Executors, Administrators, and Assigns,
'Share (*or* Shares) in the Joint Stock or Capital of the
'River *Suir* Navigation Company, being No. of the Shares
'in the said improved Navigation and Canal, to hold to the said
', his (*or* her) Executors, Administrators,
'and Assigns, subject to the same Rules, Orders, and Restrictions,
'and on the same Conditions, that I held the same immediately
'before the Execution hereof; and I the said
'do hereby agree to accept and take the said Share (*or* Shares)
'subject to the same Rules, Orders, Restrictions, and Conditions.
'As witness our Hands and Seals the Day of .'

Conveyances of Shares to be registered.

And on every such Sale the said Transfer, being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, shall be kept by the Purchaser or Purchasers, for his, her, or their Security, after the Clerk to the said Company shall have registered in a proper Book or Books, to be provided by the said Company and kept for that Purpose, a Memorial of such Transfer and Sale for the Use of the said Company, and shall have testified or endorsed the Registry of such Memorial on the said Transfer, for which the Sum of Two Shillings, and no more, shall be paid, and the said Clerk is hereby required to register such Memorial accordingly; and until such Memorial shall have been registered as above directed such Purchaser or Purchasers shall have no Part of the Profits of the said Undertaking, nor any Dividend on such Share or Shares paid unto him, her, or them, or any Vote or Votes in respect thereof as a Proprietor or Proprietors of the said Undertaking.

Regulation as to Acquisition of

LXXI. And whereas by the Marriage or Death of Proprietors of Shares in the said Navigation and Canal it may be difficult to ascertain

tain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part of the Profit of the said improved Navigation and Canal in right of Marriage shall be entitled to receive the same, or be entitled to vote in respect of any Share, an Affidavit, or solemn Affirmation by any Person of the Society of Quakers, in Writing, containing the Copy of the Register or Certificate of such Marriage, or other Particulars of the Celebration thereof, shall be made and sworn to or solemnly affirmed by some credible Person before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace for the said Counties of *Tipperary*, *Waterford*, or *Kilkenny*, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry and Transfer of Sales of Shares in the said Navigation and Canal; and before any Person or Persons who shall claim any Part of the Profits of the said Navigation and Canal by virtue of any Bequest or Will, or in Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Shares, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk, or a Copy of so much of said Will as shall relate to the Share or Shares of the said Testator or Intestate shall be made, together with a Declaration, in the Manner and Form prescribed in and by an Act passed in the last Session of Parliament, for the more effectual Abolition of Oaths, and to substitute Declarations in lieu thereof, by the Executor or Executors of the said Will, or the Administrator or Administrators of the Intestate with the Will annexed, before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace for the Counties aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases other than herein-before mentioned, when the Right and Property of any Share or Shares in the said Navigation and Canal shall pass from any Proprietor or Proprietors thereof to any Person or Persons by any other legal Means than by a Transfer and Conveyance thereof as herein directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn to or solemnly affirmed by One or more credible Person or Persons before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace for the Counties aforesaid, stating the Manner in which such Share or Shares have or hath passed to such other Person or Persons; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors of the said Navigation and Canal: Provided always, that such and similar Entries shall be made in the Register Book of the said Company of all Acquisitions or Devolutions of Mortgages, Assignments, or Securities on the said Tolls, Rates, and Duties (if any), by Sale or Assignment, Marriage, Will, Intestacy, or by any other Means as aforesaid, in order to ascertain the Parties who shall from Time to Time be Creditors on the said Navigation and Under-

Shares by Marriage, and by Will or in Course of Administration.

The like as to Mortgages or Securities on the Navigation.

Undertaking, and entitled to receive the Interest of or Dividends in respect of such Mortgages, Assignments, or Securities as aforesaid, as herein-before directed with respect to Shares in the Joint Stock of the said Company, *mutatis mutandis*; and the Clerk of the said Company shall be entitled to receive for each and every such Entry herein-before directed the Sum of Two Shillings and Sixpence, and no more.

Company may take Tolls.

LXXII. And be it further enacted, That it shall and may be lawful for the said Company, or such Person or Persons as they shall appoint, from Time to Time and at all Times hereafter to ask, demand, recover, and receive any such Sum or Sums of Money as shall be from Time to Time fixed by the said Company at any of their General Meetings to be held in pursuance of this Act, not exceeding the several Tolls, Rates, and Duties herein-after mentioned; (that is to say,)

On any Vessel which may anchor or trade within the Limits of the said Navigation up to or at *Fiddown* or the Eastward thereof between *Granny Ferry* and *Fiddown*, both aforesaid, a Duty *per* Ton Burthen *per* Register of One Penny *per* Ton; and if the said Vessel, after being discharged, shall reload or take in the Whole or any Part of a Cargo at *Fiddown* or to the Eastward of the same as aforesaid, such Cargo or Part thereof so shipped on said Vessel shall be subject to and liable to pay the same Rate or Duty *per* Ton as shall then be payable by Vessels proceeding to the Eastward of *Fiddown* towards *Carrick*:

On every Vessel that shall pass the Pier at *Fiddown*, and proceed or trade to the Westward thereof or to *Carrick*, a Duty *per* Ton Burthen *per* Register of not more than One Shilling *per* Ton.

For ascertaining Weight of Timber and light Goods.

LXXIII. And be it further enacted, That Forty Cubic Feet of Oak, Ash, Elm, Beech, Birch, or other Timber, and Fifty Cubic Feet of Fir or Deal, Balk, and all other Descriptions of light Goods, shall be deemed and taken to be One Ton; and in all Cases One hundred and twelve Pounds Weight Avoirdupois shall be deemed and taken as and for One Hundred Weight, and Twenty such Hundred Weight as One Ton.

For regulating the mooring of Vessels.

LXXIV. And be it further enacted, That as soon as the said intended Canal and Works are so far completed as to admit Ships, Vessels, or Craft to enter therein, no Ship, Lighter, Barge, Boat, Craft, or other Vessel shall anchor or lie within the Distance of One hundred Yards of the Entrances of the said Canal, unless for the Purpose of coming in or going out of the said Canal, so that at all Times the Entrances may be kept clear and without Obstruction; and over such Space the said Company, their Officers and Servants, shall have Control, so far as relates to the placing or transporting, removing or stopping Ships, Barges, Lighters, Craft, Boats, and other Vessels, any Law, Statute, or Usage to the contrary notwithstanding: Provided that nothing herein contained shall extend to prevent any Ship or Vessel, Lighter or Craft, from lying in the River *Suir* alongside of any Wharf or Wharfs within the said Distance of One hundred Yards, for the Purpose of loading or discharging,

ing, so nevertheless as not to impede or obstruct the Entrance into or Departure from the said Canal and Works.

For keeping Entrances clear.

LXXV. And for the better making and preserving a free and clear Passage and Entrance from the River *Suir* into and out of the said Canal, for all Ships, Vessels, Lighters, Barges, Craft, and Boats of every Description, be it further enacted, That if any Master or other Person having the Charge or Command of any Ship, Lighter, Barge, Craft, Boat, or Vessel of any Description whatsoever, shall place or permit or suffer the same to remain in the River *Suir*, within One hundred Yards of any Entrance to the said Canal or Works (except as aforesaid), and shall not immediately, on being thereunto required by the said Company, their Officers or Servants, remove such Ship, Lighter, Barge, Craft, Boat, or other Vessel, every such Master and other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and also any Sum not exceeding Five Shillings for every Hour that such Obstruction shall remain after such Notice; and in case the Master or other Person having the Command of such Ship, Lighter, Barge, Craft, Boat, or Vessel shall not remove such Ship, Lighter, Barge, Craft, Boat, or Vessel immediately upon being required so to do, it shall be lawful for the said Company, their Officers or Servants, or their Assistants, to remove the same.

Vessels not to land Goods in the Canal at other Places than Quays and Landing Places.

LXXVI. And be it further enacted, That no Ship, Lighter, Boat, Barge, or other Vessel shall land her Cargo or any Part thereof by the Sides or upon or along the Banks of the said Canal, Basin, or Pool, except at such Quays, Wharfs, and Landing Places as shall be made and assigned by the said Directors for the loading and discharging or landing and shipping of such Cargoes, upon pain of forfeiting for every such Offence any Sum not exceeding Ten Pounds.

Navigation to be free upon Payment of Tolls.

LXXVII. And be it further enacted, That the said Navigation, Canal, and other Works shall be open to the Public, and all Persons shall have free Liberty to navigate, pass upon, and use the same or any Part thereof, and also to use the Wharfs, Quays, and Landing Places belonging to the same for the loading and unloading of any Goods or other Things, upon Payment of such Rates, Tolls, and Sums as shall be demanded by the said Company, not exceeding the respective Rates, Tolls, or Sums herein-before mentioned, and subject to the Rules and Regulations which shall from Time to Time be made by the said Company by virtue of the Powers by this Act granted.

No Vessel to enter into or navigate in the Canal under Sail.

LXXVIII. And for the Security and Preservation of the said Works, be it further enacted, That before any Ship or other Vessel shall enter or pass into the Canal, Basin, or Pool, or any of them, such Ship or Vessel shall, if so required by the said Committee of Directors, their Officers or Servants, have her Sail or Sails lowered or furled, so that she may not enter into or navigate in the said Canal, Basin, or Pool under Sail; and in case any Master or Pilot or other Person having the Charge or Command of any Ship or Vessel shall

shall enter or navigate, or cause or permit or suffer to enter or be navigated, such Ship or Vessel under Sail into or in the said Canal, Basin, or Pool, or any of them, every such Master, Pilot, or other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on Persons throwing Ballast, &c. into the Navigation.

LXXIX. Provided always, and be it further enacted, That if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or Dirt into any Part of the said Navigation and Canal, or any of them, or any Cuts made from or into or to communicate with the same, every Person so offending, and being convicted thereof before any Two Justices of the Peace for the County, Liberty, or Place where the Offence shall be committed, upon the Oath of any One or more Witness or Witnesses, shall forfeit and pay any Sum not exceeding the Sum of Twenty Shillings.

Punishment for destroying the Works.

LXXX. And be it further enacted, That if any Person or Persons shall wilfully and maliciously demolish, break down, cut, or injure any of the Works to be made by virtue of this Act, or any Ship or Vessel lying in the said Canal, River, Basin, or other Works, then and in every such Case every such Person, being convicted thereof, shall be deemed guilty of a Misdemeanor, and shall suffer Punishment by Fine, Imprisonment, or Transportation, at the Discretion of the Court before whom such Person shall be convicted.

Penalty for destroying Ropes of Vessels.

LXXXI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously cut, break, or in any Manner destroy any Rope or other Thing by which any Ship or other Vessel lying in the said Canal, River, or Basin shall be moored or fastened, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds: Provided always, that nothing herein contained shall hinder the Servants or Officers of the said Company to be appointed in pursuance of this Act, or any of them, or his or their Assistant or Assistants, from exercising in a due and reasonable Manner any of the Authorities hereby vested in him or them respectively.

Power to take Wharfage Rates, &c.

LXXXII. And whereas it may be found expedient for the said Company to make, build, and erect proper Wharfs, Warehouses, and Cranes, for loading, landing, and storing the Goods, Wares, Merchandize, Commodities, and Things which may be landed, loaded, received, and forwarded at and from the said Wharfs; be it therefore further enacted, That (in consideration of the Expences which the said Company will by such Means sustain, and of the public Accommodation and Convenience which they will also thereby afford,) it shall and may be lawful for the said Company, from Time to Time and at all Times, to ask, demand, take, and recover, to and for their own proper Use and Behoof, for every Ton of Goods, Wares, Merchandize, Commodities, and other Things which shall be loaded from or landed upon or stored within any of the said Wharfs or Warehouses, and which shall remain thereupon not more than Six Days, any Sum not exceeding Three-pence, and for every Day or Part of a Day that they shall so remain after the first Six Days such

further Sum as shall be determined by the said Committee of Management, not exceeding One Penny *per* Ton *per* Day.

Lords of Manors and Owners may erect Wharfs on their own Lands.

LXXXIII. And be it further enacted, That it shall be lawful for the Lord or Lords or Lady or Ladies of any Manor, and the Owner or Owners of any Lands or Grounds near to and adjoining the said Canal, River, or Basin, or any Part thereof, to erect and use any Wharfs, Landing Places, Cranes, Weighbeams, or Warehouses, in or upon his or their respective Waste Lands or Grounds, or any of them, and to land any Goods or other Things upon such Wharfs or Landing Places, or upon the Banks lying between the same and the said Canal, River, or Basin, or any Part thereof, and also to make and use proper and convenient Places for Waggons, Carts, or other Carriages to lie and turn in and pass each other, so that the making or using thereof do not obstruct or prejudice the Navigation of the said Canal, River, or Basin; and all Rates or Tolls which shall be paid for the Use of such Wharfs, Landing Places, Cranes, Weighbeams, and Warehouses respectively shall be and the same are hereby accordingly vested in the Lord or Lords or Lady or Ladies of such Manors, or the Owner or Owners of such Lands or Grounds, who shall make and erect the same as aforesaid, and his, her, or their Representatives.

As to Recovery of Rates payable on Ships.

LXXXIV. And be it further enacted, That the said Tonnage and Canal Rates payable to the said Company in respect of any Ship or Vessel shall be paid at or before the Expiration of Twenty-four Hours next after such Ship or Vessel shall pass *Granny Ferry* or arrive at or pass *Fiddown*, or shall enter the said Canal, Basin, or Cuts, or before leaving the same, which shall first happen; and in case any Owner or Owners, Master or other Person having the Charge or Command of any Ship or Vessel in respect of which any Rates are payable to the said Company, shall refuse or neglect to pay the same, then and in every such Case it shall from Time to Time be lawful for the Collector or Collectors of the said Company to go on board of such Ship or Vessel to demand, collect, and receive such Rate, and on Nonpayment thereof to take and distrain such Ship or Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and the same to detain until such Rate shall be paid and satisfied; and in case of Neglect or Default in Payment of any of the said Rates for the Space of Two Days next after any Distress so made or taken, then and in such Case it shall be lawful for the said Collector or Collectors to cause such Distress to be appraised by Two or more Sworn Appraisers, or other Person or Persons not interested therein, and afterwards to sell the said Distress, and therewith to satisfy himself or themselves as well for and in respect of the Rates so neglected or refused to be paid, as for and in respect of his or their reasonable Costs and Charges in taking, keeping, appraising, and selling the same, rendering the Overplus, if any, to the Owner or Owners, or Master or other Person having the Charge or Command of such Ship or Vessel, upon Demand.

In case of evading Payment of Rates.

LXXXV. And be it further enacted, That if any Owner or Owners, Master or other Person having the Charge or Command of any

any Ship or Vessel, shall elude or evade the Payment of any Rate payable to the said Company in respect of such Ship or Vessel, such Owner or Owners, Master or other Person shall stand charged with and be liable to the Payment of the same, and the same shall be recovered from such Owner or Owners, Master or other Person, in the same Manner as Fines and Penalties imposed by this Act are directed to be levied and recovered, or by Action or Actions at Law.

To ascertain the Tonnage on Admeasurement of Ships.

LXXXVI. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels which shall be liable to the Payment of any Tonnage Rates for the Use of the said Navigation, Canal, Basin or Pool, shall be ascertained according to the certified Tonnage in the Ship's Register; and the Master or other Person having the Command of each and every such Ship or Vessel is hereby required to produce such Certificate of Registry at the Time of Payment of the said Rates to the Person or Persons who shall be duly authorized to collect and receive such Rates; and in case of any Dispute in or about the same, then and in such Case the Tonnage of such Ship or Vessel shall be ascertained in the Manner and according to the Directions of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the registering of* British *Vessels*.

6 G. 4. c. 110.

Exemption of Vessels in HisMajesty's Service from Rates.

LXXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to subject to the Payment of any Rates or Duties which shall or may be levied under or by virtue of the Powers granted by this Act any of His Majesty's Ships of War, or any other Ship, Transport, or Packet of His Majesty, His Heirs and Successors, or any Vessel employed in His Majesty's Service, in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, or of any Ordnance, Barrack, or Commissariat Stores, or to any Vessel in the Service or Employ of His Majesty's Revenues of Customs, Excise, or Post Office, or in the Service or Employ of the Board of Ordnance, or any Vessel employed in or upon His Majesty's Service.

Power to measure, &c. Ships and Vessels.

LXXXVIII. And be it further enacted, That if the Collector or Collectors so duly authorized by the said Company, and the Master or other Person having the Charge or Command of any Ship or other Vessel, shall disagree respecting the Tonnage of such Ship or other Vessel, then and in every such Case it shall and may be lawful to and for the said Collector or Collectors, or such Person or Persons appointed as aforesaid, from Time to Time and at all convenient and reasonable Times to stop, detain, enter into, weigh, measure, and gauge the same; and in case the same shall, upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity than such Master, Owner, or other Person having the Care of such Ship or other Vessel affirmed or stated the same to be, then the said Master, Owner, or other Person having the Care of such Ship or other Vessel shall pay the Costs and Charges of such weighing, measuring, and gauging; and such Costs and Charges, in case of Refusal of Payment thereof upon Demand, shall and may be levied

Cost of measuring, &c., how to be paid.

and

and recovered in the same Manner as the said Tolls, Rates, or Duties are hereby appointed to be levied and recovered; but if such Tonnage shall appear to be of the same Weight and Quantity, or of less Weight and Quantity than the said Master, Owner, or other Person declared the same to be, then the said Company shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master or Owner or other Person such Damages as shall appear to Two or more of His Majesty's Justices of the Peace acting for the County in which the Detention shall take place, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; but in case it shall at any Time be made to appear to the said Justices, upon the Complaint of the said Company or any of their Officers, and upon the like Oath of One or more credible Witness or Witnesses, that such Stoppage and Detention, weighing, measuring, and gauging, were without reasonable Ground, or vexatious on the Part of such Collector, then the said Collector shall himself pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master or other Person such Damage as shall appear to the said Justices, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and in default of immediate Payment thereof by the said Company or by such Collector, as the Case may be, the same shall be recovered from the said Company or the said Collector, as the Case may be, by Distress and Sale of their or his Goods and Chattels, by Warrant under the Hands and Seals of the said Justices, or otherwise by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Dublin*.

Surveyor of Company to examine Goods on board.

LXXXIX. And be it further enacted, That it shall be lawful for some competent Person or Persons, to be appointed by the said Directors for that Purpose, upon the Requisition of the Master or other Person having the Charge or Command of any Ship or Vessel which shall have brought any Goods, Wares, and Merchandize into the said Navigation, Canal, Basin or Pool, or of the Owner or Owners, Consignee or Consignees thereof, before the same are unshipped, to survey and examine the same on board of such Ship or Vessel, and to inquire into and ascertain whether the Injury or Damage which shall have happened to the same shall have been caused by improper Stowage or otherwise; and such Person or Persons shall make and sign a Report or Certificate in Writing, setting forth the Cause or Causes of such Damage as far as the same can be ascertained, on board of such Ship or Vessel, and shall cause the said Report or Certificate to be delivered to such Master or other Person, and a Duplicate thereof, if required, to such Owner or Owners, Consignee or Consignees as aforesaid; and for such Survey, Examination, Report, or Certificate, and Duplicate, if required, the said Company shall be entitled to receive the Sum of Ten Shillings of or from the Person or Persons requiring the same as aforesaid, to be applied to the Purposes of this Act.

Regulations as to delivering a Copy of Manifest.

XC. And be it further enacted, That the Master or Person having the Charge or Command of any Ship or Vessel, loaded or part loaded, which shall enter the said Canal, Basin, or Pool, shall, within Twenty-four

four Hours after anchoring in the said Navigation, Canal, Basin or Pool, deliver or cause to be delivered a true Copy of the Manifest of the Cargo of such Ship or Vessel, signed by the Master or Person having the Charge or Command of such Ship or Vessel, at the principal Office of the said Company, to such Officer or Servant of the said Company as shall be appointed for the Receipt thereof; and every such Master or Person refusing or neglecting to deliver a true Copy of such Manifest within the Time specified and in the Manner before directed shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty for Damage done to the Quays, &c.

XCI. And whereas Damage may frequently be done to the Piers, Quays, Flood-gates, Bridges, Walls, Cranes, Hoisting Machines, and other Works belonging to the said Navigation, Canal, Basin or Pool, by Ships and other Vessels navigating therein, owing to the Wilfulness or Negligence of the Master or other Persons having or taking the Command or Charge or Care of such Ships and Vessels, and although it is reasonable that such Damage should be compensated, such Compensation is frequently refused to be made; be it therefore enacted, That every Master, Mate, Pilot, or other Person having the Command, Care, or Charge of any Ship, Lighter, Boat, Barge, or Vessel, Raft or Float of Timber, by whose wilful Neglect or Mismanagement thereof any Damage shall be done or happen to any of the Piers, Quays, Walls, Basins, Wharfs, Gates, Bridges, or any Cranes, Hoisting Machines, or other Works belonging to the said Company, shall pay for or make good all such Damage; and in case the Amount claimed shall not exceed the Sum of Twenty Pounds, all such Damage shall be recoverable before any Two Justices of the Peace for the Counties of *Tipperary*, *Waterford*, or *Kilkenny*, who are hereby authorized and empowered to summon such Master or other Person having the Command or Charge of such Ships or other Vessels, Raft or Float, doing such wilful or negligent Damage as aforesaid, and to hear and determine the same, and ascertain such Damage; and if Judgment shall be given by them against such Master or other Person, then it shall be lawful for such Justices, or any other Justices of the Peace for the said County, and they are hereby authorized, by Warrant under their Hands and Seals, to levy or cause to be levied the Sum or Sums awarded by them as the Amount of such Damage, and for that Purpose to seize and distrain the Ship, Lighter, Barge, Boat, or other Vessel, Raft or Float, doing such Damage as aforesaid, and any Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and the same to detain until the Sum of Money so awarded as aforesaid shall be paid; and in case the same shall not be paid for the Space of Three Days after any Distress or Distresses so made or taken, then it shall be lawful to sell the same, or any Stores, Articles, or Things belonging to the same, which may be sufficient in Value, and therewith to pay and satisfy the Money so awarded, together with the reasonable Costs and Charges in taking, keeping, and selling the same, rendering the Overplus, if any, to the Master or Person entitled to the same, on Demand; and in case the Money cannot be levied as aforesaid, then by Warrant to cause or commit such Master or other Person as aforesaid to be imprisoned in One of the Common Gaols or Houses

Houses of Correction of the said Counties, there to remain for any Time not exceeding Six Calendar Months, unless the Sum of Money so awarded shall be sooner paid; and the same, when levied in manner aforesaid, shall go and be paid to the Treasurer of the said Company, to be applied to the Purposes of this Act.

Justices may appoint Persons nominated by the Directors to be Special Constables.

XCII. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace for the said Counties of *Tipperary*, *Waterford*, and *Kilkenny* from Time to Time to appoint such Person or Persons as shall be nominated to them by the Directors of the said Company for that Purpose to be Special Constables within the Premises of the said Company; and all and every Person or Persons so appointed shall respectively take an Oath, to be administered by any Two or more of the Justices of the Peace for the said Counties, duly to execute the Office of a Constable for the said Premises; and every Person so appointed and sworn as aforesaid shall have Power to act as a Constable for the Preservation of the Peace, and for the Security of Property against Felonies and other unlawful Acts within the Limits of the said Premises, and shall have, use, exercise, and enjoy all such Powers, Authorities, Protections, and Privileges for the apprehending Offenders, as well by Night as by Day, and for doing all Acts, Matters, and Things for the Prevention, Discovery, and Prosecution of Felonies and other Offences, and for the Preservation of the Peace, as Constables duly appointed now have by the Laws and Statutes of this Kingdom; and it shall be lawful for the said Justices, or any Three or more Directors of the said Company, to dismiss or remove any such Constable from his Office of Constable, and upon every such Dismissal or Removal all Powers, Authorities, Protections, and Privileges vested in any such Person so dismissed or removed by virtue of such Appointment as aforesaid shall wholly cease.

Justices, or Directors may dismiss such Persons.

Table of Tolls to be put up.

XCIII. And be it further enacted, That after any Toll House or Place for receiving Tolls shall be erected or set up by virtue of this Act, the said Company or their said Directors shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every such Toll House or Place, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, having at the Top thereof the Name of the House or Place at which the same shall be put up, and also a List of all the Tolls and Rates of Tonnage payable at every such House or Place, distinguishing the several Tolls and Rates to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Rates for or in respect of any Goods, Wares, or Merchandizes, or other Things, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll House or Place.

Company may vary the Tolls.

XCIV. And be it further enacted, That it shall be lawful for the said Company from Time to Time to lower or reduce all of the Tolls, Rates, and Duties hereby granted, and afterwards from Time to

to Time to raise all of the said Tolls, Rates, and Duties which shall have been so lowered or reduced: Provided always, that the Tolls, Rates, and Duties so to be advanced or raised as aforesaid shall not in any Case exceed the respective Sums granted and limited by this Act.

Company may demise the Tolls.

XCV. And be it further enacted, That it shall and may be lawful for the said Company at any General or Special Meeting, by any Instrument in Writing under their Common Seal, to let or demise all or any Part or Parts of the said Tolls, Rates, and Duties granted by this Act, for any Term not exceeding Three Years at any one Time, to any one Person or Persons, for the highest Rent that can be had or gotten for the same, by public Bidding or otherwise, provided that Thirty Days previous Notice be given in Three Newspapers published in the said Counties of *Tipperary*, *Waterford*, and *Kilkenny*, of the Intent to lease or demise the said Tolls, Rates, and Duties, and so as the Person or Persons renting or agreeing to take the same shall give satisfactory Security, by Articles in Writing, for the true Performance of his, her, or their Bargain, Contract, or Agreement; and the Person or Persons so renting or agreeing to take the said Tolls, Rates, and Duties shall have full Power and Authority to ask, demand, collect, and receive the same, and shall in every respect be deemed and taken to be a Collector or Collectors appointed by the said Company, and shall have the same Powers and Remedies thereof as the said Company or the Collectors so to be appointed by them.

For Recovery of Tolls, Rates, and Duties.

XCVI. And be it further enacted, That the Tolls, Rates, and Duties by this Act authorized to be taken shall be paid to such Person or Persons, at such Place or Places upon or near to the said Navigation and Canal, and in such Manner and under such Regulations as the said Company or their Committee of Directors shall in that Behalf direct or appoint; and in case of Neglect or Refusal to pay any such Tolls, Rates, and Duties, or any Part thereof, unto the Person or Persons who shall be appointed to receive the same, it shall be lawful for the Person or Persons to whom such Tolls, Rates, or Duties ought to have been paid, and he and they is and are hereby authorized and empowered, to seize and distrain the Goods, Wares, Merchandizes, or Commodities for or in respect of which such Tolls, Rates, or Duties ought to have been paid as aforesaid, or any Part thereof, and the Ship, Boat, Barge, or other Vessel laden therewith, or any other Ship, Boat, Barge, or other Vessel, Goods or Commodities, belonging to the Owner of such first-mentioned Ship, Boat, Barge, or other Vessel, and lying and being upon the said Navigation or Canal, or any of them, or upon any Wharf or any Warehouse adjoining thereto, and to detain the same respectively until full Payment shall be made of such Tolls, Rates, and Duties, and of all Arrears of the same which shall or may be then due from the Owner of such Ship, Boat, Barge, or other Vessel, to the said Company, together with the reasonable Costs and Charges of such Seizure and Distress; and in case such Distress shall not be redeemed within Six Days from the taking thereof the same shall and may be appraised and sold as the Law directs in Cases of Distress for Rent.

XCVII. And

Powers for Justices in case of Dispute to settle the Rates, &c.

XCVII. And be it further enacted, That in case any Dispute or Disputes shall arise concerning the Amount of Tolls, Rates, or Duties due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall and may be heard and determined by Two Justices of the Peace for the Counties of *Tipperary*, *Waterford*, or *Kilkenny*, within their respective Jurisdictions, who, upon Application made to them, shall examine the Matter upon Oath or Affirmation of the Parties or other Witness or Witnesses, (which Oath or Affirmation every such Justice is hereby authorized and empowered to administer,) and shall determine the Amount of Toll due, and other Matters aforesaid in dispute between the Parties, and may also award such Costs to be paid by either Party to the other, as to such Justices shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hands and Seals of such Justices (which Warrant all such Justices are hereby empowered to issue); and the Overplus (if any), after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained.

Vessels sunk to be weighed up by the Owners immediately.

XCVIII. And be it further enacted, That if any Ship, Boat, Barge, or other Vessel shall happen to be sunk in the said Navigation and Canal, or either of them, and the Owner or Person having the Charge, Command, or Rule thereof do not without Loss of Time weigh or draw up the same again, and haul the same out of the Way of other Vessels passing and repassing upon the said Navigation and Canal, it shall and may be lawful for the Agents and Servants of the said Company to cause such Vessel to be weighed or drawn up, and to detain and keep the same till Payment be made of all Expences occasioned thereby; and if Payment be not made within Three Days after such Ship, Boat, Barge, or other Vessel be drawn up, then and in such Case it shall and may be lawful for such Agents and Servants to cause Sale to be made thereof, for reimbursing the said Expences and other incidental Charges, returning the Overplus (if any) to the Owner or Master of the same.

Owners may recover from their Servants.

XCIX. And be it further enacted, That if the Owner or Owners of any Vessel navigating or passing on the said Navigation and Canal shall be compelled to pay any Penalty or to make Satisfaction for any Damages by reason of any wilful Act, Neglect, or Default of his or their Servant or Servants, Sailors or Watermen, or any of them, then and in such Case every such Servant, Sailor, Boatman, or Waterman shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof upon Demand, and Oath (or solemn Affirmation by any Person or Persons being of the Society of Quakers) made by such Owner or Owners of the Payment made by him or them of such Penalty or Satisfaction for Damages, and the same and the Costs thereof have not been repaid to him or them by such Servants, Sailors, Boatmen, or Watermen, or

any

any of them, although demanded (such Oath or solemn Affirmation to be made before any Two or more of the Justices of the Peace of the County, Liberty, or Place where such Penalty shall have been recovered), the Amount thereof shall be recovered in like Manner as such Penalties or Satisfaction for Damages are by the Provisions of this Act to be recovered.

Penalty for taking away Materials got by the Company for Use of the Works.

C. And be it further enacted, That if any Person or Persons whosoever shall take away any Stones, Gravel, Sand, Clay, Rubbish, Timber, or other Materials which shall have been cut, dug, or gathered by or by the Order of or for the said Company, for the Purposes of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

In case of Nonpayment of Compensation for Materials or Damage by the Company, &c. the same to be levied by Distress of the Goods of the Company, or their Treasurer.

CI. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justices of the Peace to be paid, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or by any Person or Persons acting by or under their Authority, and such Sum and Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made, stating the Order of such Justices, and delivered to the said Company or to their Treasurer, in pursuance of the Direction or Order made by such Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Action at Law against the said Company or their Treasurer, or by Distress and Sale of the Goods and Chattels of the said Company or of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justices of the Peace, which Warrant any such Justices are hereby authorized and required to grant, under their Hands and Seals, on Application made to them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company, or their Treasurer for the Time being, as the Case may be.

Damages and Charges in Cases of Dispute to be settled by Justices.

CII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods

Goods and Chattels, in manner directed by this Act for the levying of any Penalties or Forfeitures.

For Recovery of Penalties.

CIII. And be it further enacted, That all Complaints and Informations of and for Offences against this Act, or any Rule, Order, or Bye Law to be made in pursuance thereof, (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed,) shall and may be made before any Two Justices of the Peace for the Counties of *Tipperary*, *Waterford*, or *Kilkenny*, according to their respective Jurisdictions, as the Case may be, and such Justices are hereby authorized and empowered to take cognizance thereof, and to summon the Person complained of to appear before them, or upon Complaint upon Oath to issue their Warrant for the Apprehension of any such Person, and upon the Appearance or Non-appearance of any such Person pursuant to such Summons, or upon such Person being apprehended with such Warrant, to hear the Matter of every such Complaint or Information by Examination of any Witness upon Oath, and to make such Determination thereon as such Justices shall think proper; and upon Conviction of any Person such Justices shall and may issue a Warrant, under their Hands and Seals, for levying the Penalty or Forfeiture by virtue of this Act, or of any Bye Law made in pursuance thereof, imposed for such Offence, together with the Costs of Conviction, to be ascertained by such Justices, by Distress and Sale of the Goods and Chattels of the Person so convicted; and in case such Penalty or Forfeiture shall not be forthwith paid, it shall and may be lawful for any such Justices to order any Person so convicted to be detained and kept in safe Custody until Return can be made to such Warrant of Distress, unless the Offender shall give sufficient Security to the Satisfaction of such Justices for his Appearance before such Justices, or before some other Two Justices of the Peace for the said County or Place in which such Offence shall be committed, on such Day as shall be appointed for the Return of such Warrant of Distress (such Day not being more than Seven Days from the taking of any such Security), and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Forfeiture and Costs as aforesaid, and such Penalty or Forfeiture and Costs shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, either by Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justices, and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Offenders to the Common Gaol or House of Correction for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Treasurer or Treasurers

of the said Company, and shall be applied and disposed of towards defraying the Expences of the said Navigation, and the Overplus (if any) arising from such Distress and Sale (after Payment of the Penalty, and the Costs and Charges attending the same,) shall be returned (upon Demand) to the Owner of the Goods and Chattels so distrained.

Justices may proceed by Summons in the Recovery of the Penalties.

CIV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before Two Justices of the Peace, it shall and may be lawful for any Two Justices of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before them, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to commit the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken before such Justices; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited.

Power to give Informer Part of Penalties.

CV. Provided always nevertheless, and be it further enacted, That it shall and may be lawful for any Justices before whom any such Conviction shall take place, if they shall think fit, to order and direct any Part of the said Penalties, Forfeitures, and Fines to be paid or applied to and for the Use of the Informer or Informers, or other Person or Persons aiding or assisting in the Apprehension of any Offender or Offenders therein, or any of them, who shall not have been a Witness or Witnesses on the Trial of the Information or Informations; any thing herein contained to the contrary notwithstanding.

For apprehending and committing Offenders.

CVI. And be it further enacted, That it shall and may be lawful for any Person or Persons who shall see any Offence committed against the Provisions of this Act by any Person destroying or doing any wilful Damage to the said Navigation or Canal, or any Buildings or Works thereto belonging, or otherwise contrary to any other Provisions in this Act contained, to apprehend and detain any such Offender, without any Warrant or other Authority than this Act, and to take such Offender, or cause him to be taken by some Constable or other Peace Officer, before any Justices of the Peace, as before mentioned.

For compelling Witnesses to attend.

CVII. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justices of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or

(in

(in case of a Quaker or Quakers) on solemn Affirmation, and to give Evidence before any such Justice, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Persons acting under Authority of Company not to be disqualified from being Witnesses.

CVIII. And be it further enacted, That in case of any Dispute, Suit, or Litigation respecting the said Tolls, Rates, or Duties, or other Matter or Thing relating to the said Navigation, or Officers, Agents, or Servants of or other Person or Persons acting by or under the Authority of the said Company or of this Act shall for that Reason alone be disqualified from giving Evidence in such Dispute, Suit, or Litigation respecting any thing ministerially done by them or any of them in the Execution of their respective Offices or Authorities.

Form of Conviction.

CIX. And be it further enacted, That all and every Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same or the like Effect; (that is to say,)

'
' to wit. } BE it remembered, That on the Day of
' in the Year of our Lord
' *A.B.* is convicted before us *C. D.* and *E. F.*, Two of His Majesty's
' Justices of the Peace for the at , for
' that he the said *A. B.* at did
' [*as the Case may be, specify the Offence, and the Time and Place of*
' *committing it*], contrary to an Act passed in the
' Year of the Reign of King *William* the Fourth [*here set forth the*
' *Title of this Act*]. Given under our Hands and Seals the Day and
' Year first above mentioned.'

Persons taking Distress irregularly not to be deemed Trespassers ab initio.

CX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

Plaintiff not to recover without Notice nor after Tender of Amends.

CXI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Suit to be commenced against the said Company, or any Person or Persons, for any thing done in pursuance of this Act, or in execution of the Powers thereof, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his or their last or usual Place of Abode, or to the said Company,

pany, Thirty Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plantiffs recover in any Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by and on behalf of the said Company or other Defendant or Defendants, before such Action shall have been brought; and in case no such Tender shall have been made it shall be lawful for such Company or other Defendant or Defendants in any Action, by Leave of the Court after such Action shall have been brought, and at any Time before Issue joined, to pay into Court such Sum of Money as the said Company or such other Defendant or Defendants as aforesaid shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions wherein Defendants are allowed to pay Money into Court.

Appeal to the Quarter Sessions.

CXII. And be it further enacted, That any Person or Persons who shall think himself, herself, or themselves aggrieved by any Rule, Bye Law, or Order of the said Company, or any Order or Judgment given in pursuance thereof, or any Proceedings before, or by the Order or Determination of, any Justices of the Peace in pursuance of this Act, may complain to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the County in and for which such Order or Judgment shall have been made and given, which shall be held from and after the Expiration of Three Calendar Months after such Order shall be made or given, the Person or Persons appealing having given at least Ten Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, and to the Clerk of the said Company, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace of such County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions, or if they think proper adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said County, and, if they see Cause, may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive on all Parties, to all Intents and Purposes whatsoever.

Proceedings not to be quashed for Want of Form or

CXIII. Provided always, and be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceedings to be had or taken touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders in pursuance

suance of this Act, shall be quashed or vacated for Want of Form only, or be removed or be removeable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Dublin* or elsewhere. removed by Certiorari.

CXIV. And be it further enacted, That no Action, Suit, or Information shall be commenced against any Person or Persons for any thing done in pursuance of this Act, or in execution of the Powers and Authorities or the Orders and Directions hereby given or granted, after Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages, after Six Calendar Months next after the doing or committing of such Damages shall have ceased; and every such Action, Suit, or Information shall be laid or brought and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit shall or may plead the General Issue, and give this Act and the special Matter in Evidence in any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought before Thirty Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and in such Case, or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, Suits or Informations, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery of the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law. Limitation of Actions.

CXV. And be it further enacted, That in all Cases wherein it may be requisite or necessary, under the Provisions of this Act or otherwise, for any Person or Persons or Party or Parties to serve upon the said Company any Notice or Notices, Writ or Writs, or other judicial or legal Proceeding, or Proceedings in Equity, the Service thereof upon any One of the Directors of the said Company, or upon the Clerk of the said Company, or left at the Office or usual Place of Abode of such Director or of such Clerk, or upon any Agent or Officer of the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively upon the Company. For Service of Notices, &c. on the Company.

CXVI. Provided always, and be it further enacted, That no Justice of the Peace, Sheriff or Coroner, or Person authorized by this Act to act in the Stead of such Sheriff, shall be capable of acting as such Justice of the Peace, Sheriff or Coroner, or in the Stead of such Sheriff, in the Execution of this Act, during the Time he shall be Justices, &c. not to act when interested.

be one of the Proprietors or Members of the said Company, or enjoy any Office of Trust or Profit under them, or be personally or individually interested in any Contract under the said Company.

Public Act. CXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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