ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

Cap. clxxix.

An Act for embanking and reclaiming from the Sea certain Lands now under Water, or subject to be overflowed by the Tide in the Lake, Lough, or Estuary called *Tacumshin* otherwise *Tacumshin Lake*, in the County of *Wexford*.

[31st *July* 1845.]

WHEREAS there are in the Lake, Lough, or Estuary called *Tacumshin Lake*, in the County of *Wexford* in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, certain Waste Lands or Mud Banks usually called Slobs, which being either under Water, or subject to be covered by the Tide Waters, are in their present State incapable of Cultivation, and of little Value: And whereas the Queen's most Excellent Majesty in right of Her Crown claims to be entitled to the said Waste Lands, Mud Banks, or Slobs, or some Part thereof: And whereas it would be of great public and local Advantage if the said Waste Lands, Mud Banks, or Slobs were embanked from the Sea, improved, and brought into Cultivation: And whereas the Persons herein-after named are willing, at their own Expence, to undertake the Embankment, Cultiva-

tion, and Improvement of the said Waste Lands, Mud Banks, or Slobs; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in the Construction of this Act every Word importing the Singular Number only shall be extended and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Undertaker" shall extend to and mean all and every the Persons for the Time being respectively who are by this Act declared to be Undertakers for executing the Purposes of this Act; and the Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure; and the Word "Corporation" shall mean a Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Interpretation of certain Terms used in the Act.

Undertakers empowered to embank Waste Lands, &c.

II. And be it enacted, That *Charles Morrison* of *Upper Harley Street* in the County of *Middlesex*, Esquire, and *John Heathcoat* of *Tiverton* in the County of *Devon*, Esquire, their Heirs and Assigns, shall be and are hereby declared to be the Undertakers for executing the Purposes of this Act, and such Undertakers shall be and they are hereby authorized and empowered, subject to the Provisions and Restrictions of this Act, to embank from the Sea, reclaim, cultivate, and otherwise improve all and singular and such and so many and such Part and Parts of the said Waste Lands, Mud Banks, or Slobs as lie below High-water Mark at ordinary Spring Tides, whether the same now lie under Water or not (except as herein-after is mentioned), and as are known or called by the Names or Descriptions, and as lie within (or, being extra-parochial, adjoin) the Parishes, Townships, or Townlands herein-after mentioned; (that is to say,) in so far as the same are contained in the said Lake, Lough, or Estuary called *Tacumshin* otherwise *Tacumshin Lake* as are situated in (or, being extra-parochial, adjoin) the Parishes, Townships, or Townlands of *Tacumshin*, *Ballymore*, *Ishartmon*, *Tomhaggard*, *Ballymurry*, *Churchtown*, *Siggingstown*, *Walshestown*, *Ballyboy*, *Rathnedan*, *Grange*, *Lingstown Lower*, *Lingstown Upper*, *Crosscales*, *Mountpill*, *Tiladavin*, *Ballagh*, *Ballagh Burrow*, *Mountpill Burrow*, *Grogan Burrow*, *Grogan*, *Sigginstown Island Great*, *Sigginstown Island Little*, or some of them, all in the County of *Wexford*; and also so much and such Part of the Strand and Mud, or Sand-bar, Sea-beach, or Sea-shore, lying in front of or near to the said Lake, Lough, or Estuary of *Tacumshin* otherwise *Tacumshin Lake*, as shall be determined by the Board of Commissioners herein-after mentioned to be necessary or proper to be taken and used for the Purposes of this Act, as the Boundaries of such Waste Lands, Mud Banks, or Slobs, and of

such Part of the said Strand, Sand Burrow, Beach, or Sea-shore, are more particularly ascertained and defined in the Map or Plan made out and deposited as herein-after mentioned and referred to: Provided always, that nothing herein contained shall be held or construed to vest in the said Undertakers, their Heirs or Assigns, any Right or Title in or to, or to extend to authorize or empower the said Undertakers, their Heirs or Assigns, to take possession of, any Portion of the said Waste Lands, Mud Banks, or Slobs, without the Consent of the Parties entitled thereto, or which at the Time of such Embankment as aforesaid being commenced are or shall be capable of being grazed by Cattle, otherwise than in Cases herein-after specially provided for; and provided further, that nothing herein contained shall bind the said Undertakers to embank or cause to be embanked any Part or Portion of the said Waste Lands, Mud Banks, or Slobs as shall not in the Discretion of the said Undertakers be likely to compensate them for the Outlay necessary for such embanking: Provided always, that nothing herein contained shall authorize the said Undertakers or either of them to assign the Waste Lands, Mud Banks, or Slobs hereby authorized to be reclaimed, or any Part thereof, or any of the Powers hereby granted, until all Sums awarded by way of Compensation under this Act shall have been paid, and the Works hereby authorized shall have been completed to the Satisfaction of the Commissioners appointed or to be appointed in virtue hereof.

The Act 8 & 9 Vict. c. 18. incorporated with this Act.

III. And be it enacted, That the Lands Clauses Consolidation Act, 1845, so far as not otherwise provided by this Act, or inconsistent therewith, shall be incorporated with and form Part of this Act.

Lands to be taken only by Agreement.

IV. Provided always, and be it enacted, That nothing in the said Lands Clauses Consolidation Act or in this Act contained shall authorize the said Undertakers, their Heirs or Assigns, to purchase, take, or use any Lands unless with the Consent of and by an Agreement with the Owners thereof.

Appointment of Board of Commissioners.

V. And be it enacted, That *Charles Arthur Walker* of *Belmont*, *William Andrew Armstrong* of *Rathmonee*, *Charles Jacob* of *Bushville*, *Henry H. Jones* of *Ashfield*, *Henry Lloyd* the elder of *Ballycogly*, *Henry Lloyd* the younger of *Ballycogly*, *John Nunn* of *Silverspring*, *Samuel Green* of *Ballyharty*, and *John Goodall* of *Wilton*, all in the County of *Wexford*, Esquires, and their Successors, as herein mentioned, shall be and they are hereby appointed a Board of Commissioners for ascertaining and determining the High-water Mark Boundary at ordinary Spring Tides of the said Waste Lands, Mud Banks, or Slobs, and other the Purposes herein mentioned; and at the Meetings of the said Board of Commissioners the Commissioners present shall appoint from amongst themselves One Commissioner to act as the Chairman of such Meeting; and the Chairman at every such Meeting shall have the same Right of voting as the other Commissioners present, and in case of an Equality of Votes such Chairman shall have the casting or decisive Vote.

Grand Jury of Wexford to fill up

VI. And be it enacted, That in case any Commissioner hereby appointed or hereafter to be appointed a Commissioner of the said Board

Vacancies in Commissioners.

Board shall die, or neglect or refuse or become incapable to act, it shall be lawful for the Grand Jury of the County of *Wexford*, and they are hereby authorized and directed, from Time to Time to nominate and appoint such other Person not being interested in the Premises as to them shall seem proper in the Stead of the Commissioner so dying, or neglecting or refusing or becoming incapable to act as aforesaid; and every Commissioner so nominated and appointed shall from and immediately after his Appointment, and making the Declaration prescribed in that Behalf, have such and the like Powers and Authorities as if he had been named and appointed a Commissioner in and by this Act.

Commissioners to sign a Declaration.

VII. Provided always, and be it enacted, That no Person shall act as a Commissioner in the Execution of this Act, except for the Purpose of signing and giving Notice of the First Meeting of the said Commissioners, until he shall have made and signed the Declaration following; (that is to say,)

Form of Declaration.

'I *A. B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and 'Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an 'Act passed in the Eighth and Ninth Years of the Reign of Queen '*Victoria*, intituled [*here insert the Title of this Act*], according to 'Equity and good Conscience, and without Partiality, Fear, Favour, 'or Affection, Prejudice or Malice, to any Person whomsoever:'

Which Declaration it shall be lawful for any Justice of the Peace acting within his Jurisdiction to take and receive, and such Justice is hereby required to take and receive the same.

What shall be deemed Refusal to act by Commissioners.

VIII. And be it enacted, That if any Commissioner hereby appointed or hereafter to be appointed, and not prevented by Sickness or other unavoidable Cause, shall neglect to attend any Five successive Meetings of the Board of Commissioners, such Neglect shall be deemed a Refusal on the Part of such Commissioner to act in the Execution of this Act.

Meetings and Adjournment of Commissioners.

IX. And be it enacted, That the said Board of Commissioners shall and they are hereby required to meet within Fourteen Days after being requested so to do by the said Undertakers, their Heirs or Assigns, and after such First Meeting to hold such and so many subsequent Meetings for carrying this Act into execution, by Adjournment or otherwise, as to them shall seem necessary; and each Meeting of the said Board of Commissioners shall be held at some convenient Place within the said County of *Wexford;* and if on the Day appointed for any such Meeting Three Commissioners shall not attend, it shall be lawful for the Commissioners or Commissioner present, or for the Clerk of the said Commissioners, respectively to adjourn such Meeting, to be held at the same or any other convenient Place on any future Day not exceeding Fourteen Days from the Day of Adjournment; and all the Powers and Authorities by this Act granted to or vested in the said Board of Commissioners shall and may from Time to Time be exercised by them, or by the major Part of them present at any Meeting

Meeting to be held in pursuance of this Act, such Commissioners present not being less than Three; and every Award, Order, and Determination of the said Commissioners, being reduced into Writing, and signed by the Commissioners present at such Meeting, or the major Part of them, as aforesaid, shall be filed of Record in the Office of the Clerk of the Peace of the said County of *Wexford;* and any such Award, Order, and Determination, or an Office Copy thereof, certified by the Clerk of the Peace of such County to be a true Copy, shall without further Proof be allowed to be adduced and read as *primâ facie* Evidence in all Courts and in all Proceedings whatsoever; and the said Commissioners shall and they are hereby required to cause Notice to be given of the Time and Place of such their First and every other Meeting or Sitting for carrying the same into execution, by causing the same to be inserted in One of the Newspapers usually circulated in the said County of *Wexford*, Seven Days at least before every such Meeting or Sitting (Sitting by Adjournment only excepted), every such Notice to certify the particular Cause or Object of such Meeting being appointed.

Commissioners to appoint a Clerk.

X. And be it enacted, That it shall be lawful for the said Board of Commissioners from Time to Time to appoint some fit and proper Person to be the Clerk to such Board, to assist them in the Execution of this Act, and such Clerk from Time to Time to remove, and another to appoint in his Room, as to the said Board shall seem proper.

Remuneration of Commissioners.

XI. And be it enacted, That each of the said Commissioners shall be allowed and paid by the said Undertakers, their Heirs or Assigns, the Sum of One Pound and One Shilling and no more for each Day he shall travel or be employed in the Execution of this Act, in full Satisfaction for his Trouble and Expences in carrying this Act into execution; and the said Commissioners and their Clerk, and all other Persons who shall attend any Meeting of the said Commissioners, shall defray their own Expences, except for the Use of the Room in which the Meetings of the said Commissioners shall be holden.

Duration of a Day and Sittings of Commissioners.

XII. And for regulating the Duration of all Meetings of the said Commissioners to be holden for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March;* and any Meeting for the Purposes of this Act of less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged as only Half a Day, and the said Commissioners and their Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioners or their Clerk, in which Book shall be entered the several Days of their Meetings, and at what Hours the said Commissioners and their Clerk came to and left such Meetings, and such Book shall be signed by the said Commissioners or their Clerk at the Termination of each of their respective Sittings.

Power for the Commissioners to

XIII. And be it enacted, That it shall be lawful for the said Commissioners or any Two of them, under their Hands and Seals, to summon

summon Witnesses.

summon any Person as a Witness whose Evidence the said Commissioners shall deem necessary or important in reference to the several Matters and Things to be decided, fixed, and determined by them as herein mentioned, and also to tender and allow a reasonable Sum to such Witness for his Loss of Time, Costs, and Charges; and in default, refusal, or neglect, without a reasonable Excuse, on the Part of such Witness, to attend and give Evidence at the Time and Place to be for that Purpose appointed, after such reasonable Sum shall have been paid for or tendered to him, or in case such Witness appearing shall refuse to be examined upon Oath or Declaration (which Oath or Declaration the said Commissioners are hereby empowered to take and administer), then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Commissioners to inquire into and determine Boundaries.

XIV. And be it enacted, That it shall be lawful for the said Board of Commissioners and they are hereby authorized and required, by Examination of Witnesses upon Oath or Declaration, or by such other legal Ways as they shall think proper, to inquire and examine, and, if necessary for the Purpose, by entering upon any Lands (which they are hereby empowered to do) to ascertain, set out, fix, and determine, the Boundaries of the said Waste Lands, Mud Banks, Slobs, or Lough at ordinary Spring Tides, High-water Mark, as may be necessary for the Purposes of this Act; and so soon as they shall have ascertained, set out, fixed, and determined the said Boundaries, and reduced their Decision into Writing, such Decision, with the Plan or Map of such Waste Lands, Mud Banks, Slobs, or Lough annexed thereto, and showing thereon the proposed Embankment, shall be filed of Record in the Office of the Clerk of the Peace for the County of *Wexford:* Provided always, that it shall be lawful for the said Board of Commissioners to adopt the Maps of the Ordnance Survey, if they shall think proper, to determine the Boundaries of the said Lough, without requiring any further Survey, Admeasurement, or Plan to be made of the same: Provided always, that nothing herein contained shall extend or be construed to extend to give Power to the Commissioners hereby appointed or hereafter to be appointed (except in the Cases herein-after particularly mentioned) to include within the Boundaries of the said Waste Lands, Mud Banks, or Slobs which they are hereby authorized and required to ascertain, set out, fix, and determine for the Purposes of this Act, any Part of the said Waste Lands, Mud Banks, or Slobs which at the Time of such Embankment as aforesaid being commenced are or shall be capable of being grazed, whether they are situate between the High-water and Low-water Mark Boundary at ordinary Spring and Neap Tides or otherwise.

Commissioners not to include within Boundaries any Part of reclaimed Lands capable of being grazed.

Commissioners to ascertain the Value of the Lands to be reclaimed, One Eighth of such Value to be appor-

XV. And whereas the said Undertakers have agreed, notwithstanding that the Waste Lands, Mud Banks, Slobs, or Lough are the Property of the Crown in virtue of the Royal Prerogative, to apportion in manner herein-after mentioned the Value of One Eighth Part thereof among the Proprietors or Owners of the Lands abutting upon or adjoining thereto in respect of the Works by this Act authorized; be it therefore enacted, That the said Commissioners shall, as soon as

conveniently

conveniently may be after the Completion of the Embankment and other Works for excluding the Sea from the said Waste Lands, Mud Banks, and Slobs, ascertain and declare in Writing the Amount of One Eighth Part of the Value in Money of the whole of the Waste Lands, Mud Banks, or Slobs hereby authorized to be embanked and reclaimed as aforesaid, such Value to be ascertained according to the Value of the said Waste Lands, Mud Banks, and Slobs in the State in which they shall be at the Time of such Embankment being completed, and shall apportion such One Eighth Part amongst the Proprietors and Owners of the Land abutting upon and adjoining to the said Waste Lands, Mud Banks, or Slobs according and in proportion to the Extent of the Frontage of such Land abutting upon or adjoining the said Waste Lands, Mud Banks, or Slobs to be so embanked and reclaimed as aforesaid, and shall declare such Apportionment in Writing, and shall cause the same to be communicated to such Proprietors and Owners respectively, their Guardians or Trustees; and that, notwithstanding any thing herein-before contained, it shall be lawful for every Proprietor or Owner of any Land abutting upon or adjoining to any Part of the Waste Lands, Mud Banks, or Slobs hereby authorized to be embanked and reclaimed as aforesaid, or his Guardian or Trustee, to claim and receive of and from the said Undertakers, their Heirs or Assigns, the Amount to be so apportioned to him as aforesaid in full Compensation and Satisfaction of and for all the Estate, Royalty, Interest, or Right of such Proprietor or Owner in or to any Part of the said Waste Lands, Mud Banks, or Slobs, and of and for all Loss, Damage, Injury, or Prejudice arising by or in consequence of the Operations by this Act authorized, to any Estate, Royalty, Interest, or Right of such Owner or Proprietor in or upon the said Waste Lands, Mud Banks, or Slobs, or any Part thereof, or in or upon any Lands abutting thereon or adjoining thereto, the same to be raisable and recoverable and to be secured in the meantime in such and the like Manner as any Money to be ordered or awarded to be paid for Value or Compensation, as herein-before mentioned, is herein-before provided to be raised and recovered and secured.

tioned among the Proprietors whose Lands adjoin the same.

XVI. And be it enacted, That in case it shall appear to the said Commissioners to be fit and proper, in order to the forming a more convenient and regular Boundary to the Waste Lands, Mud Banks, and Slobs hereby authorized to be embanked and reclaimed, that any such Exchange as hereafter mentioned should be made, it shall be lawful for the said Undertakers, their Heirs or Assigns, with the Consent in Writing of the said Commissioners, of the major Part of them, to grant and convey any Part of the Waste Lands, Mud Banks, and Slobs hereby authorized to be embanked and reclaimed as aforesaid, in exchange for any other Land near or adjoining to the same, or any other Part of the said Waste Land, Mud Banks, or Slobs which may be agreed in manner herein-after mentioned to be given in exchange for such first-mentioned Land.

Power to make Exchange of Lands for more conveniently forming the Boundary.

XVII. And be it enacted, That for the Purposes last mentioned it shall be lawful for all Bodies Politic, Corporate, or Collegiate, and Corporations

Incapacitated Persons authorized

rized to exchange Lands for the greater Regularity of the Boundary.

Corporations Aggregate or Sole, Tenants for Life or in Tail, or for 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 for all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Persons entitled in reversion, remainder, or expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issues unborn, Lunatics, Idiots, Femes Covert, or other 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, to agree for the giving and to give any Land near or adjoining the said Waste Lands, Mud Lands, or Slobs, or any Part thereof, in exchange for any Part of the said Waste Lands, Mud Lands, or Slobs, and to accept such Part of the said Waste Lands, Mud Lands, or Slobs in full Satisfaction and Compensation for the Lands to be so given in exchange for the same as aforesaid.

Lands given in exchange to be upon like Trusts as the Lands in exchange for which the same are given.

XVIII. And be it enacted, That all such Parts of the said Waste Lands, Mud Lands, and Slobs as shall be agreed to be given in exchange for other Lands, as agreed, shall respectively remain and be, and the several Persons and Corporations to whom the same shall be agreed to be given as aforesaid shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Trusts, Interests, and Purposes, and for and during such and the same Estates, Terms, and Interests, and with, under, and subject to such and the same Will, Settlements, Limitations, Remainders, Conditions, Charges, and Incumbrances, in all respects as the same Hereditaments in respect whereof the same were given in exchange would have stood severally limited, settled, vested, or subject or liable in case this Act had not been passed.

Lands in Fee Simple to vest in Persons to whom it is given in exchange, although Fee may not vest in Undertaker at the Time.

XIX. And be it enacted, That the Conveyance in Fee Simple of any Land agreed to be given in exchange by the said Undertakers, their Heirs or Assigns, as aforesaid, shall be made by the said Undertakers, or their Heirs or Assigns respectively; and every such Conveyance shall as to the Land thereby conveyed be as effectual for the Purpose of limiting the same to the Person, his Heirs or Assigns, or to the Corporation, their Successors and Assigns, to whom the same shall be conveyed, or to such Uses and in such Manner as such Person or Corporation, or his or their Heirs, Successors, or Assigns, shall direct or appoint, as the same would have been if the Fee Simple and Inheritance of such Land had by virtue of this Act been previously vested in and become the Property of the said Undertakers, their Heirs and Assigns.

Undertakers not to injure the Drainage of adjoining Lands.

XX. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to empower the said Undertakers, their Heirs or Assigns, to injure the draining of the Lands adjoining the said Waste Lands, Mud Banks, or Slobs to be embanked and reclaimed by virtue of this Act, nor to prevent or impede the

the free Discharge of the Waters of any of the Rivers, Streams, or Creeks running from such adjoining Lands.

Her Majesty's Commissioners of Woods, &c. may make an absolute Grant of Her Majesty's Rights, &c.

XXI. And whereas for the Promotion of the Improvements contemplated by this Act, and for the Encouragement of the said Undertakers to execute the same, it may be deemed expedient and proper to grant to the said Undertakers, their Heirs and Assigns, any Estate, Right, Title, or Interest which the Queen's Majesty, Her Heirs and Successors, may have or claim into, out of, or upon the said Waste Lands, Mud Banks, or Slobs, or into, out of, or upon such Part thereof as may be embanked and reclaimed by the said Undertakers, their Heirs or Assigns, in manner herein mentioned; be it therefore enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, with the previous Authority of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury for the Time being, or any Three of them, to be signified by some Warrant under his or their Hand or Hands, at any Time during the Term of Five Years from the passing of this Act, to grant to the said Undertakers, their Heirs or Assigns, the whole or any Part of such Estate, Right, Title, or Interest as Her Majesty may so have or claim as aforesaid into, out of, or upon the said Waste Lands, Mud Banks, Slobs, or Lough, or into, out of, or upon such Part thereof as during the said Term of Five Years may be substantially embanked and effectually reclaimed by the said Undertakers, their Heirs or Assigns, for such Consideration in Money, and either absolutely, or subject to such Conditions, Limitations, and Restrictions, as the said Commissioners for the Time being shall in their Discretion think expedient.

Slobs vested in the Undertakers.

XXII. And be it enacted, That upon Payment or legal Tender of any Money agreed on, awarded, or assessed as Compensation in manner herein provided, and upon the Agreement for the Exchange of any Land in manner herein-before provided, and upon the Conveyance thereof in Cases where a Conveyance is herein-before directed to be made, and as soon as the said Embankment and Reclamation shall have been completed to the Satisfaction of the said Commissioners appointed or to be appointed by virtue of this Act, and such Completion shall be certified under the Hands of the Commissioners, or the major Part of them, at a Meeting to be held for that Purpose pursuant to the Directions of this Act, and not before, all and singular the Waste Lands, Mud Banks, Sand Banks or Burrows, Lough and Slobs, hereby authorized to be embanked and reclaimed, together with all yearly and singular Profits thereof, and all the established Right, Title, Interest, Use, Trust, Possibility, Claim, and Demand whatsoever therein or thereto, either at Law or in Equity, of any Person or Persons, Bodies Politic or Corporate, and Corporations Aggregate or Sole, shall, subject to the Provisoes herein-after contained, be vested in and become the Property of the said Undertakers, their Heirs and Assigns for ever, in such Shares and Proportions as may be agreed upon between themselves, and thenceforth all and every the Estates, Rights, Titles, and Interests of all Persons and Corporations whatsoever in the said Waste Lands, Mud Banks, Sand Banks or Burrows,

Lough and Slobs, shall, save as herein is provided, be barred and determined.

Undertakers to have no exclusive Property in Land, and the Seaweed or Shells found thereon, outside the Embankment.

XXIII. And be it enacted, That nothing herein contained shall extend or be construed to extend to confer upon the said Undertakers, their Heirs or Assigns, any Right, Title, Claim, or Property to or in the Land, Mud Banks, or Slobs, and the Seaweed, Sand, Glar, or Shells growing, deposited, or found thereon, which may be outside any Embankment that shall be constructed or found under the Authority of this Act, contrary to or against any Right, Title, Claim, or Interest of Her Majesty in right of Her Crown, or any Corporation or Person whomsoever: Provided always, that, notwithstanding any thing herein contained, until the said Embankment and Reclamation shall have been so far completed as to exclude the Sea from the said Waste Lands, Mud Banks, or Slobs, or any Part thereof, it shall be lawful for all Persons who have been accustomed to collect, gather, or procure Slob, Sand, Glar, Marl, Shells, and Seaweed to continue to collect, gather, or procure Slob, Sand, Glar, Marl, Shells, and Seaweed within or upon the said Waste Lands as if this Act had not been passed.

Portion of the Slobs capable of being grazed not vested in Undertakers.

XXIV. And be it enacted, That nothing herein contained shall vest or be construed to vest in the said Undertakers, their Heirs or Assigns, those Portions of the said Waste Lands and Banks and Slobs which at the Time of the said Embankment and Reclamation being commenced are or shall be capable of being grazed by Cattle as aforesaid.

Undertakers to lay out Roads for the Use of the Proprietors of Lands adjoining Tacumshin Lake.

XXV. And be it enacted, That the said Undertakers, their Heirs or Assigns, shall, as soon as conveniently may be after the said Waste Lands, Mud Banks, and Slobs shall have been embanked and reclaimed, lay out over those Parts of the said Waste Lands, Mud Banks, and Slobs such convenient Roads for the Use of the Owners and Occupiers of the Lands adjoining, and to enable them to draw and carry away Sand and Seaweed from the Sea Beach or Shore for the Use of their said Lands, as the said Commissioners shall think fit and appoint for that Purpose.

Undertakers &c. liable to Costs and Charges in the Execution of the Provisions, &c. of this Act.

XXVI. And be it enacted, That for all Costs, Charges, or Expences properly payable by the said Undertakers, their Heirs or Assigns, for any of the Purposes or incurred in the Execution of the several Powers or Provisions of this Act, including the Fees of the said Commissioners, and the Remuneration of their Clerk, unless supplied with Money for the aforesaid Purposes by the said Undertakers, it shall be lawful for the said Board of Commissioners from Time to Time to raise by the Sale or Mortgage of a competent Part or Parts of the said Waste Lands and Banks or Slobs when reclaimed a sufficient Sum or Sums to pay or discharge such Costs, Charges, or Expences, and to make a good and legal Title thereto to such Purchaser or Purchasers, Mortgagee or Mortgagees.

As to Service of Notice on Undertakers.

XXVII. And be it enacted, That in all Cases wherein it may be requisite or necessary for any Person or Party to serve upon the said Undertakers, their Heirs or Assigns, any Notice or Writ or other legal Proceedings, the Service left at the Office, House, or last known Place of

of Abode of the said Undertakers, their Heirs or Assigns, or of any One or more of them, or of their Agent in *Ireland* for the said Embankment and Reclamation duly registered, shall be deemed good and sufficient Service of the same respectively upon the said Undertakers, their Heirs or Assigns, as herein-after provided.

Name of the Agent to be registered with the Clerk of the Peace.

XXVIII. And be it enacted, That within Two Months of the passing of this Act, and before the Commencement of the said Works, the said Undertakers or either of them shall deliver to the Clerk of the Peace of the County of *Wexford*, who is hereby required to register the same, the Name of the Agent of the said Undertakers, being some Person resident in the said County, for the said Embankment and Reclamation, and that Service of any Notice, Writ, or legal Proceeding upon the Person whose Name shall be so registered shall, until such Time as the said Works shall be completed, and all Sums awarded for Compensation paid, after the Expiration of Ten Days after such Service, be deemed good and sufficient Service upon the said Undertakers.

Penalty on destroying Works or obstructing Persons in execution of this Act.

XXIX. And be it enacted, That if any Person shall injure or damage any of the Embankments, and shall wilfully and to the Detriment of the said Undertakers or of their Assigns injure, break, throw down, destroy, steal, or take away any Part of the Works erected or made by virtue of this Act, or any Part of the Materials of such Works, so that the said Works shall be liable to be injured, obstructed, impeded, or otherwise interrupted, or shall wilfully obstruct or prevent any Person in the lawful Exercise of this Act, he, and every Person actually or constructively aiding or assisting therein, shall forfeit and pay any Sum not exceeding Ten Pounds, besides making good the Damages, where Damages have arisen by or in consequence of such Offence.

Justices may proceed by Summons.

XXX. And be it enacted, That in all Cases in which by this Act any Penalty or Forfeiture or Costs is or are made recoverable by Information before a Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall have been made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture or Costs incurred, and proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing or in Print shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

For Recovery of Penalties.

XXXI. And be it enacted, That all Complaints and Informations of Offences against this Act (except in Cases where the Manner of hearing and determining thereof is herein-before or otherwise directed) shall and may be made before any Justice of the Peace for the County or Place where the Offence shall be committed, and such Justice is hereby authorized and empowered to take cognizance thereof, and to summon

summon the Person so complained of before him, or upon Complaint upon Declaration or Oath to issue his Warrant for the Apprehension of any such Person, and upon the appearing or nonappearing of such Person pursuant to such Summons, or upon such Person being apprehended with such Warrant, to hear the Matter of every such Complaint and Information by Examination of any Witness upon Declaration or Oath, and to make such Determination thereon as such Justice shall think proper; and upon Conviction of any Offender such Justice shall and may issue a Warrant under his Hand and Seal for levying the Fine, Penalty, or Forfeiture by virtue of this Act imposed for such Offence by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall be lawful for any such Justice to order any Person so convicted to be detained and kept in the Custody of any Constable or other Peace Officer until it can be ascertained whether any such Person hath any Goods and Chattels whereon such Fine, Penalty, or Forfeiture can be levied; and in case sufficient Goods or Chattels of any Person liable to any such Fine, Penalty, or Forfeiture cannot be found whereon to make such Distress, and such Fine, Penalty, or Forfeiture shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereon such Fine, Penalty, or Forfeiture, and Charges, may be levied, if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to any Common Gaol or House of Correction for any Time not exceeding Three Calendar Months, unless such Fine, 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, when the Application is not otherwise directed by this Act, be paid into the Hands of the said Undertakers, their Heirs or Assigns, and shall be applied and disposed of towards defraying the Expences of the said Embankment and Reclamation, or the Maintenance and Preservation thereof, as the Case may be; and the Overplus, if any, arising from such Distress and Sale, after Payment of the Fine, Penalty, or Forfeiture, and the Charges attending the same, shall be returned, upon demand, to the Owner of the Goods and Chattels so distrained.

Provision in case of Damage to Works.

XXXII. And be it enacted, That it shall be lawful for any Person who shall see an Offence committed against this Act by any Person destroying or doing any wilful Damage to the Works by this Act authorized to be made contrary to any of the Provisions herein-before contained, as respects the said Embankment and Works, to apprehend and detain any such Offender without any Warrant or other Authority than this Act, and to convey such Offender, or cause him to be conveyed by some Constable or other Peace Officer, before any Justice of the Peace for the County of *Wexford*.

For Conviction of Offenders.

XXXIII. And for the more easy and speedy Conviction of Offenders against this Act, be it enacted, That every Justice of the Peace before whom

whom any Person shall be convicted of any Offence, Matter, or Thing against this Act shall and may cause the Conviction to be drawn up according to the following Form; that is to say,

Form of Conviction.

' to wit. } BE it remembered, That on the Day of in the Year is convicted before me [*or* before us], One [*or* Two] of Her Majesty's Justices of the Peace for the County of *Wexford* [*here describe the Offence, and Time and Place where committed*], contrary to an Act passed in the Eighth and Ninth Years of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of the Act*]. Given under my Hand and Seal [*or* our Hands and Seals], the Day and Year first above written.'

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

XXXIV. And be it enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall any Party making the same be a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall afterwards be committed by him, but all Persons aggrieved by such Defect or Irregularity shall and may recover full Satisfaction for any Damage by an Action on the Case.

Proceedings not to be quashed for Want of Form or removed by Certiorari.

XXXV. And be it enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Dublin* or elsewhere, any Law or Statute to the contrary notwithstanding.

Limiting the Time for commencing and completing Works.

XXXVI. And be it enacted, That in case the said Embankment shall not have been commenced within Two Years after the passing of this Act, and in case the said Embankment shall not be completed, so that the said Lands, Mud Banks, or Slobs be reclaimed, improved, and fit for Use or Occupation, within Five Years, to be computed from the passing of this Act, then and in either of such Cases, from and immediately after the Expiration of the said several Terms, all the Powers, Authorities, and Privileges given by this Act shall absolutely cease and determine, and thereupon the said Waste Lands, Mud Banks, or Slobs shall revert to the Owners thereof as if this Act had not been passed.

Saving the Rights of the Lords of Manors.

XXXVII. And be it enacted, That nothing herein contained shall extend or be construed to extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Lord or Lords of any Manor adjoining or contiguous to any Part or Parts of the said Waste Lands, Mud Banks, or Slobs hereby authorized to be embanked and reclaimed as aforesaid, except so far as the same may be barred or extinguished by

any Act, Deed, Matter, or Thing to be made, done, or executed in pursuance of this Act.

Works on the Shore of the Sea, &c. not to be constructed without the Authority of the Commissioners of Woods, &c., and of the Admiralty.

XXXVIII. And be it enacted, That it shall not be lawful for the Undertakers, their Heirs or Assigns, to construct on the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith, where and so far up the same as the Tide flows and reflows, any Work, or to construct any Work authorized by this Act across any Creek, Bay, Arm of the Sea, or navigable River where and so far up the same as the Tide flows and reflows, without the previous Consent of Her Majesty, Her Heirs and Successors, to be signified in Writing under the Hands of Two of the Commissioners of Her Majesty's Woods, Forests, Lands Revenues, Works, and Buildings, and of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of the Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Commissioners of Her Majesty's Woods, Forests, Lands Revenues, Works, and Buildings, and the said Lord High Admiral, or the said Commissioners, may approve of, such Approval being signified as last aforesaid; and where any such Work shall have been constructed it shall not be lawful for the Undertakers, their Heirs or Assigns, at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consents or Approvals; and if any such Work shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Lands Revenues, Works, and Buildings, or the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Costs and Charge of the Undertakers, their Heirs or Assigns, and the Amount thereof may be recovered in the same Manner as a Penalty is recoverable against the Undertakers, their Heirs or Assigns.

Saving the Right of Persons entitled to Lands, &c.

XXXIX. Saving always to all Persons all such Right, Title, Estate, and Interest, Claim and Demand, other and except such as are expressly barred and extinguished by this Act, or as shall be paid for or compensated for or granted without Compensation in pursuance of this Act, as any Person could have had, held, and enjoyed of, in, to, or out of the said Lands, Sand Banks, and Burrows, Mud Banks or Slobs, authorized to be embanked and reclaimed by virtue of this Act, or any Part thereof, in case this Act had not been passed.

Saving the Rights of the Crown.

XL. Provided always, and be it enacted, That nothing contained in this Act, or in any of the Acts recited or referred to, shall extend or be construed to extend to alienate, defeat, lessen, abridge, or derogate

derogate from any Estate, Right, Title, Interest, Franchise, Royalty, Prerogative, or Jurisdiction vested in or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, in right of Her Crown, or otherwise howsoever.

Public Act.

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

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