ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. cxi.

An Act for embanking and reclaiming from the Sea the Estuary or Back Strand of *Tramore* in the County of *Waterford*. [17th *June* 1852.]

WHEREAS there are in the Estuary or Back Strand of *Tramore* in the County of *Waterford* in *Ireland* certain Waste Lands and Mud Banks usually called Slobs, and which, being covered by the Sea at High Tide, are in their present State unproductive and incapable of Cultivation: And whereas the Queen's most Excellent Majesty, in right of Her Crown, is seised of the Soil of the said Estuary or Back Strand of *Tramore*, and claims exclusive Right and Jurisdiction in and over the same: And whereas by virtue of an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Three hundred and seventy-four, *Charles Morrison* of *Upper Harley Street* in the County of *Middlesex*, Esquire, his Heirs and Assigns, were constituted the Undertakers for carrying the same into execution, and a considerable Sum of Money has been expended by them in embanking a Portion of the said Estuary or Back Strand; but the Term of the said Act having expired before the same was completed, it is expedient that further Powers be granted to the Undertakers for completing the said Undertaking:

The Tramore Embankment Act, 1852.

Undertaking: And whereas it would be of great public and local Advantage if the said Estuary or Back Strand were embanked and protected from the Sea, and reclaimed, according to the Plan and in the Manner by this Act provided: And whereas, in order to provide for the Repair and Maintenance of the said Embankment and Works when completed, it is expedient that the Undertakers, or some of them, should be constituted Commissioners for that Purpose, and should be empowered to charge the Lands reclaimed by them under the Powers of this Act with a Rate for that Purpose: And whereas the Persons herein-after mentioned, and others, are willing, at their own Expense, to undertake the Embankment, Reclamation, Cultivation, and Improvement thereof; but these Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, in manner following; (that is to say,)

Construction of Terms.

I. In the Construction of this Act, and any Act incorporated therewith, the following Words and Expressions shall have the Meaning hereby assigned to them, unless there shall be something in the Subject or Context repugnant to such Construction:

The Word "Undertakers" shall extend to all and every Person for the Time by this Act entitled to be Undertakers for executing the Purposes thereof, as defined in Section XI. of this Act:

The Expression "Estuary," "Back Strand," or "Waste Lands" shall mean and shall include the Waste Lands, Sand Banks, Mud Lands, Mud Banks, or Slobs included therein, and coloured Green on the said Plan herein-after mentioned.

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

II. The Act of Parliament following, that is to say, "The Lands Clauses Consolidation Act, 1845," so far as the same is not inconsistent with this Act, shall be and the same is hereby incorporated with and shall form Part of this Act: Provided always, that, except as regards such of the Lands shown on the said Plan and described in Schedule (A.) to this Act annexed as are or may be required for constructing the Embankments, and for making the Watercourses and Cuts and Embankments, for carrying off and conducting to the Sea the Waters of the Rivers or Streams called the *Garraun* and *Keiloge*, and other upland Waters now flowing into the said Estuary, and for completing and making the Works necessary for the Purpose of this Undertaking, nothing in this Act or in the said Lands Clauses Consolidation Act contained shall authorize the Undertakers to purchase, take, or use any Lands, except with Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

III. In

III. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Tramore* Embankment Act, 1852." Short Title.

IV. And whereas a Plan describing the Lands proposed to be embanked and reclaimed as aforesaid, the same being coloured Green on the said Plan, and other Lands adjoining the same, and the Line or Situation of the Embankments and other Works proposed to be executed for reclaiming the same, including the Formation of all necessary Cuts or Channels or Outfalls for the Rivers or Streams now flowing into or through the said Estuary, and a Section describing the Levels of such Works, together with a Book of Reference containing the Names of the reputed Owners, Lessees, and Occupiers of the Lands through which the said Works will pass, and which may be required for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace for the County of *Waterford*. Deposited Plan and Section of the Works.

V. Subject to the Provisions and Restrictions in this and the said Lands Clauses Consolidation Act contained, it shall be lawful for the Undertakers (except as is herein-after provided) to make and maintain, upon the Lands delineated and described on the Plan deposited as aforesaid, such Embankments, Walls, Forelands, Sluices, Cuts, Drains, Culverts, Bridges, and other Works as they may consider necessary for warping and reclaiming such Lands or any Part thereof from the Sea, and to enter upon, take, and use such of the Lands delineated on the said Plan and described in the said Book of Reference as are contained in the said Schedule (A.) to this Act annexed as they may deem necessary for the Purposes aforesaid: Provided always, that no Works on the Sea Side of the Embankment shown on the said Plan shall be constructed without the previous Approval of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for the Time being. Power to make Works according to deposited Plan.

VI. Provided further, That if within One Year and Six Months from and after the passing of this Act *Edmund Power*, the Owner or reputed Owner of certain Lands called *Kilmacleague* abutting on the North-eastern Part of the said Back Strand, his Heirs or Assigns, shall, with the previous Consent of the said Lord High Admiral, or of the Commissioners for executing the Office of Lord High Admiral for the Time being, and also of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, such Consent to be signified in Writing under the Hands respectively of the Secretaries of the said first-mentioned Commissioners or of the said Lord High Admiral, and under the Hands or Hand of the said last-mentioned Commissioners, or One of them, effectually embank from the Sea that Portion of the said Estuary which extends along the Frontage Undertakers not to embank that Portion adjacent to Kilmacleague, if the Owner shall within a certain Time embank the same.

The Tramore Embankment Act, 1852.

Frontage of the Townlands of *Kilmacleague West* and *Kilmacleague East*, and lying between the Point or Tongue of Land which is marked on the deposited Plan "Church in Ruins" and Burial Ground, Number 37, and further described in the Book of Reference as a Pasture Field in the Parish of *Kilmacleague*, Number 36, *Edmund Power* Owner, *Thomas Corcoran* Lessee and Occupier, and extending from the said Point to the most Southerly Boundary of the Marsh or Land described upon the said Plan as covered at High Water of Spring Tides only, and further marked with the Number 70 and the Letter X, it shall not be lawful for the said Undertakers, their Heirs or Assigns, to make and construct any Embankment or Work for the Reclamation of the said Portion of the said Estuary comprised within the Limits above described: Provided always, that a Certificate under the Hand of Two Justices of the Peace of the County of *Waterford*, not being Owners, Lessees, or Occupiers of any Lands adjoining the Estuary hereby authorized to be reclaimed, or in any way interested therein, directly or indirectly, shall be conclusive Evidence that the said Lands have been effectually embanked under the Provisions of this Act; and such Certificate, if given, shall be filed of Record in the Office of the Clerk of the Peace of the County of *Waterford*: Provided also, that if the said *Edmund Power* shall not within the said Period so effectually embank the said Portion as aforesaid, then it shall be lawful for the Undertakers, their Heirs and Assigns, to embank and reclaim the same, in virtue of the Powers herein contained, in like Manner as they are authorized to make and maintain the other Embankments and Works hereby authorized to be executed.

Deposited Plan, &c. to remain with the Clerk of the Peace, and be open to Inspection.

Proviso.

VII. The said Plan and Section and Book of Reference shall remain with and be kept by the said Clerk of the Peace, who shall allow all Persons to inspect the same, and to make Copies and Extracts of and from the same, in like Manner and upon the like Terms, and under the like Penalty for Default, as is provided by the Act of the First Year of the Reign of Her present Majesty, Chapter Eighty-three, with reference to the Documents therein referred to: Provided also, that it shall not be lawful for the said *Edmund Power* to commence any such Embankment without such previous Consent as are herein-before mentioned.

Copies of Plan, &c. to be Evidence.

VIII. Copies of the said Plan, Section, and Book of Reference, or Extracts therefrom, duly certified by the said Clerk of the Peace, shall be received in all Courts of Justice, or elsewhere, as Evidence of the Contents thereof.

Errors in Plan, &c., may be corrected by

IX. If any Omission, Mis-statement, or erroneous Description shall be made of any Works or Lands, or of the Owners, Lessees, or Occupiers of any Lands delineated on the said Plan deposited as aforesaid,

aforesaid, or described or referred to in the Book of Reference lodged therewith, it shall be lawful for the Undertakers to apply to Two Justices for the Correction thereof; and if it shall be proved that any such Error or Omission arose from Mistake or Inadvertence, they shall certify the same accordingly, and such Certificate shall be lodged with the said Clerk of the Peace, who shall keep the same with the said Plan and Book of Reference, and the same shall be amended or held to be amended in accordance with such Certificate.

Two Justices, who shall certify the same.

Certificate to be deposited.

X. And whereas by the aforesaid Act passed in the Ninth and Tenth Year of the Reign of Her present Majesty the Commissioners thereby appointed were authorized and required, in manner therein mentioned, to inquire into, examine, and to ascertain, set out, fix, and determine the Boundaries of the said Estuary or Waste Lands at ordinary Spring Tides, High-water Mark, and also the proportional Extent of Frontage of the several Lands belonging to each Proprietor abutting on the same, according to the Length of the Boundary Line between the Lands of each Proprietor and the said Estuary or Waste Lands so ascertained as aforesaid, and so soon as they should have ascertained, set out, fixed, and determined the said Boundaries, and reduced their Decision into Writing, such Decision, with a Plan or Map of such Estuary or Waste Lands annexed thereto, and showing thereon the proposed Embankment, and the Limits and Extent of the several Frontage Lands as aforesaid, was by the said Act directed to be filed of Record in the Office of the Clerk of the Peace for the County of *Waterford*: And whereas the said Commissioners have fixed and determined the said Boundaries of the said Estuary or Waste Lands, and the proportional Extent of Frontage of the several Lands belonging to each Proprietor abutting on the same, and have reduced their Decision into Writing, with a Map or Plan of such Waste Lands annexed thereto, and have filed the same of Record in the Office of the Clerk of the Peace for the County of *Waterford*, all in manner directed by the said recited Act: Be it therefore enacted, That the said Boundaries and proportional Extent of Frontage of the several Lands abutting on the said Estuary or Waste Lands as aforesaid, and other Particulars contained in and determined by the Decision of the said Commissioners, and relative Map or Plan, shall in the Execution of this Act be received and acquiesced in by all Parties interested in relation to the Particulars therein contained and above mentioned; and the said Decision or Award, and relative Map or Plan, shall be and the same is subject to the Limitation herein contained, hereby ratified and confirmed, and shall remain with and be kept by the said Clerk of the Peace, who shall allow all Persons to inspect the same, and make Copies or Extracts therefrom, in like Manner as respects the Map or Plan of the Works hereby authorized, and deposited with him as aforesaid: Provided always, that so much of the said

Boundaries defined under the Act of 9 & 10 Vict. c. 374. to be the Boundaries under this Act.

Boundaries and proportionate Extent of Frontage of the several Lands herein-before mentioned as relate to the Lands of the said *Edmund Power* shall not take effect during the Term of One Year and Six Months herein-before mentioned.

Power to Undertakers to embank and reclaim.

XI. *Thomas Brassey*, Contractor of Public Works, and *Stephen Ballard*, Civil Engineer, of *Adam Street*, *Adelphi*, in the City and Liberties of *Westminster*, the Assigns of the said *Charles Morrison*, and such other Persons, if any, as shall have subscribed or shall hereafter subscribe to the said Undertaking, their Heirs, Executors, Administrators, and Assigns, shall be the Undertakers for executing the Purposes of this Act; and it shall be lawful for such Undertakers, subject to the Provisions and Restrictions of this Act, and of the said Lands Clauses Consolidation Act, to embank from the Sea, reclaim, cultivate, and otherwise improve all or any Part of the said Estuary or Waste Lands which lie below High-water Mark at ordinary Spring Tides, in manner herein provided.

As to temporary Occupation of Lands.

XII. The Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the temporary Occupation of Lands during the Construction of the Works therein referred to, and which are comprised within the Thirtieth, Thirty-first, Thirty-second, Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-sixth, Thirty-seventh, Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, and Forty-third Sections of the said Act, shall, subject to the Provisions herein contained, and so far as the same may be applicable, be held to be incorporated with this Act with reference to the Works by this Act authorized, as though such Works were specified in the said Provisions in lieu of the Works therein mentioned; and the Limits within which such Provisions may be acted upon shall be held to comprise all the Lands described in the Plan deposited as aforesaid.

Works below High-water Mark not to be executed without Consent of the Admiralty.

XIII. It shall not be lawful for the Undertakers, in the Execution of any of the Works by this Act authorized, to construct, below High-water Mark at ordinary Spring Tides, any Embankment, or any other Work whatever, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, 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 Lord High Admiral or the said Commissioners may approve of, such Approval being signified as last aforesaid; and where any such Embankment or Work shall have been constructed, it shall not be lawful for the Undertakers at any Time to alter or extend the same, without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any Embankment

or

or Work shall be commenced, altered, or completed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Undertakers, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly, with Costs of Suit.

Undertakers not to injure the Drainage of adjoining Lands.

XIV. Nothing herein contained shall extend to or empower the said Undertakers, their Heirs or Assigns, to injure the Drainage of the Lands adjoining the said Waste Lands to be embanked and reclaimed by virtue of this Act, to impede or injure the Navigation of the River *Rhineshark*, so far as the same is navigable, or of the Bay of *Tramore*.

Road and Footpath to be formed along the Embankment.

XV. And whereas it would be for the Advantage and Convenience of the Inhabitants of the Town of *Tramore* and Neighbourhood if a public Road for Horses and Carriages and a Footpath were made along Part of the main Strand: Be it therefore enacted, That it shall be lawful for the said Undertakers, and they are hereby required and authorized, to make and maintain a commodious and sufficient Road for Horses and Carriages and a Footpath along the said main Strand, in a Direction between the said Town of *Tramore* and a Place called the *Burrow House*, and to give so much Land as shall not be less than Thirty Feet in Width for the Purpose of a Road to extend from or near the said *Burrow House* to the Road called and known as *Lane Fox*'s New Line through the Lands of *Lissellan*, which Roads and Footpath shall at all Times be open to the Public.

Undertakers to have no exclusive Property in the Seaweed or Shells outside the Embankment.

XVI. 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 the Embankment to be constructed 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 anything herein contained, until the said Embankment and Reclamation shall have been so far completed as to exclude the Sea from the said Waste Lands, or any Part thereof, it shall be lawful for all Persons who have been so accustomed to collect, gather, or procure such Seaweed, Sand, Glar, or Shells within or upon the said Waste Lands as if this Act had not been passed: Provided further, that in order to protect the Embankments from Injury, it shall not be lawful to collect Sand, Mud, or Stones within a Line to be defined and marked off by the said Undertakers, which Line shall not be more than Twenty Yards from the Foundations of the said Embankments.

XVII. As

Waste Lands vested in the Undertakers.

XVII. As soon as the said Embankment and Reclamation shall have been completed, and the Sea effectually excluded at High Tide, by the Undertakers as hereby authorized, to the Satisfaction of Two Justices of the Peace of the County of *Waterford*, not being Owners, Lessees, or Occupiers of any Land adjoining the Estuary hereby authorized to be reclaimed, or in any way interested therein, either directly or indirectly, and such Completion shall have been certified under their Hands, and the Certificate thereof filed of Record in the Office of the Clerk of the Peace for the County of *Waterford*, and not before, all and singular the Waste Lands which shall be so embanked and reclaimed by them, 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, shall, on Payment of the Consideration mentioned in the succeeding Section, and subject to the other Provisions herein 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 shall, save as herein is provided, be barred and determined, subject nevertheless to the Payment of the Consideration herein-after mentioned.

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

XVIII. 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, all the Estate, Right, Title, or Interest of the Queen's Majesty, Her Heirs and Successors, in, out of, or upon the said Waste Lands, or in, out of, or upon such Part thereof as may be embanked and reclaimed by the said Untertakers, 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, and Land Revenues, or either of them, and they and he are and is 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 Two of them, to be signified by some Warrant under his or their Hand or Hands, at any Time during the Term of Six Years from the passing of this Act, to grant to the said Undertakers, their Heirs or Assigns, the whole or any Part of the Estate, Right, Title, or Interest of Her Majesty in, out of, or upon the said Waste Lands, or into, out of, or upon such Part thereof as during the Term of Six Years herein-after mentioned may be substantially embanked and effectually reclaimed by the said Undertakers, their Heirs or Assigns, for such Consideration in Money as will not exceed in the whole One Thirtieth nor be less than One Fortieth

Fortieth Part in Value of the said Lands, when so effectually embanked and reclaimed; such Value to be ascertained and fixed in like Manner as the Value of the One Tenth to be apportioned among the Frontage Proprietors is herein-after authorized to be ascertained and fixed.

One Tenth of Value to be apportioned among the Frontage Proprietors

XIX. And whereas the said Undertakers have agreed, notwithstanding that the said Estuary or Waste Lands are the Property of the Crown in virtue of the Royal Prerogative, to apportion, in manner herein-after mentioned, the Value of One Tenth Part of the Land when reclaimed 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 it shall be lawful for Two Justices of the Peace of the said County of *Waterford*, not being interested as aforesaid, as soon as conveniently may be after the Completion by the Undertakers of the Embankment and other Works for excluding the Sea from the said Waste Lands, on the Application in Writing by them, or any Two of them, to appoint some competent Surveyor to ascertain and declare in Writing the Amount of One Tenth Part of the Value in Money of the Waste Lands which shall be so embanked and reclaimed by them as aforesaid, such Value to be ascertained according to the Value of the said Waste Lands in the State in which they shall be at the Time of such Embankment being completed, and to award and apportion the Value of such One Tenth Part in Money amongst the Proprietors and Owners of the Land abutting upon and adjoining to the said Waste Lands, according and in proportion to the Extent of the Frontage of such Land abutting upon or adjoining the said Waste Lands to be so embanked and reclaimed by the Undertakers as herein-before provided; and such Surveyor 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 the Award and Apportionment of such Surveyor shall be final and conclusive; and, notwithstanding anything 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 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, 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, or any Part thereof, or in or upon any Lands abutting thereon or adjoining thereto, the same to be raiseable, 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 the Value or Compensation is, by this or the said Lands Clauses Consolidation Act, authorized to be recovered and secured: Provided always, that if the said *Edmund Power* shall effectually embank the Lands herein-before mentioned and referred to within the Term for that Purpose herein-before provided, then and in such Case the said *Edmund Power* shall not be entitled to receive any Portion of the One Tenth Part hereby awarded to the Frontage Proprietors herein-before mentioned.

Embankments, &c. to be maintained by Owners of reclaimed Lands.

XX. The said Undertakers, their Heirs and Assigns, Owners for the Time being of the Lands hereby authorized to be embanked and reclaimed, shall at their own Expense, and in manner herein-after provided, maintain and keep in an efficient State of Repair all the Embankments and Works hereby authorized to be constructed, or which may from Time to Time be essential for protecting the said Lands or any Part thereof from Inundation, including the Beds or Waterways of all new Cuts or Channels, and all such Roads, Drains, Sluices, and Culverts as may be made by them under the Provisions of this Act.

Commissioners to be appointed for maintaining Banks.

XXI. In order to provide for the permanent Maintenance of the said Embankments and Works, and of the said Roads, Drains, and Culverts, in such State of Repair as aforesaid, the Undertakers for the Time being who shall be Owners of not less than Fifty Acres of the reclaimed Land shall be Commissioners for the above Purpose; and any Two of the said Commissioners shall have Power at any Time to convene a Meeting of such Commissioners by Advertisement published at least for Seven Days prior to such Meeting in some Newspaper circulating in the County of *Waterford*, and any Three Commissioners who shall be present at such Meeting shall form a Quorum.

Chairman to be appointed.

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

Officers may be appointed.

XXIII. The said Commissioners shall, if necessary, have Power to appoint any Officer or Officers for the Purpose of superintending the said Embankments and other Works, and for collecting the Rates hereby authorized, and to pay to such Officer or Officers such reasonable Salary as they may see fit.

XXIV. The

How Expense of Salaries, &c. to be provided for.

XXIV. The Salary of such Officer or Officers, as well as all other Costs, Charges, and Expenses which may be incurred by the said Commissioners in carrying the said Purposes into execution, shall be defrayed by means of a Rate to be assessed and levied upon and in respect of the Lands for the Time being reclaimed from the Sea under the Powers of this Act.

How Contributions to be assessed.

XXV. The Amount of such Rate shall from Time to Time be fixed and determined by the said Commissioners, and shall be assessed equally and proportionately in respect of every Acre of Land so reclaimed from the Sea.

For Recovery of Assessment.

XXVI. In case the said Rate shall not be paid within a Period of Twenty-one Days after the Day appointed by the Commissioners for Payment thereof, it shall be lawful for the said Commissioners to levy the Amount thereof by Distress and Sale of the Goods and Chattels of the Occupier of the Lands subject to the Payment of such Rate, wheresoever the same may be found, and for such Purpose to enter upon the Lands and Premises of such Occupier, and to seize and take, and to carry away and sell such Goods and Chattels, as in the Case of a Distress for Rent, without being liable for any Action of Trespass or otherwise in respect thereof: Provided always, that unless otherwise agreed between the Owner and Occupier of any such Lands, it shall be lawful for the Occupier thereof to deduct from the Rent payable by him to his Landlord the Amount of the Rate which he may have paid, or in respect of which Distraint may have been made for and towards such Rate as aforesaid.

Her Majesty in Council may constitute embanked Lands into Parishes.

XXVII. It shall be lawful for Her Majesty in Council, if deemed expedient, to constitute the said Tracts of Land called the *Tramore* Estuary or Strand, when the same shall have been embanked and reclaimed, as hereby authorized, into a new and distinct Parish, or to annex the same to One or more of the adjoining Parishes; and Plans, showing the proposed Boundaries of such Parish or Parishes respectively, shall be prepared at the Expense of the Undertakers, in such Manner as Her Majesty in Council shall direct, and the said Plans, when settled and approved by Her Majesty in Council, shall be deposited with Her Majesty's Commissioners of Woods, Forests, and Land Revenues, and also with the Clerk of the Peace for the County of *Waterford*, who shall file the same among the Records of the said County; and a Copy of any of the Plans so deposited, authenticated by the Signatures of Two of the said Commissioners, or of the said Clerk of the Peace, as the Case may be, shall be received as Evidence in all Courts of Law and elsewhere, without Production of the Original.

Patronage of Livings to be exercised alternately

XXVIII. In case the Lands hereby authorized to be reclaimed shall be constituted a new District or Parish, or new Districts or Parishes,

by the Crown and the Bishop.

Parishes, the Right of Patronage and Nomination of the Minister or Ministers to the Living of any and every such District or Parish shall and may be exercised alternately by Her Majesty and Her Successors, and the Bishop of the Diocese for the Time being in which the District or new Parish shall be situate, the first such Nomination being in each Case made by Her Majesty.

Limitation as to the Line of Embankment.

XXIX. Notwithstanding anything in this or in any other Act contained, no Embankment or Reclamation of Land shall be made Eastward of a Line A B drawn from the ruined Church of *Kilmacleague* in a South-west Direction to the Burrow of *Tramore*, as shown on a Plan deposited by the Undertakers at the Admiralty Office and signed by the Secretary of the Admiralty; and that no Dam or Obstacle shall be placed in the Bed of the Stream which separates *East* and *West Kilmacleague*; and the Tide shall be allowed to flow freely up and down the same.

Local Survey may be ordered by the Admiralty if necessary, at Expense of Undertakers.

XXX. If after Working Drawings of the Works hereby authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works or of the intended Site thereof, the Undertakers shall defray the Cost of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Undertakers, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Undertakers.

If Works across tidal Waters are abandoned, Admiralty may remove them at Expense of Undertakers.

XXXI. If any Work which has been or shall be constructed by the Undertakers in or across any tidal Water or navigable River, or if any Portion of the Work which affects any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Undertakers, and the Amount thereof shall be a Debt due from the Undertakers to the Crown, and be recoverable accordingly with Costs of Suit.

Power for compulsory Purchase of Lands limited.

XXXII. The Powers of the Undertakers for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

Time for Completion of Works limited.

XXXIII. The Powers of the Undertakers for constructing and completing the Works hereby authorized shall, after the Expiration of Six Years from the passing of this Act, cease and determine.

XXXIV. In

For Service of Notice on Under-takers.

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

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

XXXV. 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 *Waterford*, 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 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 have been 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 the Execution of this Act.

XXXVI. If any Person shall injure or damage any of the Embankments, Cuts, Channels, Drains, Sluices, and other Works by this Act authorized, or 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 Materials of such Works, or shall wilfully obstruct or prevent any Person in the lawful Exercise of this Act, he, and every Person aiding or assisting therein, shall forfeit and pay any Sum not exceeding Five Pounds, besides making good the Damages where Damages have arisen by or in consequence of such Offence.

Recovery of Damages and Penalties.

XXXVII. The Clauses in "The Companies Clauses Consolidation Act, 1845," with respect to the Recovery of Damages and Penalties not specially provided for, shall be and the same are, so far as not inconsistent therewith, hereby incorporated with and shall form Part of this Act.

Saving the Rights of the Lords of Manors.

XXXVIII. 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 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.

General Saving of Rights.

XXXIX. Saving and reserving always as are hereby saved and reserved, 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 Persons have held and enjoyed of, in, to, or out of the said Waste Lands authorized to be embanked and reclaimed by virtue of this Act, or any Part thereof, in case this Act had not been passed: Provided always, and be it enacted, that, except as herein provided, 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 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.

SCHEDULE (A.) to which the foregoing Act refers.

Parish of Kilmacleague.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
X	Mud Land, Sand Banks, or Marsh, coloured Green on the Plan.	The Crown.	—	—
1	Arable Field -	Edmund Power -	Michael Hardy -	Michael Hardy.
2	Arable Plot -	Edmund Power -	Michael Hardy -	Michael Hardy.
3	Pasture Field -	"	Maurice Fitzgerald -	Maurice Fitzgerald.
4	Pasture - -	"	"	"
5	Pasture - -	"	Patrick Power -	Patrick Power.
6	Pasture - -	"	"	"
6 *a*	Pasture - -	"	Edmund Whittle -	Edmund Whittle.
8	Pasture Field -	"	"	"
9	Arable Field -	"	Maurice Fitzgerald -	Maurice Fitzgerald.
10	Arable - -	"	Michael Hardy -	Michael Hardy.
11	Arable - -	"	"	"
12	Arable - -	"	Patrick Ryan -	Patrick Ryan.
18	Arable - -	"	"	"
19	House - -	"	"	"
20	County Road -	- - -	- - - -	The Public.
33	Arable - -	Edmund Power -	Widow Corcoran -	Widow Corcoran.
34	Arable - -	Edmund Power -	"	"
35	Pasture - -	Rev. Richard H. Ryland	Selina Coates -	Thomas Corcoran.
36	Pasture - -	"	"	"
37	Old Church Ruins -	"	"	"
38	Pasture Field -	"	"	"
39	Pasture Field -	Edmund Power -	Thomas Dunphy -	Thomas Dunphy.
40	Marsh Field -	"	"	"
42	Arable - -	Edmund Power -	Widow Corcoran -	Widow Corcoran.
43	Arable - -	Edmund Power -	"	"
44	Private Road -	"	"	"

The Tramore Embankment Act, 1852.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
45	Pasture Field -	Edmund Power -	Thomas Dunphy -	Thomas Dunphy.
46	Arable - -	,,	,,	,,
47	Pasture - -	,,	Widow Corcoran -	Widow Corcoran.
48	Garden and House -	,,	,,	,,
49	Garden and House -	,,	Thomas Dunphy -	Thomas Dunphy.
50	Pasture - -	,,	Widow Corcoran -	Widow Corcoran.
52	County Road -	County - -	- - -	The Public.
53	Pasture Field -	Edmund Power -	Widow Corcoran -	Widow Corcoran.
56	Pasture - -	,,	,,	,,
57	Pasture - -	,,	,,	,,
57 *a*	Waste Land -	,,	,,	,,
58	Pasture Field -	,,	,,	,,
59	Arable - -	,,	,,	,,
60	Arable - -	,,	,,	,,
61	Arable - -	,,	,,	,,
62	Arable - -	,,	,,	,,
63	Arable - -	,,	,,	,,
64	Stream and Marsh -	,,	Patrick McDonald -	Patrick Macdonald.
65	Pasture Field -	,,	,,	,,
66 *a*	Pasture - -	,,	,,	,,
7	Private Road -	,,	Edmund Whittle -	Edmund Whittle.

The Townlands of Drumcannon, Ballynattin, Corbally Lower, Corbally Upper, Tramore West, and Tramore Burrow, in the Parish of Drumcannon.

2 *a*	Pasture - -	George Lane Fox -	John Quan - -	John Quan.
1	County Road -	County - -	- - -	The Public.
3	Arable - -	George Lane Fox -	John Quan - -	John Quan.
4	Marsh - -	,,	,,	,,
7	Marsh - -	,,	,,	,,
9	Marsh - -	,,	,,	,,
13	Arable - -	,,	James Murphy -	James Murphy.
16	Arable - -	,,	Patrick Downie -	Patrick Downie.
17	Arable - -	,,	None - -	None.
18	Pasture - -	,,	None - -	None.
19	Stream - -	,,	None - -	None.
20	Pasture Field -	,,	William Curtis -	William Curtis.
21	Arable - -	,,	,,	,,
22	Arable - -	,,	,,	,,
23	Pasture Field -	,,	,,	,,
24	Pasture - -	,,	,,	,,
27	Marsh - -	,,	,,	,,
29	Marsh - -	,,	,,	,,
30	Marsh - -	,,	,,	,,
56	Arable - -	,,	,,	,,
48	Pasture - -	,,	Michael Morrisey -	Michael Morrisey.
49	Stream.	—	—	—
50	Pasture - -	George Lane Fox -	John McGrath -	John McGrath.
51	Pasture - -	,,	,,	,,
52	Pasture - -	,,	,,	,,
54	Pasture Field -	,,	,,	,,
56	Arable - -	,,	Thomas Power -	Thomas Power.
57	Pasture - -	,,	,,	,,
58	Pasture - -	,,	,,	,,
72	Pasture - -	Lord Doneraile -	Paul Caulfield -	Paul Caulfield.
73	Tramore Burrow -	,,	John Waters -	John Waters.
74	Burrow House -	,,	,,	Jerry Hallochan.
5	Marsh - -	George Lane Fox -	John Quan - -	John Quan.
6	Marsh - -	,,	,,	,,
10	Pasture Field -	,,	,,	,,
11	Pasture - -	,,	James Murphy -	James Murphy.
12	Arable - -	,,	,,	,,
14	Marsh -	,,	,,	,,

The Tramore Embankment Act, 1852.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
15	Arable Field -	George Lane Fox -	Thomas Sullivan and Edmund Blanch, jointly.	Thomas Sullivan and Edmund Blanch, jointly.
26	Arable Field -	,,	William Curtis -	William Curtis.
28	Arable Field -	,,	,,	,,
35	Marsh - -	,,	Thomas Power -	Thomas Power.
55	Pasture - -	,,	,,	,,
	The Townland of Quillia in the Parish of Drumcannon.			
2	County Road -	George Lane Fox.	—	—
3	Pasture Field -	,,	Nicholas Power -	Nicholas Power.
4	Pasture - -	,,	,,	,,
5	Arable - -	,,	,,	,,
6	Pasture - -	,,	,,	,,
7	Pasture - -	,,	,,	,,
8	Pasture - -	,,	,,	,,
9	Pasture - -	,,	,,	,,
10	Pasture - -	,,	,,	,,
11	Pasture - -	,,	,,	,,
13	Marsh Waste -	,,	,,	,,
14	Boundary Stream between Quillia and Drumcannon.			
15	County Road.			
	The Townland of Lisellan in the Parish of Drumcannon.			
20	Pasture - -	George Lane Fox -	None - -	None.
21	Road - -	,,	,,	,,
22	Pasture Field -	,,	,,	,,
23	Pasture Field -	,,	,,	,,
24	Arable Field -	,,	John Donovan -	John Donovan.
25	Road - -	,,	,,	,,
26	Pasture Field -	,,	,,	,,
27	Arable - -	,,	,,	,,
28	Pasture Waste Land	,,	John Power - -	John Power.
29	Pasture Waste Land	,,	,,	,,
31	Pasture - -	,,	,,	,,
32	Pasture - -	,,	,,	,,
36	Pasture - -	,,	,,	,,
38	County Road -	County - -	- - - -	The Public.
39	Occupation Road.	—	—	—
40	Waste Land -	George Lane Fox -	John Power -	John Power.
13	Marsh - -	,,	None - -	None.
14	Arable Field -	,,	,,	,,
15	Pasture - -	,,	,,	,,
16	Proposed Road -	,,	,,	,,
17	Pasture Field -	,,	,,	,,
18	Pasture - -	,,	,,	,,
19	Pasture - -	,,	,,	,,
21 *a*	House - -	,,	,,	,,
4	Marsh - -	,,	,,	,,
30	Arable Field -	,,	John Power - -	John Power.

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