ANNO SEXTO

GULIELMI IV. REGIS.

Cap. lxxii.

An Act to amend and enlarge the Powers and Provisions of the several Acts for making and maintaining the *Ulster* Canal in the Counties of *Fermanagh*, *Monaghan*, and *Armagh*, in *Ireland*.

[21st *June* 1836.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a navigable Canal from* Lough Erne *in the County of* Fermanagh *to the River* Blackwater *near the Village of* Charlemont *in the County of* Armagh: And whereas an Act was passed in the Ninth Year of the Reign of His said late Majesty, intituled *An Act to amend an Act for making and maintaining a navigable Canal from* Lough Erne *in the County of* Fermanagh *to the River* Blackwater *near the Village of* Charlemont *in the County of* Armagh: And whereas an Act was passed in the Tenth Year of the Reign of His said late Majesty, intituled *An Act to explain the several Acts for making the* Ulster *Canal in the Counties of* Fermanagh *and* Armagh: And whereas an Act was passed in the Second Year of the Reign of His present Majesty, intituled *An Act to amend the several Acts for making and maintaining the* Ulster *Canal in the Counties of* Fermanagh *and* Armagh: And whereas considerable Progress has been made and large Sums of Money have been expended in the Execution of the said Canal and the Works by the said several recited Acts authorized: And whereas in the Progress of the said Canal and Works, and for more effectually

6 G. 4. c. 193.

9 G. 4. c. 96.

10 G. 4. c. 109.

2 W. 4. c. 56.

effectually attaining the great national Object thereof, it has been found necessary to make certain Deviations from the Line mentioned and referred to by the said recited Acts, and to make such Reservoirs and other Works as are herein-after mentioned; and for these Purposes it is necessary that the said Company should be invested with further Powers and Authorities, and that the Time limited for the Completion of the said Canal and Works should be extended as herein-after is mentioned: 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 Period limited by the said recited Acts for the Completion of the said Canal and other Works authorized to be made under the said recited Acts shall be and the same is hereby extended to the Twenty-fourth Day of *June* One thousand eight hundred and forty-two, and that all the Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Exemptions, Remedies, Regulations, Clauses, Matters, and Things relating to the making and completing and maintaining of the said Canal and other Works thereby authorized, which are contained in the said Acts or any of them, and now in force, shall (except so far as they are by this Act expressly repealed, altered, or otherwise provided for,) extend and be construed to extend to this Act, and to the several Works and Things hereby authorized or required to be made and done, and shall be and continue in full Force and Effect for the Purposes of all the said Acts, and also of this Act, during such further Period, as fully and effectually in all respects and to all Intents and Purposes as if such extended Period had been given by the said recited Acts or any of them as well as by this Act, and as if all and singular such Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Exemptions, Remedies, Regulations, Clauses, Matters, and Things had been specially and particularly re-enacted in and made Part of this Act.

Time extended for completing the Works.

II. And be it further enacted, That it shall and may be lawful for the said Company to make the several Alterations or Deviations herein-after mentioned of or from the Line or Course of the said Canal, as authorized and directed by the said recited Act of the Sixth Year of the Reign of His said late Majesty, and to make and maintain the said Canal and Works in the new Line or Course delineated in the Plan and described in the Book of Reference deposited, as herein-after mentioned, with the Clerks of the Peace of the Counties of *Monaghan* and *Fermanagh*, the First of such Alterations being at or near the Town of *Monaghan* in the County of *Monaghan*, the Second of such Alterations being at or near *Tanderagee* in the said County of *Monaghan*, and the Third of such Alterations being at or near *Clinlura*, and partly in the County of *Monaghan* and partly in the County of *Fermanagh*, as the same are more particularly described and set forth on the said Plan and Book of Reference; and the said Company are hereby authorized to abandon such Parts of the said original Line or Course of the said Canal as by reason of any of the Alterations by this Act authorized to be made will be rendered useless and unnecessary; and all the Powers, Authorities, Privileges, and Directions which, by the said recited Act of the Sixth Year of the Reign of His said late Majesty, are given for making and maintaining that Portion of the said original Line or Course of Canal by this Act authorized to be abandoned,

Power to make Alterations in the Line of the Canal.

doned, shall, from and immediately after the making and Completion of such Alterations, absolutely cease and determine.

Not to prevent Company from making the Canal in the Line authorized by Act 6 G. 4. c. 193.

III. Provided always, and be it further enacted, That in case the said Company shall not continue and complete the said Canal in the Line by this Act authorized, and until the same shall be so completed, it shall and may be lawful for the said Company to make and maintain the said Canal or any Part thereof in the Line authorized by the said recited Act of the Sixth Year of the Reign of His said late Majesty, and all the Powers and Provisions therein or herein contained shall in such Case, and to such Extent, be and continue valid and effectual for that Purpose.

Company authorized to make a Reservoir.

IV. And be it further enacted, That it shall and may be lawful for the said Company to make, construct, and maintain, upon the Lands described in the Maps or Plans or Books of Reference herein-after mentioned, a Reservoir at or near to *Quigalough* in the County of *Monaghan*, for the Purpose of collecting, holding, and employing the superfluous Waters of the adjacent District, for the better supplying the said Canal with Water, and also to make, construct, erect, sink, and drive such and so many Aqueducts, Feeders, Tunnels, Perforations, Weirs, Shafts, Wheels, Engines, and other Works or Machinery whatsoever, as the said Company or their Surveyor shall from Time to Time think necessary or expedient, for the Purpose of filling and supplying such Reservoir with Water, and for conveying Water to and from the same to the said Canal, for the Purposes of Navigation: Provided always, that no Waters at present used by the Proprietors of any Mills in the Districts adjacent to the said Canal shall be diverted, collected, or drawn off, save only the superfluous Water which would otherwise overflow from the Reservoirs of such Mills above the Mill Level of their several Weirs or Dams; and provided also, that such superfluous Water shall not be taken for the Purposes of the said Canal at any Times between the First of *April* and the First of *November* in each and every Year, without the Consent in Writing of the Party or Parties whose Properties and Mills shall be affected thereby.

Power to enter upon and take Land.

V. And be it further enacted, That for the Purpose of making and maintaining the said Canal in such new or altered Line, and such Reservoir and other Works hereby authorized to be made as aforesaid, the said Company, their Servants, Deputies, Agents, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of or belonging to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, subject to the Directions and Provisions contained in the said recited Act of the Sixth Year of the Reign of His said late Majesty, regarding the Canal and Works thereby authorized, and in this Act, and to survey and take Levels of the same, or any Part or Parts thereof, and to set out, ascertain, and appropriate such Part or Parts thereof as they shall think necessary or expedient for making and maintaining the said Canal and Reservoir and other Works hereby authorized to be made; and to bore, dig, cut, trench, drain, sough, get, raise, remove, take, and carry away any Earth, Soil, Clay, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which can or may be dug, raised, or gotten in the making, carrying on, or maintaining or repairing of the said Canal, Reservoir, or

other

other Works respectively, or out of any Lands or Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, adjoining or lying contiguous thereto, and which may be proper, requisite, necessary, or convenient for the same, or which may hinder, prevent, or obstruct the same; and to lay and deposit, use, and manufacture such Earth, Soil, Clay, Stone, Rubbish, Trees, Roots of Trees, Gravel, Sand, and other Materials, or any Part thereof, or any such adjoining or contiguous Lands or Grounds; and also to make, erect, bank, excavate, or set up, amend and alter, in, under, or upon the said Canal, Reservoir, and other Works, or upon the Lands adjoining the same respectively, such and so many Feeders, Sluices, Culverts, Weirs, Dams, Drains, Fences, Ways, Roads, and Conveniences as, where, and in such Manner as the said Canal Company shall think requisite or convenient for the Purposes aforesaid; and also from Time to Time to alter, repair, amend, improve, or discontinue the same, and also to place, lay, work, or manufacture the Materials necessary for the making, erecting, maintaining, and repairing the said Canal, Reservoir, and other Works, on the Lands or Grounds adjoining to the Place or Places where the said Canal, Reservoir, or other Works, or any of them, shall be carrying on and executed; and also to dig, take, and carry away any Soil, Gravel, Sand, Stone, or other Materials, for the Purposes aforesaid, in or from the Grounds or Premises of any Person adjoining to the said Canal, Reservoir, Feeders, or other Works; and also to construct and make and do all other Works, Matters, and Things which they shall think necessary and convenient for the making, completing, altering, preserving, improving, carrying on, and rendering fit for Use and using the said Canal and Reservoir, Feeders and other Works hereby authorized to be made or constructed, according to the true Intent and Meaning of this Act, 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 for the Purposes last aforesaid, and making full Satisfaction, in the Manner directed by the said recited Act of the Sixth Year of the Reign of His said late Majesty and of this Act, to the Owners and Proprietors of and all Persons interested in any Lands, Tenements, or Hereditaments which shall be taken, used, or injured, for all Damages to be done by them, or sustained in or by the Execution of all or any of the Powers hereby granted for the Purposes aforesaid.

Maps to remain in the Hands of the Clerks of the Peace, and be open to Inspection.

VI. And whereas Maps or Plans and Books of Reference, describing the Line or Course of the said Canal as diverted or altered from the Line or Course mentioned or described in the said recited Act of the Sixth Year of the Reign of His said late Majesty, and also the Site of the said Reservoir and other Works hereby authorized to be made, with Books of Reference containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of the Lands through which such Line or Course will pass, or on which such Reservoir or Works will be constructed, have been deposited at the Offices of the Clerks of the Peace for the said Counties of *Monaghan* and *Fermanagh*; be it therefore enacted, That the said several Maps or Plans and Books of Reference, as well as the Maps and Plans and Books of Reference which describe the original Line and Works, in pursuance of the said recited Act of the Sixth Year of the Reign of His said late Majesty, and which have been so deposited with the said Clerks of the Peace of the said Counties of *Armagh*, *Monaghan*, and *Fermanagh*, shall remain in the Custody of the said Clerks of the Peace, to the

the end that all Persons interested in any Manner therein shall have Liberty to inspect, peruse, and make Extracts therefrom or Copies thereof at seasonable Times, on Payment of One Shilling for each Time of Inspection, and of One Shilling more for every Hour during which such Inspection shall continue after the first, and paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Maps or Plans and Books of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Limiting Deviations from Plans.

VII. Provided always, and it is further enacted, That the said Company, in making the said Canal and Reservoir and other Works, shall not deviate more than One hundred Yards from the said new Line or Course delineated on the said Maps or Plans, and set forth in the said Books of Reference as aforesaid.

Errors in Books of Reference not to obstruct the making of the intended Reservoir.

VIII. Provided always, and be it further enacted and declared, That the said Company may make and complete the said intended Canal, Reservoir, and other Works hereby authorized, into, through, across, or over and upon the Estates, Lands, or Grounds of any Person or Persons whomsoever, or of any Body or Bodies Politic, Corporate, or Collegiate, or across any Roads, Brooks, or Rivulets, which shall have been omitted or erroneously stated in the said Maps or Plans, if it shall appear to the Satisfaction of any Two or more Justices of the Peace for the County within which such Lands or Grounds may lie or be situate, and shall be by them certified by Writing under their Hands, that such Omission or erroneous Statement has arisen from Mistake.

Bodies Politic, &c. empowered to sell and convey Lands for the Purposes of this Act.

IX. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Canal and Reservoir and other Works hereby authorized to be made, 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 for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other 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 for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or Person or Persons, and to 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 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 for, sell, and convey the same and every Part thereof unto the said Canal Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company, and shall be made according to the Form mentioned in the said Act of the Sixth Year of the Reign of His said late Majesty King *George* the Fourth, or as near thereto as

as the Circumstances of the Case will admit; and all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete Bar of all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

Small Parcels of Land separated by the Canal to be purchased if required.

X. Provided always, and be it further enacted, That if in making the said Canal or Works any Pieces or Parcels of Ground shall be cut through and divided or separated from the other Parts of the Lands belonging to the same Owner or Owners, so as that the same cannot be conveniently occupied by him or them without a Bridge being erected for making a Communication therewith, and so that what shall be left on each or either Side of the said Canal shall be less in Quantity than Half an Acre, or shall be throughout the whole Length thereof less than Twenty Yards in Breadth, and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining or contiguous to what shall be so left on each or either Side of the said Canal, then and in every such Case, if the Owner or Owners, or Person or Persons entitled to the Possession or to the Rents and Profits of the same, shall so require, but not otherwise, the said Company shall also take and purchase the Piece or Parcel or Pieces or Parcels of Ground so to be separated, or the Pieces or Parcels of Ground so to be left on either Side, being less in Quantity than Half an Acre, or less than Twenty Yards in Breadth throughout the whole Length thereof as aforesaid, the Value thereof to be ascertained (in case of any Dispute as to the Value thereof) in the same Manner as is directed concerning any Land or Ground to be cut, taken, and used for the Purposes of this Act.

Company empowered to resell.

XI. And be it further enacted, That it shall be lawful for the said Company, by Indenture under their Common Seal, and they are hereby required, within Seven Years after the passing of this Act, to sell, grant, and convey, by way of absolute Sale, all such of the Messuages, Buildings, Lands, Tenements, or Hereditaments which may have been or which shall be purchased by and conveyed to the said Company as shall not be wanted for the said Canal and Works, or any Part or Parts thereof, for such Sum or Sums of Money as in such Conveyances shall be expressed; and all such Grants and Conveyances shall be valid and effectual; and upon Payment of the Money which shall arise by such Sale or Sales of such Messuages, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or of any Land, by virtue of this Act, it shall and may be lawful for the Treasurer or Treasurers of the said Company for the Time being to sign and give Receipts for the Money for which the same shall be sold (which Receipts shall be sufficient Discharges to the Purchaser or Purchasers for the Money for which such Premises shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received); and such Person or Persons shall not be answerable or accountable for any Losses, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof; which said Money shall be applied by the said Company for the same or for the like Purposes as the Money by the said recited Acts authorized to be raised is to be applied; provided that the said Company, before they shall contract for the absolute Sale and Disposal of any such Messuages, Lands, Tenements, and Hereditaments, shall first offer to resell the same to the Person or

Offer of Resale to be first made to

Persons whose Lands shall adjoin thereto at a Price to be fixed on by the said Company; but in case of Difference in that respect, then the Price at which the same shall be resold shall be adjusted and settled by a Jury in like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled in case of Difference or Dispute as to the Value thereof; and in case such Person or Persons to whom such Offer shall be made shall not then and thereupon agree, or shall refuse to purchase the same, on a Declaration made 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, before One of the Masters of the High Court of Chancery in *Ireland*, or before One of His Majesty's Justices of the Peace for the County in which the Lands shall be situate, by some Person or Persons no way interested in the said Premises, stating that such Offer was made by or on behalf of the said Company, and that such Offer was not then and thereupon agreed to or was refused by the Person or Persons to whom the same was so made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to or was refused by the Person or Persons to whom it was made, as the Case may be.

the Owners of adjoining Lands.

XII. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees or other Persons herein-before capacitated to sell and convey Lands, Tenements, or Hereditaments, or any other Owner or Owners and the Occupier or Occupiers of any Lands, Tenements, or Hereditaments through, in, or over which the said Canal or Reservoir or other Works hereby authorized or intended to be made, or any of them, shall be carried, shall receive Satisfaction for the Value of such Lands, Tenements, and other Works and Hereditaments, and for the Damages to be sustained in making and completing the said Canal or Reservoir or Works herein-before directed, in gross Sums, as shall be agreed upon by and between the said Owners 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 entering into any Contract or Contracts for the same, or upon the Value of the said Lands and Premises being ascertained by a Jury in manner herein-after mentioned, the said Company, and their Agents, Servants, or Workmen, may and shall be at liberty immediately 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 or Reservoir or other Works; and in case the said Company, and the said Parties interested in such Lands, Tenements, and Hereditaments, 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 herein-after directed.

Satisfaction to be made to Owners.

XIII. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as 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, or any Terms or Interests therein, and of deducing, evidencing, and verifying such Title as

Company to defray Expence of Conveyances.

as the said Company may require to the said Lands or any Term or Interest therein, 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, and 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 or taken, 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 or taken: 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 not having been made, unless the Party or Parties from whom such Lands 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.

How such Expences are to be ascertained.

XIV. 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, on 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; and after Taxation thereof, it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending 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 Lands 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 *Ulster* Canal Company," 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 as aforesaid.

XV. And

XV. And for settling all Differences which may arise between the said Company and the several Owners of or Persons interested in the Lands, Tenements, or other Hereditaments which shall or may be taken, used, affected, damaged, or prejudiced by Severance, in pursuance or in the Execution of the Powers hereby granted, touching the Purchase Money or Recompence to be paid or made for the same; be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested, entitled, or empowered to sell as aforesaid, for or on behalf of himself, herself, or themselves, or for or on behalf of their respective Cestuique Trusts, or the Person or Persons entitled in Remainder after them as aforesaid, or any other Person or Persons whomsoever, whether Owner or Occupier, shall refuse to accept such Purchase Money or Recompence as shall be offered in Writing by the said Company or their Agent, 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 or 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 such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled, interested, or empowered to sell as aforesaid, or any other Person or Persons as aforesaid, shall neglect or refuse to treat or shall not agree with the said Company concerning the same, shall by reason of Absence be prevented from treating, or shall, by reason of Nonage or other Impediment not provided for by this Act, be incapable of treating or making such Agreements as shall be expedient for enabling the said Company to proceed in the making and carrying on of the said Canal and other the Works aforesaid; then and in any or either of the said several Cases a Jury shall be summoned and impannelled in the Manner directed in and by the said recited Act of the Sixth Year of the Reign of His Majesty King *George* the Fourth, regarding the Lands thereby authorized to be purchased by the said Company, to inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Tenements, or Hereditaments as aforesaid, in a gross Sum or Sums, for the Interest of all Person or Persons interested therein, 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, repaired, or remedied by the said Company, and which can or will be no further obviated, repaired, or remedied by them; in all which Inquisitions the Party claiming Compensation shall be deemed Plaintiff, and entitled to all the Privileges of Plaintiffs in an Action at Law; and the Verdict of such Jury, and the Judgment to be thereupon pronounced, shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever.

In case the Parties refuse or are incapacitated to treat, the Value to be settled by a Jury to be summoned by the Sheriff or Coroner.

Verdict and Judgment to be conclusive.

XVI. And be it further enacted, That all and singular the Provisions, Declarations, and Enactments in the said recited Act of the Sixth Year of the Reign of His said late Majesty King *George* the Fourth contained, for summoning such Juries, and for enforcing the Attendance of Jurymen and Witnesses, and for the Conduct of the Proceedings to and upon such Inquiry,

Powers of recited Act of 6 Geo. 4., respecting summoning of Juries, &c. extended to this Act.

Inquiry, and for ascertaining the Amount of Damage, Compensation, or Purchase Money, Rent or Profits, and for apportioning the same between the respective Owners, Tenants, and Occupiers having a particular Estate or Interest in the Premises, and for the giving Judgment, and for the Expences of the said Juries and of such Inquiries, and for the Costs of the Parties therein, and for Recovery of such Costs and Expences, and for imposing and recovering of Fines and Penalties in relation thereto, and all other Provisions, Declarations, and Enactments in the said recited Act of the Sixth Year of His said late Majesty King *George* the Fourth contained, incident to or consequential upon or connected with such Inquiries and Proceedings authorized by the said recited Act, shall be deemed and taken to extend to all Inquiries authorized or directed under this Act, and all Proceedings thereon, in as full and ample a Manner as if all such Provisions, Declarations, and Enactments were herein repeated, and the Provisions herein provided and contained shall be to all Intents and Purposes applicable to the said recited Act of the Sixth of King *George* the Fourth, as if the same were inserted in and Part of the same Act.

Expences of Juries how to be paid.

XVII. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss 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 the Expences of Witnesses, and of the Judgment, or in anywise attending or concerning the taking such Inquisition and of obtaining such Judgment, and of the Bond to be given by the Parties requiring the Jury to be summoned as herein mentioned, shall be defrayed by the said Company; and such Costs and Expences shall be settled and determined by One of the Masters of the said Court of Chancery; and in case such Costs, Charges, and Expences shall not be paid to the Party or Parties entitled to receive the same within Twenty 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 or Chattels of the said Company, under a Warrant to be issued for that Purpose by any Justice of the Peace for the Counties of *Monaghan* or *Fermanagh*, as the Case may happen to be, not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by any Party entitled 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 by the said Company, one Moiety of the said Costs, Charges, and Expences shall be defrayed by the said Company, and the other Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to the other Party or Parties 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 Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in all Cases in which by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been

prevented from treating and agreeing as aforesaid, the whole of such Costs, Charges, and Expences shall be borne and paid by the said Company.

No Complaint to be taken notice of unless Notice given to the Company within Six Months.

XVIII. 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 or in exercise of the Powers and Authorities which are given by this Act, unless Notice thereof in Writing shall have been given by or on behalf of such Person or Persons to the said Company, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or such supposed Injury or Damage shall have ceased.

Power to enter Lands upon Payment or Tender of Purchase Money.

XIX. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner herein-before respectively mentioned and provided, for the Purchase of any such Lands or Hereditaments, or as a Recompence for the yearly Produce or Profit thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors, Owner or Owners of such Lands and Premises, or such other Person or Persons as shall be interested therein or entitled to receive such Compensation, within Thirty Days 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 within the Time aforesaid into the Bank of *Ireland*, as herein-after directed and required, for the Use of such Person or Persons so interested or entitled as aforesaid, or to Trustees or Parties entitled in the Cases herein-after provided; it shall be lawful for the said Company, and their Agents, Servants, or Workmen, immediately to enter upon such Lands, Grounds, or other Hereditaments respectively, and then and thereupon the said Lands, Grounds, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth become vested in and become the sole Property of the said Company, to and for the Purposes of this Act and of the said recited Acts; 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 also shall extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and all other Estates in Reversion and Remainder of his, her, and their Issue, and of every other Person whomsoever therein.

Verdicts of Juries to be recorded.

XX. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerks of the Peace of the several Counties in which the Lands, Tenements, or Hereditaments shall be situate, amongst the Records of the Quarter Sessions of the said Counties, and shall

shall be deemed Records to all Intents and Purposes; and the same or true 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 the Sum of One Shilling, and no more, and also to make Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words.

Mortgagees to convey upon Payment or Tender of Principal and Interest.

XXI. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act shall, on Payment or Tender of the Principal Money and Interest due thereon, provided the same shall not exceed the Value of the Lands, Tenements, or Hereditaments required for the Purposes of this or the said recited Act of the Sixth Year of King *George* the Fourth, as shall be charged with such Mortgage or Mortgages, or on Payment or Tender of the Sum which shall be ascertained to be the Value of the Land so to be taken as aforesaid, either by Inquisition and Verdict or Agreement, and which shall be subject to such Mortgage or Mortgages, by the said Company or their Clerk or Agent, immediately convey, assign, and transfer such Mortgage or Mortgages, or release the Lands, Tenements, and Hereditaments so required as aforesaid, and charged with such Mortgage or Mortgages, to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company, or their Clerk or Agent, 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 Two Calendar Months, (to be computed from the Day of giving such Notice,) then at the End of such Two Calendar Months, upon Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, or transfer his, her, or their Interest in the Premises to the said Company, or to such Person or Persons as they shall appoint; and in case such Mortgagee or Mortgagees shall refuse to convey, assign, or release as aforesaid on such Tender or Payment, then all Interest on every such Mortgage to the Extent of the Value of the Premises charged therewith, and which shall be required for the Purposes of this or the said recited Act of the Sixth Year of King *George* the Fourth, 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 Value of the Premises, to be ascertained as directed by this Act, then the said Company shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of the 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 shall neglect or refuse to convey and assign as aforesaid, then upon Payment of the Principal Money and Interest due on the Foot of said Mortgage into the Bank of *Ireland* at the End of Two 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 Bank shall give a Receipt or Receipts for the said Money in like Manner as is by this Act directed in case of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of every such Mortgagee, and also of every Mortgagor or Owner of the same Premises, and of all and every Person and

Persons

Persons in Trust for him, her, or them, or any of them, shall be for ever extinguished, and the Fee and Inheritance of the same Premises shall vest in the said Company to all Intents and Purposes whatsoever.

Application of Compensation when amounting to or exceeding 200*l.*

XXII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before mentioned, 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 High Court of Chancery, to be placed to his Account *ex parte* the *Ulster* Canal Company, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, and 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 and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Government Stock; and in the meantime, and until the said Stock shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When Compensation is less than 200*l.* and amounts to 20*l.*

XXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall 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 or

Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Committee of Management of the said Company, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money and the Dividends arising therefrom may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery; and such Payment to Two Trustees, as last herein-before provided, shall operate and be a Discharge to the said Company to all Intents and Purposes, in such and the same Manner as if the Money paid to them had been paid into the Bank of *Ireland* in manner herein-before directed.

When less than 20*l.*

XXIV. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to or in receipt of the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Committee, or any Two or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, &c.

XXV. And be it further enacted, That in case the Person or Persons with whom the said Company shall have entered into any Contract or Agreement as aforesaid, or to whom any Sum or Sums of Money shall be so awarded or agreed to be paid as aforesaid, shall not be able to make good a Title to the Premises to the Satisfaction of the said Committee of Managers, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Committee to order the said Sum or Sums so awarded to 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 to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Control, and Disposition of the said Court; which said Court, upon the Application of any Person or Persons making Claim or Claims to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making Claim

thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Ireland* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of disputed Titles, the Person in Possession to be deemed lawfully entitled.

XXVI. Provided always, and be it further enacted, That when 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 Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act, or to any Government Stock to be purchased with any such Money, or to the Dividend or Interest of any such Stock, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase by the said Company, and all Persons claiming under 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 shown to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Stock to be purchased with such Money, and also the Capital of such Stock, shall be paid, applied, and disposed of accordingly, unless it shall be made to 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.

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

XXVII. 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 for any Injury or Damage done 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, and 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 Re-investment of such Purchase or Compensation Money, or the Government and Real Securities purchased therewith, in the Purchase of Lands, Tenements, and Hereditaments as herein-before mentioned, together with the Costs, Charges, and Expences of obtaining the proper Orders and of the other Proceedings for such Purposes, and of the Payment of the Dividends and Interest of the said Government or Real Securities, and of 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

shall from Time to Time pay such Sums of Money for the said Costs, Charges, and Expences as the said Court shall direct.

Judgments and Recognizances.

XXVIII. And whereas Judgments and Recognizances frequently remain on Record in the Superior Courts in *Ireland* long after the full Amount secured thereby has been discharged: And whereas, where such Judgments and Recognizances still remain valid Securities, the Persons entitled to the Sums due thereon are for the most Part unwilling to receive partial Payment of the Sums so secured: And whereas it has been found that such Persons having Securities by Judgment or Recognizances affecting Lands, a Portion whereof has been required for the Purposes of this Act, have been very generally satisfied with the Security of the Residue of the said Lands not required for the Purposes of this Act; but it has been held impracticable altogether to release the Portion of the said Lands required for the Purposes of this Act from such Judgments and Recognizances without having the same satisfied or vacated on Record, which has occasioned great Inconvenience and Expence to the Proprietors and Occupiers of such Lands: And whereas the Costs necessarily attending Searches in the said Courts for such Judgments and Recognizances is very great in proportion to the Sums awarded as the Value of the Portions of the said Lands required for the Purposes of this Act: And whereas it is expedient to diminish as far as practicable the Law Expences to be incurred by the Owners or Occupiers of Lands required for the Purposes of this Act, with a due Regard to the Security of *bonâ fide* and subsisting Creditors by Judgment or Recognizance of such Owners or Occupiers; be it therefore enacted, That it shall be lawful for the said Company, from Time to Time as they shall require to purchase any Lands for the Purposes of the said recited Acts or of this Act, to publish a Notice in the *Dublin Gazette* of their Intention to take and purchase such Lands, stating therein the Name of the Towns, Lands, Parish, and Barony in which such Lands shall be situated, One Month previous to the Time of entering into any Contract for the Purchase of such Lands, or of completing such Purchase, or assessing the Value of any such Lands, Tenements, and Hereditaments and Premises, in the Manner herein-before directed, or of paying the Amount so agreed for or ascertained, calling upon all Persons having Claims by Judgments or Recognizance against any Persons interested in the same, or who may be interested in the Premises respectively, to send in the Particulars of such Claims by Judgment or Recognizance, and the Sums due thereon, to the Secretary or Solicitor of the said Company, within the said One Calendar Month so to be limited; and in case any Person or Persons having or being entitled to any Judgment or Recognizance affecting such Lands shall omit to send to the Secretary or Solicitor the Particulars thereof within the said Time, then and in such Case the Lands purchased by the said Company shall be entirely exonerated from such Judgments or Recognizances to which they may have been subjected at the Time of giving such Notice.

Compensation to be made for temporary Damage.

XXIX. And whereas, in making and executing the said Canal and the several other Works by this and the said recited Act authorized, it may be necessary for the said Company, their Agents and Workmen, to enter upon and take temporary Possession of some Parts of the Lands adjoining to

to the Line of the said Canal and other Works, for the Purpose of laying or disposing and working thereon Earth, Clay, Stones, Bricks, Slates, Timber, Lime, or other Materials, or of manufacturing such Clay into Bricks, or for forming temporary Roads or Approaches to and from the said Works, or for removing therefrom any Earth or other Materials; and inasmuch as a Jury summoned or directed by this Act to assess a Compensation for the Damage and Injury done to such adjoining Lands by the Exercise of the Powers and Authorities aforesaid by this Act granted cannot, either upon View or Evidence, form a just Opinion of the permanent Injury which will be sustained by the Owners or Proprietors of such adjoining Lands by the Exercise of the Powers and Authorities aforesaid until the Works shall have been completed, it is expedient that the said Company, their Agents and Workmen, should be empowered to enter upon such adjoining Lands for the Purposes aforesaid without having previously made such Payment, Tender, or Investment of Money as herein-before mentioned; be it therefore enacted, That notwithstanding any thing in the said recited Acts or in this Act contained it shall be lawful for the said Company, their Agents and Workmen, and they are hereby empowered, to enter upon the Lands of any Person or Corporation whatsoever adjoining or lying near to the said Canal and other Works by the said recited Acts and this Act authorized to be made and maintained, or of any of them, or any Part thereof respectively, for the Purpose of laying, depositing, working, or manufacturing upon such Lands or any Part thereof respectively any Earth, Clay, Stones, Bricks, Slates, Timber, Lime, or other Materials, or for removing therefrom any Earth, Clay, Stone, Sand, Gravel, or other Materials, or for forming temporary Roads or Approaches to and from the said Works, they the said Company, their Agents and Workmen, doing as little Damage as may be in the Exercise of the several Powers granted to them, and making Compensation for such temporary Occupation or temporary Damage of the said Lands to the Owners and Occupiers thereof, such Compensation, in case the Parties differ about the same, to be settled and recovered in manner in the said recited Acts and herein-before provided for in Cases of Disputes as to the Value of Lands through or upon which the said Canal and other Works are intended to be made, and the Compensation for any Damage sustained by reason of the Execution of any of the Works by this or the said recited Act authorized: Provided always, that the said Company shall and they are hereby required to make such Compensation and Satisfaction for the permanent Damage and Injury (if any) which may have been done to the said Lands by the Exercise of any of the Powers and Authorities aforesaid within One Calendar Month after the Expiration of the Period by this Act granted for executing the said Canal and other Works: Provided also, that before it shall be lawful for the said Company to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Canal or Works, the said Company shall and they are hereby required to give Fourteen Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Bounds or Fencings so much of the Lands as shall be required to be so used as aforesaid from the other Lands adjoining thereto, and shall also before entering upon any Lands for any such temporary Purposes as aforesaid, if required by the Owner or Occupier thereof, find Two sufficient Sureties, who shall enter into a Bond to such Owner or Occupier in a Penalty of

the Amount of Fifty Pounds *per* Acre, conditioned for the Payment of such Compensation as aforesaid, such Sureties to be approved by Two Justices of the Peace for the County, City, or Place where such Lands shall be situate, in case the Parties differ about the same: Provided also, that it shall not be lawful for the said Company to make such temporary Use of any such Lands as aforesaid lying at a greater Distance than Two hundred and fifty Yards from the said Canal, nor to make Bricks or place a Steam Engine upon any of such Lands at any Place which shall not be distant at least Two hundred and fifty Yards from any Mansion, without the Leave of the Owner or Occupier of such Mansion in Writing first obtained for that Purpose.

Tenants to deliver up Possession upon receiving One Month's Notice to quit.

XXX. And be it further enacted, That every Tenant or Occupier of any Lands, Tenements, or Hereditaments which shall have been purchased for the Purposes of the said recited Acts or of this Act shall deliver up Possession of the same to the said Company, or to such Person or Persons as they shall appoint to take Possession thereof, upon receiving One Calendar Month's Notice to quit such Possession from the Clerk of the said Company, or from the Person or Persons so authorized by them to take such Possession, and such Person and Persons shall at the End of the said One Calendar Month, whether such Notice be given with reference to the Time or Times of such Tenants holding or not, or so soon after as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Company, or to the Person or Persons authorized by them to take Possession thereof (such Authority being specified under the Hand of the Clerk to the said Company): Provided always, that the said Company shall first make or tender such Recompence and Satisfaction to the said Tenants or Occupiers as shall have been agreed on between the said Company and the said Tenants or Occupiers respectively; and in case of no such Agreement, then such Recompence and Satisfaction as shall have been awarded by such Jury as aforesaid, unless such Jury shall not have awarded any such Recompence or Satisfaction; and in case any such Person or Persons so in Possession as aforesaid shall refuse to give such Possession as aforesaid, all such reasonable Satisfaction being first made or tendered as aforesaid, it shall and may be lawful for the said Company to issue their Precept or Precepts to the Sheriffs of the County in which said Lands shall be situated to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriffs are hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the Issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give such Possession as aforesaid by Distress and Sale of his, her, and their Goods.

Satisfaction to be made to them.

Settling Disputes as to Damages to a small Amount.

XXXI. And be it further enacted, That in case any Difference shall arise between the said Company and any of the Owners or Occupiers of the Property to be taken, used, or injured for the Purposes of this Act, as to the Amount of Value of the Damages done by the said Committee, their Agents or Workmen, to such Property in the Execution of any of the Powers of this or the said recited Act, and such Difference cannot be adjusted and settled between the said Parties, the same shall, in case the Amount of such Damages claimed does not exceed the Sum of Twenty

Pounds, be ascertained and determined by some Two or more Justices of the Peace for the County, City, or Place in which such Lands shall be situated, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall settle and determine the Amount of Compensation which shall be payable by the said Company.

Extending Power of former Act to this Act.

XXXII. And be it further enacted, That all the Provisions of the said recited Act passed in the Sixth Year of the Reign of His said late Majesty King *George* the Fourth regarding the Lands to be taken by the said Company for making and maintaining the said Canal in the Line thereby authorized, or any other Purposes of the said Act, including the Entry into and setting out of and contracting for such Lands, the Conveyance thereof to the said Company, the ascertaining the Price or Compensation to be paid for such Lands, the Application of such Compensation Monies in all Cases, the taking Possession of such Lands, and the vesting thereof in the said Company, with any other Matters which are therein specially mentioned, shall (so far as the same are now in force, and so far as it is not expressly otherwise provided by this present Act,) be applicable and in force in all similar Cases regarding the Lands to be taken by the said Company for making and maintaining the said Canal in the said new Line hereby authorized, or the said Reservoir, or any other Works hereby authorized, or other Purposes of this Act, as fully and effectually to all Intents and Purposes as if the same had been specially re-enacted and made Part of this Act.

Certain Mortgages in favour of Exchequer Bill Loan Commissioners to remain in force and have Priority, &c.

XXXIII. And whereas the Commissioners acting in the Execution of an Act made and passed in the First and Second Years of the Reign of His said present Majesty King *William* the Fourth, intituled *An Act to amend several Acts passed for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts,* therein recited, mentioned, or referred to, and particularly an Act made and passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund, to a limited Amount, 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 the subsequent Acts for amending and extending the same, including amongst others an Act made and passed in the Sixth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to render more effectual the several Acts for authorizing Advances for carrying on Public Works, so far as relates to* Ireland, and another Act made and passed in the Seventh and Eighth Years of the same Reign, intituled *An Act for the further Amendment and Extension of the Powers of the several Acts authorizing Advances for carrying on Public Works,* did on or about the Twelfth Day of *August* One thousand eight hundred and thirty-three, under the Provisions of the same Acts, or some or one of them, consent to advance and lend the said Company of Proprietors a Loan of One hundred and twenty thousand Pounds, in Exchequer Bills, by Six several Instalments of Twenty thousand Pounds each: And whereas Three of the said Instalments were respectively advanced to the said Company on the Twelfth Day of *August*

1 & 2 W. 4. c. 24.
57 G. 3. c. 34.
6 G. 4. c. 35.
7 & 8 G. 4 c. 47.

One

One thousand eight hundred and thirty-three, the Fourteenth Day of *April* One thousand eight hundred and thirty-five, and the Thirteenth Day of *October* One thousand eight hundred and thirty-five, and the Repayment thereof secured to the said Commissioners by Three several Indentures of Mortgage under the Common Seal of the said Company, and bearing Date respectively the Twelfth Day of *August* One thousand eight hundred and thirty-three, the Fourteenth Day of *April* One thousand eight hundred and thirty-five, and the Thirteenth Day of *October* One thousand eight hundred and thirty-five, whereby, for the Considerations therein respectively mentioned, the said Company of Proprietors assigned to *John Strettell Brickwood*, the Secretary of the said Commissioners for the Issue of Exchequer Bills, all and every the Rates, Tolls, and Receipts whatsoever accruing or arising, or which might at any Time thereafter be taken, collected, or received by the said Company of Proprietors, from or out or on account of the said Canal or otherwise by virtue of the said herein-before recited Acts of the Sixth, Ninth, and Tenth Years of His said late Majesty, and the Second Year of His said present Majesty, or any other Act or Acts relating to the said Canal and also to the said Navigation and Undertaking, and all the Right, Title, and Interest of the said Company of Proprietors of, in, and unto the same, and all Freehold and Leasehold Messuages, Lands, Tenements, Works, Warehouses, and other Buildings and Hereditaments belonging to the said Company, subject to Redemption upon Payment by the said Company of Proprietors of the said several Sums secured by the said Indentures respectively, with Interest thereon as therein mentioned, by such Instalments and at such Times as in the said Indentures respectively is particularly set forth; be it therefore further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, make void, or in any Manner incumber or affect the said in part recited Three several Indentures, bearing Date respectively the Twelfth Day of *August* One thousand eight hundred and thirty-three, the Fourteenth Day of *April* One thousand eight hundred and thirty-five, and the Thirteenth Day of *October* One thousand eight hundred and thirty-five, or any of the Powers, Rights, and Remedies of the said Commissioners upon or in respect of the same; and all Powers and Authorities, Rights and Privileges, Lands and Tenements, Works and Property whatsoever, which shall hereafter become conveyed to or vested in the said Company under and by virtue of this Act are hereby enacted and declared to form Part of and to be comprised in and among the Premises, Authorities, and Interests conveyed and assigned by the said Three several Indentures of Mortgage respectively; and that the said Three several Indentures of Mortgage shall have Priority over and shall precede any Mortgage Bond or other Security whatsoever, already granted or entered into by the said Company of Proprietors, or which shall or may hereafter be granted or entered into by the said Company, under or by virtue of the said herein-before recited Acts or this Act, or any other Act or Acts relating to the said Canal and Undertaking, and also shall have Priority over and shall precede all other Liabilities, Claims, and Securities whatever chargeable on the Property mentioned and referred to in the said Three several Indentures respectively, under the Provisions of the said recited Acts or this Act, or either of them, or any subsequent Act or Acts of Parliament relating to the said Canal or any Works which are now or shall at any Time hereafter be connected

nected therewith, and all Dividends and Division of Profits or Interest upon any Sum or Sums advanced or contributed, or which shall or may hereafter be advanced or contributed, for the carrying on or completing the said Canal or any Works which are now or shall at any Time hereafter be connected therewith, or otherwise howsoever, until the Principal Monies and Interest secured to the said Commissioners or their Secretary for the Time being, under the said Three several Indentures of Mortgage respectively, or which shall hereafter be secured by any future Mortgage, Charge, or other Security to be granted or entered into by the said Company to the said Commissioners or their Secretary for the Time being, shall be fully paid and satisfied, compounded, liquidated, or otherwise discharged, according to the true Intent and Meaning of the said several Indentures of Mortgage, and of any such future Mortgage, Charge, or Security respectively, any thing contained in the said recited Acts or this Act, or either of them, to the contrary notwithstanding.

If Land not contracted for within Two Years, Power to take Property on Compulsion to cease.

XXXIV. And be it further enacted, That unless the said Company shall within the Space of Two Years, to be computed from the passing of this Act, agree for and cause to be valued and paid for, as in this Act and in the said recited Acts or any of them is mentioned, the Lands, Tenements, and Hereditaments which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purpose of making the said Canal, Reservoir, or other Works hereby authorized, then and from thenceforth the Powers which are hereby granted to them for taking or using such Lands, Tenements, or Hereditaments shall cease and be utterly void, except with the Consent of the Owner and Occupier of such Lands, Tenements, and Hereditaments.

If Canal not completed in Seven Years Powers to cease, except as to such Part, if any, as shall be completed.

XXXV. And be it further enacted, That in case the said Canal, Reservoir, and Works shall not have been made and completed, unless prevented by inevitable Accident, before the Twenty-fourth Day of *June* One thousand eight hundred and forty-two, then from and after the said Twenty-fourth Day of *June* One thousand eight hundred and forty-two all the Powers, Authorities, and Privileges given by this Act and the said recited Acts shall cease and determine, save only and except as to so much (if any) of the said Canal, Reservoir, and Works as shall be declared and certified to have been completed within the said Term by the Justices of the Peace of the said Counties of *Armagh*, *Monaghan*, or *Fermanagh*, at any Time before the said Twenty-fourth Day of *June* One thousand eight hundred and forty-two, or within Six Calendar Months next after the said Twenty-fourth Day of *June* One thousand eight hundred and forty-two, upon the Evidence of Two or more Witnesses, upon Oath or Affirmation, to be produced before such Justices for that Purpose.

Justices may proceed by Summons in the Recovery of Penalties.

XXXVI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be 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 or her to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery

of the same, although no Information in Writing shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Not to interfere with Navigation of Magherty Cut, &c.

XXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Company in any way to interfere with the Navigation of the *Magherty* Cut, the *Blackwater* River, and *Lough Neagh*, or either of them, save and except so far as the taking any surplus Water from the said River *Blackwater* for the Supply of the said Reservoir and other Works.

Canal not subject to Commissioners of Sewers.

XXXVIII. And be it further enacted, That the said Canal, Reservoir, and other Works now existing or hereafter to be made shall not be subject to the Control, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers.

Expences of Act.

XXXIX. And be it further enacted, That the Costs, Charges, and Expences of applying for and obtaining this Act shall be paid and defrayed out of the first Monies to be raised by virtue of the said recited Acts or this Act, or any of them.

Public Act.

XL. 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.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.