ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cclix.

An Act for constructing and maintaining a Bridge across the River *Slaney* near the Town of *Wexford*, with Approaches, and for taking down the present Bridge there. [22d *July* 1847.]

WHEREAS an Act was passed in the Thirty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the Improvement of the Town and Harbour of* Wexford, *and for building a Bridge or Bridges over the River* Slaney *at or near said Town:* And whereas another Act was passed in the Fifty-third Year of the Reign of His said Majesty, intituled *An Act to amend an Act made in the Thirty-fourth Year of His present Majesty, for building a Bridge over the River* Slaney *at* Wexford: And whereas considerable Advantage will arise to the County of *Wexford*, and the Town and Harbour of *Wexford*, from the Removal of the present Toll Bridge, and the Construction of a new Bridge, free from Toll, over the said River at or near to the said Town of *Wexford;* but the Purposes aforesaid 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

34 G. 3. (I.)

53 G. 3. c. 123.

Appointment of Trustees.

by the Authority of the same, That Sir *Thomas Esmonde* Baronet, *Hamilton Knox*, *Grogan Morgan*, *John Maher*, *Charles Arthur Walker*, *John Edward Redmond*, *Robert Owen*, *George Le Hunt*, *William Bolton*, and *Pierce Newton King* shall be the first Trustees for carrying this Act into execution.

Power to fill up Vacancies among the Trustees.

II. And be it enacted, That when and as often as a Vacancy shall occur by the Death, Absence, Removal, Incapacity, Resignation, or Refusal to act of any of the Persons hereby appointed as Trustees, or to be appointed under or by virtue of this present Clause, it shall be lawful for the Grand Jury for the Time being, and they are hereby required, as soon as conveniently may be after the Vacancy shall have occurred, to elect from the Grand Jury Panel for the Time being for the said County of *Wexford* another Person as Trustee to supply such Vacancy; and every Trustee so elected shall have such and the like Powers and Privileges as the Person in whose Place he shall be so elected.

First and other Meetings of Trustees.

III. And be it enacted, That the Trustees shall hold their First Meeting under this Act on the Second *Wednesday* next after the passing thereof, at the Court House in the Town of *Wexford*, at One of the Clock in the Afternoon, and shall thereafter hold a Meeting on the Fourth *Wednesday* of every Month, or oftener if deemed expedient, at the same Hour.

Quorum of Trustees.

IV. And be it enacted, That at all Meetings of the Trustees Three shall be a Quorum, and all the Powers of this Act may be exercised by the major Part of the Trustees present at any Meeting holden in pursuance of this Act, the Number present at any Time when a Decision or Determination shall be made or come to being not less than Three; and no Business shall be transacted at any Meeting of the Trustees unless Three or more Trustees shall be present at such Meeting; and if at any such Meeting there shall not be Three Trustees present within One Half Hour after the Time appointed for such Meeting, then it shall be lawful for the Trustees present, or any One Trustee if only One be present, or the Clerk of the Trustees in the Absence of any Trustee, to adjourn such Meeting to another Day; and Notice shall be given of the Day, Hour, Place, and Purposes of such adjourned Meeting in manner herein-after mentioned with regard to Meetings of the Trustees.

Chairman of Meetings and Manner of voting.

V. And be it enacted, That at every Meeting of the Trustees One of the Trustees to be chosen for that Purpose by the Meeting shall preside as Chairman; and every Proposition at any such Meeting shall be determined by the Majority of Votes of the Trustees present, the Chairman of the Meeting being entitled to vote not only as an individual Trustee, but to have a casting Vote if there be an Equality of Votes.

Adjourned Meetings.

VI. And be it enacted, That every Meeting of the Trustees may be adjourned from Time to Time, and no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the

the Meeting from which such Adjournment took place, unless special Notice be given in manner herein-after mentioned.

Special Meetings.

VII. And be it enacted, That it shall be lawful for the Trustees to hold special Meetings, and any One of such Trustees may call a special Meeting, or may require the Clerk to call a special Meeting, but no such Meeting shall be held unless Two Days Notice shall be given as herein-after provided, and no Business shall be transacted at such special Meeting except the Business which shall be specified in the Notice.

How Meetings to be called.

VIII. And be it enacted, That all Meetings to be held under the Authority of this Act shall be called by Circulars signed by the Clerk or Trustee calling such Meeting, and delivered to each of the Trustees, or left at their usual Places of Abode respectively, or put into the General Post Office, addressed to them respectively at their usual Places of Abode Two clear Days at the least before the Day appointed for holding the Meeting.

Committees may be appointed.

IX. And be it enacted, That the Trustees may from Time to Time appoint One or more Committee or Committees, consisting of such Number of their Body as they may think fit, not less than Three, for carrying into effect any of the Provisions or Objects of this Act, and delegate to such Committee or Committees respectively such Powers and Authorities as the Trustees shall from Time to Time think proper; and the Trustees may at any Meeting discontinue or make any Change in the Number of or Persons comprising such Committee or Committees respectively, or revoke or alter the Powers and Authorities, or any of them, entrusted to such Committee or Committees respectively.

Meetings of Committee.

X. And be it enacted, That any Committee to be appointed as aforesaid may meet from Time to Time as they may think proper, for carrying into effect the Purposes of their Appointment, and adjourn any such Meeting from Time to Time as they may think advisable, and meet by Adjournment accordingly; and no such Committee shall exercise the Powers entrusted to them except at a Meeting at which there shall be present a Majority of its Members, not being less than Three; and at all Meetings of the Committee One of the Members shall be appointed as Chairman, and all Questions at any Meeting of the Committee shall be determined by a Majority of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote in addition to his Vote as a Member of the Committee; and the Clerk of the Committee shall, on being required by any Member of such Committee, or any Member of such Committee may at his own Option, at any Time call a Meeting of the Committee, but no Meeting shall be held unless previous Notice thereof in Writing shall be given to each Member of such Committee in like Manner as herein-before required in the Case of calling a Meeting of the Trustees.

Proceedings to be entered in a Book.

XI. And be it enacted, That the Trustees shall cause Minutes or Entries, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all the

the Meetings of their Committees, to be duly entered in Books to be from Time to Time provided by the Trustees for the Purpose, which shall be kept by the Clerk under their Superintendence; and every such Entry shall be signed by the Chairman of the Meeting at which the Matters in respect of which such Entries were made were moved or discussed or determined; and every Entry, so signed, shall be received in Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Trustees or Members of Committees respectively, or of the proper Number of Trustees or Members being present, or of the Appointment or Signature of the Chairman, all of which Matters shall be presumed until the contrary is proved; and such Books shall at all reasonable Times be open to the Inspection of any of the Trustees, and of any Mortgagee of the Rates and Property of the Trustees.

Orders not to be altered without Notice.

XII. And be it enacted, That no Order made by the Trustees at any of their Meetings shall be altered or revoked unless at some Meeting called for that special Purpose, and unless Notice of an Intention to alter or revoke the Order be given in the Circular calling the Meeting.

Contracts may be made by Trustees.

XIII. And be it enacted, That it shall be lawful for the Trustees to enter into Contracts with any Persons not being Trustees under this Act for the Execution of any Works directed or authorized by this Act to be done by the Trustees, and for providing any Materials for the same, or which may be required by the Trustees; and every such Contract shall be in Writing, and shall specify the Work to be done, and the Quality of the Materials to be provided, the Prices to be paid, and the Term within which the Contract is to be performed, and the Penalties for Nonperformance thereof, and such other Things as the Trustees may think proper; and the Trustees may take such Security for the Performance of such Contract as to them shall seem necessary; and every such Contract shall be signed by Three at the least of the Trustees and their Clerk and the other Parties thereto.

Indemnity of Trustees.

XIV. And be it enacted, That no Trustee, by being a Party to, or making, signing, or executing in his Capacity of Trustee, any Contract or other Instrument, or otherwise lawfully executing any of the Powers hereby given to the Trustees, shall be subject to be sued or be prosecuted by any Person whomsoever; and the Bodies or Goods or Lands of the Trustees, or any of them, shall not be liable in Execution of any legal Process by reason of any Contract or other Instrument so entered into, signed, or executed by them or any of them, or by reason of any other Act done or purporting to be done by them or any of them, in the Execution of any of their Powers as Trustees; and the Trustees, their Heirs, Executors, and Administrators, shall be indemnified out of the Monies to arise by this Act for all Payments made or Liability incurred in respect of any Acts done or purporting to be done by them or any of them as Trustees as aforesaid, and for all Losses, Costs, and Damages which they may incur in the Execution

tion of the Powers hereby granted to them, and the Trustees may apply the said Monies for the Purposes of such Indemnity.

Trustees may sue and be sued.

XV. And be it enacted, That the Trustees may sue and be sued in the Name of any One of the Trustees, or their Clerk or Treasurer for the Time being; and no Action or Suit which shall be brought or commenced by or against the Trustees by virtue of this Act in the Name of such Trustee, Clerk, or Treasurer shall cease by the Death, Resignation, or Removal of such Trustee, Clerk, or Treasurer, or by the Act of such Trustee, Clerk, or Treasurer, without the Consent of the Trustees, but any other Trustee, or the Clerk or Treasurer for the Time being to the Trustees, shall always be deemed the Plaintiff or Defendant, as the Case may be, in every such Action or Suit: Provided always, that all Expences of Process or Proceedings so incurred by such Trustee, Clerk, or Treasurer shall be paid out of the Money to be raised by virtue of this Act, and such Trustee, Clerk, or Treasurer shall on no account be personally chargeable with such Expences, or any Part thereof.

Officers to be appointed.

XVI. And be it enacted, That it shall be lawful for the Trustees from Time to Time to appoint a Treasurer, Clerk, Collector, and such Officers as they shall think fit, with such Salaries and Allowances as they think reasonable, and to remove such Treasurer, Clerk, Collector, and Officers, and appoint others in their Stead, and also to re-appoint any Officer who shall have been removed.

Separation of Offices of Clerk and Treasurer.

XVII. And be it enacted, That neither the Person who shall hold the Office of Clerk to the Trustees, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer under this Act; and that neither the Person who shall hold the Office of Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall for every such Offence forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Offices of Clerk and Treasurer:

If any Person being a Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person being the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of the Clerk, or in any Manner officiate for the Clerk:

If any such Treasurer or Clerk hold any Place of Profit or Trust under the Trustees other than that of Treasurer or Clerk, as the Case may be:

And any Person may sue for such Penalties by Action of Debt in any of Her Majesty's Superior Courts of Record in *Dublin*, and shall, on Recovery thereof, be entitled to full Costs of Suit.

Security to be taken.

XVIII. And be it enacted, That before any Person entrusted with the Custody and Control of Monies, whether Treasurer, Collector, or other

other Officer of the Trustees, shall enter upon his Office, the Trustees shall take sufficient Security from him for the faithful Execution of his Office.

Officers to account on Demand.

XIX. And be it enacted, That every Officer or Person employed by the Trustees shall from Time to Time when required make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account, in Writing under his Hand, of all Monies received or expended by him on behalf of the Trustees; and such Account shall state how, and to whom, and for what Purpose such Monies shall have been disposed of; and, together with such Account, such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Trustees, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy against Parties failing to account.

XX. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if for Three Days after being thereunto required he fail to deliver up to the Trustees, or to any Person appointed by them to receive the same, all Books, Papers, and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Trustees, then, on Complaint thereof being made to a Justice of the Peace, such Justice shall summon or order such Officer before some Two or more Justices, at the Time and Place to be set forth in such Summons or Order, to answer such Charge; and upon the Appearance of such Officer, or in his Absence upon Proof that such Summons or Order was personally served on him, or left at his last known or usual Place of Abode, such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon the Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Trustees are in the Hands of such Officer, or owing by him to the Trustees, such Justices may order such Officer to pay the same forthwith, and if he fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress and Sale; and in any of the following Cases, (*videlicet*,)

If any such Officer do not appear before the Justices at the Time and Place appointed for that Purpose, or if such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to such Justices the several Vouchers and Receipts relating to such Accounts in his Possession; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Trustees;

Such Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he has made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his

his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Proceedings not to discharge Sureties.

XXI. And be it enacted, That no such proceeding against or dealing with any such Officer as aforesaid shall deprive the Trustees of any Remedy which they might otherwise have against any Surety of such Officer.

Accounts ot be kept.

XXII. And be it enacted, That full and true Accounts shall be kept by the Trustees, or under their Superintendence, of all Sums of Money received or expended for the Purposes of this Act, by them, and all Persons employed by or under them, and of the Articles, Matters, and Things for which such Sums of Money shall have been received or disbursed and paid; and such Accounts shall be balanced at least once in every Year; and the Trustees shall cause Books to be provided and kept by their Treasurer, in which shall be entered true and regular Accounts of Money received and paid, and shall also cause their Clerk to keep regular Minute Books, in which shall be recorded all the Resolutions and Transactions of the Trustees under this Act; and such Books shall at all reasonable Times be open to the Inspection, without Fee or Reward, of any of the Ratepayers or Trustees or Creditors on the Rates and Monies authorized to be levied and raised by this Act.

Appointment of Auditors.

XXIII. And be it enacted, That at the Spring Assizes in every Year the Grand Jury for the County of *Wexford* shall appoint One or more Person or Persons, not being a Trustee or Trustees, to be Auditor or Auditors of the Accounts of the Trustees, and shall fix the Remuneration to be paid by the Trustees to such Auditor or Auditors.

Auditors Duty.

XXIV. And be it enacted, That the Auditor or Auditors so nominated shall meet forthwith, or as soon after his or their Appointment as conveniently may be, at the Office of the Trustees, or at some other convenient Place to be appointed by the Trustees, and from Time to Time shall, in the Presence of the Clerk to the Trustees, in case he should desire to be present, proceed to audit the Accounts of the Trustees for the Year preceding the Appointment of such Auditor or Auditors; and the Trustees shall by their Clerk produce and lay before such Auditor or Auditors, at every such Meeting, a full Statement and Account of all Rates made, and Contracts entered into, and Monies received and expended by them during the preceding Year, accompanied by proper Vouchers in support of the same Statement, and all Books, Papers, and Writings in their Custody or Power relating to the Matters therein contained.

Trustees to render an annual Account, and a Copy thereof to be transmitted to the Clerk of the Peace.

XXV. And be it enacted, That the Trustees shall once in each Year cause to be prepared an Account in abstract of the total Receipts and Expenditure of all Funds levied by virtue of this Act for the Year preceding, with a Statement of the Balances of the said Accounts, duly attested, and certified by any Two of the said Trustees, and shall cause a Copy of such annual Accounts to be transmitted, free of Charge, to the Clerk of the Peace for the County of *Wexford*, on or before

before the First Day of *September* in each Year, which Accounts shall be open to the Inspection, without Fee or Reward, of any of the Ratepayers, Trustees, or Creditors on the Rates and Duties authorized to be levied by this Act.

Trustees may make Bye Laws to govern themselves and their Servants.

XXVI. And be it enacted, That it shall be lawful for the Trustees from Time to Time to make such Bye Laws for regulating the carrying on of their Business and the Business of their Committees, and for the Government of their Officers and Servants, or other Persons in their Employ, as they shall think fit, and to repeal or alter any such Bye Laws as they shall think fit, so as no such Bye Laws shall be contrary to the Laws of *Ireland* or to the Provisions of this Act, and so as the same be reduced into Writing and signed by Three or more of the Trustees.

Fines for Breach of such Bye Laws.

XXVII. And be it enacted, That it shall be lawful for the Trustees by such Bye Laws to impose such Forfeiture and Fines upon their Officers and Servants, or other Persons in their Employ, offending against the same, as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the whole or any Part of such Penalty to be paid.

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

XXVIII. And be it enacted, That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form a Part of this Act.

Power to build Bridge, &c. according to deposited Plans.

XXIX. And whereas Duplicate Plans and Sections of the proposed Bridge, Approaches, and Works, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through or into which the same are intended to be made, have been deposited with the Clerk of the Peace for the County of *Wexford*, at the Office of the said Clerk at *Wexford* aforesaid; be it enacted, That, subject to the Provisions in this and the said Lands Clauses Consolidation Act, it shall be lawful for the Trustees to make and maintain the same Bridge, Approaches, and Works in the Line and upon the Lands delineated on the said Plan and described in the said Book of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for that Purpose: Provided always, that the said Bridge hereby authorized to be constructed shall be constructed with a Portcullis of Fifty Feet at the least in Width, and that the Trustees whilst the same Bridge shall be under their Control, and the Inhabitants of the County of *Wexford* after the same Bridge shall have become vested in them under the Provisions of this Act, shall from Time to Time, without making any Charge for so doing, cause such Portcullis to be raised and opened whenever it shall be necessary so to do for the Purpose of enabling any Ship or Vessel navigating the said River to pass through the same Bridge; and in case the said Trustees or Inhabitants, or any Person or Persons acting under them, shall detain any such Ship or Vessel contrary to the Provisions of this Act, or demand, take, or receive any Toll for the Passage of any Person or Persons, Ship or Vessel, the said Trustees or Inhabitants, and every Person so offending, shall in every such Case forfeit and pay a Sum not exceeding

exceeding Ten Pounds; but nothing in this Act shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

Plans, &c. to be open to Inspection.

XXX. And be it enacted, That the said Plans and Sections shall be kept by the said Clerk of the Peace, and such Clerk of the Peace shall permit all Persons to inspect the same at seasonable Times, and shall make out Copies and Extracts therefrom for all Persons requiring the same, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words copied.

Light to be exhibited from Bridge for Guidance of Vessels.

XXXI. And be it enacted, That during the Construction of the said Bridge and Works connected therewith the said Trustees shall cause to be hung out or exhibited every Night from Sunset to Sunrise a Light, to be kept burning by and at the Expense of the Trustees, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of the said Bridge whilst the same Bridge shall be under their Control; and the Inhabitants of the County of *Wexford*, after the same shall have become vested in them under the Provisions of this Act, shall cause to be hung out or exhibited upon or near to the Centre of the said Bridge every Night from Sunset to Sunrise a good and sufficient Light, to be kept burning by and at the Expense of the Trustees and Inhabitants respectively during the respective Times aforesaid, for the Navigation and safe Guidance of Vessels, and which Light shall be from Time to Time altered by the said Trustees and Inhabitants in such Manner, and be of such Description, and be so used as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall, by Writing under the Hand of the Secretary of the Admiralty, approve of; and in case the said Trustees or Inhabitants shall neglect to exhibit and keep either of such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

In case of Abandonment of Bridge.

XXXII. And be it enacted, That if the said Bridge or any of the Works hereby authorized to be constructed shall be abandoned, 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.

Errors and Omissions may be corrected by Justices, who shall certify the same.

XXXIII. And be it enacted, That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on the said Plans or in the said Book of Reference, it shall be lawful for the Trustees, on giving Ten Days previous Notice to the Owner, Lessee, and Occupier of the Land affected by such Omission, Mis-statement, or erroneous Description, to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what

respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the said County of *Wexford*, and shall also be deposited with the Clerk of the Poor Law Union within which the Parish in which the Lands affected thereby shall be situate; and such Certificate shall be kept by such Clerk of the Peace and Clerk of the Union respectively along with the other Documents to which it relates, and thereupon such Plan, Book of Reference, or Schedule shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Trustees to make the Works in accordance with such Certificate.

Certificate to be deposited.

Trustees not to deviate from Plan.

XXXIV. And be it enacted, That the Trustees, in making the said Bridge, Approaches, and Works, shall not deviate from the Plan deposited with the Clerk of the Peace without the previous Consent in Writing of the Owner of the Land into which such Deviation shall be made, nor into the Lands of any Person not mentioned in the said Book of Reference, without his previous Consent in Writing, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided.

Trustees to construct Works, &c.;

XXXV. And be it enacted, That it shall be lawful for the Trustees, and they are hereby authorized, by themselves, their Surveyors, Agents, Officers, Workmen, Servants, or Assistants, for the Purposes aforesaid, from Time to Time to dig and make proper Foundations in the said River *Slaney*, and on the Lands on each Side thereof, and make Dams in the said River, and cut and level and embank and secure the Banks thereof, and cut, remove, scour, take, and carry away all Trees, Roots of Trees, Beds of Gravel, Sand, Mud, or any other Impediments whatsoever, and do and execute all and every other Things or Thing necessary or convenient for building, maintaining, and repairing the said new Bridge, Approaches, and Works, and to open, make, and maintain on each Side of the said River proper and convenient Roads and Approaches, as shown on the said Plans, to communicate with the same Bridge on each Side of the said River, or such Part or Parts of the said Roads and Approaches as the said Trustees shall think fit or expedient, doing as little Damage as may be, and interfering as little as may be with the Navigation of the said River, and making Satisfaction to the respective Owners and Occupiers of all Lands which shall be damaged, taken, or used for the Purposes of this Act.

to set out the Approaches, &c.

XXXVI. And be it enacted, That it shall be lawful for the Trustees, and their Agents, Officers, Surveyors, Workmen, Servants, and Assistants, to enter and go into, upon, over, or through any Lands, Grounds, or other Places through which or whereupon the said Works are intended to pass, and into, upon, over, or through any adjoining Lands or Grounds, to examine and survey the same, and to ascertain and set out such Parts thereof as may be thought necessary or convenient for carrying into execution the Purposes of this Act, and also from Time to Time to construct and make all necessary Walls, Arches, Culverts, Ditches, Drains, and Fences, and to do and perform all other Matters and Things which shall be necessary or proper for the making and maintaining of the said Works, doing as little Damage as may be, and making

making full Satisfaction to the respective Owners and Occupiers of all Lands or Grounds which shall be taken, used, prejudiced, or damaged in the Execution of the Powers hereby granted.

Trustees not to take certain Lands without Consent.

XXXVII. And be it enacted, That it shall not be lawful for the said Trustees to purchase, take, use, or interfere with any Lands which the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, or the *Wexford, Carlow, and Dublin Junction* Railway Company, or either of them, have acquired the Power of purchasing under and by virtue of "The *Waterford, Wexford, Wicklow and Dublin* Railway Act, 1846," or "The *Wexford, Carlow, and Dublin Junction* Railway Act, 1846," or either of them, without the Consent in Writing of such Companies respectively under their respective Corporate Seals; and the Approaches to the said Bridge on the Southern Side thereof shall be constructed in such Manner as not to interfere prejudicially with any Works that may be executed under the Powers of the said last-mentioned Acts or either of them, and all such Approaches on the Lands above-mentioned, and the Works connected therewith, shall be completed to the reasonable Satisfaction of the Engineers of the said Companies respectively.

Bridge to be free.

XXXVIII. And be it enacted, That the said Bridge and the Approaches thereto shall be open for the Use of the Public without Payment of any Toll or Duty whatsoever.

Power to take down and remove the present Bridge.

XXXIX. And be it enacted, That as soon as conveniently may be after the Bridge, Approaches, and Works by this Act authorized to be erected and made shall have been completed and thrown open to the Public, the Trustees shall and they are hereby required to take down and remove the present Bridge across the River *Slaney* at or near the Town of *Wexford*, and to dispose of the same or the Materials thereof, together with the Ferry, Landing Place, or Slip, in such Manner as they shall think fit, and remove all Impediments to the Navigation of the said River caused by the said present Bridge or the Foundations or Abutments thereof.

Trustees to purchase existing Interests in the present Bridge.

XL. And be it enacted, That the Trustees shall, previous to opening the said Bridge to the Public, purchase the Interests of the several Persons interested in the present Bridge and Ferry, or the Tolls and Duties payable in respect thereof, whether as Mortgagees, Holders of Debentures, or as having any other Incumbrance, Lien, or Charge thereon, and the Price or Prices to be paid therefor shall form a preferable Claim upon the Monies hereby authorized to be raised, and shall be defrayed out of the first Monies raised under the Authority hereof.

Slaney Bridge Commissioners to furnish List of Persons interested.

XLI. And be it enacted, That the Commissioners for building a Bridge over the River *Slaney* at or near the Town of *Wexford*, incorporated under the Provisions of the herein-before recited Act passed in the Thirty-fourth Year of the Reign of His late Majesty King *George* the Third, shall as soon as conveniently may be after the passing of this Act make out and deliver to the Trustees a List in Writing of the Names, Additions, and Places of Abode (so far as such Particulars respectively shall be known to the said Commissioners) of the several Persons interested

interested as aforesaid in the said present Bridge, or in the Tolls and Duties payable in respect thereof, and also short Particulars of the Sums due and owing to such Persons respectively, so far as known to the Commissioners, and of the Security or Securities for the same Sum or Sums respectively.

Power for Persons interested to treat with Trustees.

XLII. And be it enacted, That it shall be lawful for every Person interested as aforesaid in the said present Bridge and Ferry, or the said Tolls or Duties, to treat and agree with the Trustees for the Amount of Compensation to be paid in satisfaction of such Interest, and also for any Guardians, Committees of Lunatics and Idiots, Trustees, Executors, and Administrators, to treat and agree with the Trustees for the Amount of Compensation to be paid for any such Interests which they shall or may have as such Guardians, Committees of Lunatics or Idiots, Trustees, Executors, or Administrators, and to receive and give effectual Discharges to the Trustees for the Amount of Compensation which shall be agreed to be paid.

If Parties do not agree Question to be settled by a Jury.

XLIII. And be it enacted, That if for the Space of Two Calendar Months next after the Delivery of such Particulars as aforesaid any Person having such Interest as aforesaid in the said present Bridge and Ferry, or in the said Tolls and Duties payable in respect thereof, shall fail to treat with the Trustees for the Sale to them of his said Interest, or if within the last-mentioned Period such Person and the Trustees shall not agree to the Amount of Compensation to be paid by the Trustees for and in respect of such Interest, the Amount of such Compensation shall be settled and determined by the Verdict of a Jury, to be impannelled in the Manner herein-after provided; (that is to say,) the Trustees or Parties interested as aforesaid, or either of them, shall issue a Warrant under their Hands, or under the Hands of any Two or more of them, to the Sheriff of the County of *Wexford*, requiring him to nominate a Special Jury of the County of *Wexford* for such Trial; and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Warrant, summons both the Parties to appear before him, by themselves or their Attorneys, at some convenient Time and Place appointed by him, for the Purpose of nominating a Special Jury (not being less than Five nor more than Eight Days from the Service of such Summons); and at the Place and Time so appointed the Sheriff shall proceed to nominate and strike a Special Jury in the Manner which such Juries shall be required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Superior Courts; and the Sheriff shall appoint a Day, not later than the Eighth Day after striking of such Jury, for the Parties or their Agents to appear before him to reduce the Number of such Jury, and thereof shall give Four Days Notice to the Parties, and on the Day so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Twenty in the Manner used and accustomed by the proper Officers of the Superior Courts.

How Inquiry is to be conducted.

XLIV. And be it enacted, That the Inquiry shall be conducted, and the Verdict and Judgment shall be signed and recorded, and the Parties to such Inquiry shall have the like Powers and Privileges, and the Sheriff and Witnesses shall be subject to the like Penalties for the like

like Acts or Default, and such Penalties shall be recoverable, and the Amount thereof shall be applied, and the Costs of every such Inquiry shall be borne, settled, paid, retained, recovered, and enforced, in like Manner in all respects as is provided in the said Lands Clauses Consolidation Act in the Case of an Inquiry before a Jury under the Provisions therein contained.

Deficiency of Special Jurymen.

XLV. And be it enacted, That the Special Jury on such Inquiry shall consist of Twelve of the said Twenty who shall first appear on the Names being called over, the Parties having their lawful Challenges against any of the said Jurymen; and if a full Jury do not appear, or if after such Challenges a full Jury do not remain, then, upon the Application of either Party, the Sheriff shall add to the List of such Jury the Names of any other disinterested Persons qualified to act as Special or Common Jurymen who shall not have been previously struck off the aforesaid List, and who may then be attending the Court, or can speedily be procured, so as to complete such Jury, all Parties having their lawful Challenges against such Persons; and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Jury; and such Trial shall be attended in all respects with the like Incidents and Consequences, and the like Penalties shall be applicable, as herein-before provided in the Case of a Trial by Common Jury.

If Parties cannot be found.

XLVI. And be it enacted, That if any Person interested as aforesaid shall be prevented from treating, or cannot after diligent Inquiry be found, or shall not appear at the Time appointed for the Inquiry before the Jury as herein-before is provided, the Amount of Compensation to be paid to such Person in satisfaction of his Interest shall be determined by Two Justices, who for that Purpose shall have full Power to summon and examine upon Oath such Witnesses as they may think proper, and to make such Order as to them shall seem just.

As to Payment of Compensation.

XLVII. And be it enacted, That if any Person interested as aforesaid shall be absent from the Kingdom, or shall refuse to accept the Amount of Compensation which may be awarded to him, or neglect or fail to make out a Title, or if he refuse to convey or release such Interest as aforesaid, as directed by the Promoters of the Undertaking, or if any such Person be absent from the Kingdom, or cannot after diligent Inquiry be found, it shall be lawful for the Trustees to deposit the Compensation payable in respect of such Interest as aforesaid, or any Interest thereon, in the Bank, in the Name and with the Privity of the Accountant General of the Court of Chancery in *England*, or the Court of Exchequer in *Ireland*, to be placed, except in the Cases herein otherwise provided for, to his Account there to the Credit of the Parties interested (describing them so far as the Trustees can do), subject to the Control and Disposition of the said Court.

The County of Wexford to keep in repair old Bridge before Removal.

XLVIII. And be it enacted, That after the said present Bridge across the River *Slaney* at *Wexford* shall have been so purchased by the said Trustees, and before the same be taken down and removed, shall be maintained and kept in repair by and at the Expence of the County of *Wexford*; and it shall be lawful for the Grand Jury of the said County

County from Time to Time to present such Sums of Money for the Repair and Maintenance of the said Bridge as they may deem necessary.

Amount to be raised in manner herein specified.

XLIX. And whereas the probable Expence of erecting the said Bridge hereby authorized to be constructed, and of making and completing the Approaches thereto, and of the other Works authorized by this Act, (including the Purchase hereby authorized to be made of the Interests of the Persons interested in the said present Bridge, or the Tolls and Duties payable in respect thereof,) will amount to the Sum of Twenty-five thousand Pounds; be it therefore enacted, That it shall be lawful for the Trustees to raise and levy for the Purposes of this Act any Sum or Sums not exceeding in the whole the Principal Sum of Twenty-five thousand Pounds, and also to raise and levy the Interest to accrue due on any Money to be borrowed by the Trustees under the Provisions herein-after in that Behalf contained, such Sum and Sums and Interest respectively to be raised and paid in the Proportions and Manner following; (that is to say,)

Two equal Fifth Parts of the said Sum or Sums and Interest respectively shall be paid by the Treasurer of the County of *Wexford* out of the County Cess, at the Times and in the Proportions and Manner herein-after in that Behalf specified:

One other equal Fifth Part of the said Sum or Sums and Interest respectively shall, at the Times and in the Manner herein-after in that Behalf mentioned, be paid by the *Wexford* Harbour Improvement Company incorporated by the "*Wexford* Harbour Improvement Act, 1846:"

One other equal Fifth Part of the said Sum or Sums and Interest respectively shall be raised by means of Rates, to be assessed and levied in the Manner herein-after provided, upon the Occupiers of Lands, Tenements, and Hereditaments situate within the Borough of *Wexford*, and chargeable with the Payment of County Cess or Grand Jury Rates for the said County of *Wexford*:

And the remaining equal Fifth Part of the said Sum or Sums and Interest respectively shall be assessed and levied in the Manner and Proportions herein-after provided upon the Occupiers of Lands, Tenements, and Hereditaments chargeable with the Payment of County Cess or Grand Jury Rates, and situate within the several Townships and Townlands specified in the Schedule to this Act annexed marked (A.), all which Townships and Townlands are situate in the said County of *Wexford*.

Trustees to advertise Amount to be raised in each Year.

L. And be it enacted, That on the First Day of *January* in every Year during the Period of Ten Years next after the passing of this Act, or as soon after such Day as conveniently may be, the Trustees shall publish or cause to be published in the *Dublin Gazette*, and some Newspaper published and circulated in the said County of *Wexford*, an Advertisement stating the Amount to be raised and paid in such Year under the Authority of this Act, distinguishing the Sum to be raised as Capital or Principal Money from the Sum to be raised for Interest on Money borrowed, and specifying the respective Proportions to be paid by the Treasurer of the said County and the *Wexford* Harbour Improvement Company, and the Proportion

to

to be levied and raised by Rates upon the Occupiers of Lands, Tenements, and Hereditaments rateable under this Act in the said Borough of *Wexford*, and also the Proportions to be levied and raised upon the Occupiers of Lands, Tenements, and Hereditaments rateable under the Authority of this Act in the said Townlands and Townships respectively.

County Treasurer to pay annually the Proportions to be contributed out of the County Rates.

LI. And with respect to the Two equal Fifth Parts to be paid by the Treasurer of the said County as aforesaid of the Sum or Sums of Money and Interest respectively to be raised and paid under the Authority and for the Purposes of this Act, be it enacted, That on the First Day of *May* in every Year during the Ten Years next after the passing of this Act the Treasurer for the Time being of the said County of *Wexford* shall pay or cause to be paid to the Trustees or their Treasurer, or in such Manner as they shall direct, the Sum specified in the Advertisement to be published in that Year as aforesaid as the Proportion to be paid by such Treasurer, or so much of the Sum so specified as shall be equal to Two Fifth Parts of the whole Amount required by such Advertisement to be raised in such Year.

Treasurer of the County to enforce Payment.

LII. And be it enacted, That every Sum to be paid by the Treasurer of the said County under the Authority of this Act shall be raised, levied, and collected, and the Payment thereof shall be enforceable, in like Manner as, and in addition to, and as Part of the County Cess or Grand Jury Rates for the Time being chargeable upon Lands and Tenements, or the Owners or Occupiers thereof, in the said County.

Payments to be made by Wexford Harbour Company.

LIII. And with respect to the One equal Fifth Part to be paid by the *Wexford* Harbour Improvement Company as aforesaid of the Sum or Sums of Money and Interest respectively to be raised and paid under the Authority and for the Purposes of this Act, be it enacted, That on the First Day of *May* in every Year during the Ten Years next after the passing of this Act the said *Wexford* Harbour Improvement Company shall be bound to pay to the Trustees or their Treasurer, or in such Manner as they may direct, the Sum specified in the Advertisement to be published in that Year as aforesaid as the Proportion to be paid by the said *Wexford* Harbour Improvement Company, or so much of the Sum so specified as shall be equal to One Fifth Part of the whole Amount required by such Advertisement to be raised in such Year.

Rates to be levied on the Borough of Wexford.

LIV. And with respect to the One equal Fifth Part to beraised by means of Rates to be levied upon the Occupiers of the rateable Lands, Tenements, and Hereditaments within the said Borough of *Wexford* as aforesaid of the Sum or Sums of Money and Interest respectively to be raised under the Authority and for the Purposes of this Act as aforesaid, be it enacted, That in every Year during the Period of Ten Years next after the passing of this Act it shall be lawful for the Trustees, and they are hereby empowered and required, to raise, by a Rate to be made by them in every such Year upon the Occupiers of the Lands, Tenements, and Hereditaments for the Time being chargeable

chargeable with the Payment of County Cess or Grand Jury Rates, and situate within the said Borough of *Wexford*, One equal Fifth Part, or as near thereto as may be, of the Amount required by the Advertisement published as aforesaid, to be raised in such Year.

If Rate deficient in any Year, Deficiency to be supplied in the next.

If Rate excessive in any Year the next Year's Rate to be reduced.

LV. Provided always, and be it enacted, That in case in any Year the Amount to be raised by the Rate levied under the Authority of this Act upon the Occupiers of rateable Lands, Tenements, and Hereditaments within the said Borough of *Wexford* shall from any Reason fall short of the Amount hereby authorized to be raised by such Rate in such Year, then and in that Case, and as often as the same shall happen, the Rate to be levied in the Year then next ensuing shall be increased by the Amount of the Deficiency in the previous Year: Provided also, that in case in any such Year the Amount to be raised by such Rate as last aforesaid shall from any Reason exceed the Amount hereby authorized to be raised by such Rate in that Year, then and in that Case, and so often as the same shall happen, the Rate to be levied in the Year then next ensuing shall be decreased by the Amount of the Excess levied in the previous Year: Provided nevertheless, that in either of the Cases provided for by this present Clause, and whenever the same shall happen, the Trustees shall specify in the Advertisement to be published as aforesaid in the Year next thereafter the Cause, Amount, and short Particulars of such Increase or Decrease (as the Case may be): Provided nevertheless, that the Amount of such Increase or Decrease (as the Case may be) shall not be taken into consideration in calculating the Proportions to be paid by the said Treasurer of the said County and by the said *Wexford* Harbour Improvement Company respectively as aforesaid, or to be raised by Rates upon the Occupiers of rateable Lands, Tenements, and Hereditaments within the said Townships and Townlands.

Borough of Wexford to mean the Parliamentary Borough.

2 & 3 W. 4. c. 89.

LVI. Provided also, and be it enacted, That for the Purposes of this Act the Borough of *Wexford* shall be taken to include and comprise the several Parishes and Places specified and described in conjunction with the Name "*Wexford*" in the Schedule to an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of King *William* the Fourth, intituled *An Act to settle and describe the Limits of Cities, Towns, and Boroughs in* Ireland, *in so far as respects the Election of Members to serve in Parliament.*

One Fifth to be raised by Rate on Townlands and Townships in certain Proportions.

LVII. And with respect to the One equal Fifth Part to be raised by means of Rates to be levied upon the Occupiers of rateable Lands and Tenements within the said several Townships and Townlands specified in the said Schedule (A.) of the Sum or Sums of Money and Interest respectively to be raised under the Authority and for the Purposes of this Act as aforesaid, be it enacted, That in every Year during the Period of Ten Years next after the passing of this Act it shall be lawful for the Trustees, and they are hereby empowered and required, to raise by Rates, to be made in the Proportions and Manner herein-after mentioned by them upon the Occupiers of the Lands, Tenements, and Hereditaments for the Time being chargeable

chargeable with the Payment of County Cess or Grand Jury Rates; and situate in the said several Townships and Townlands, One equal Fifth Part, or as near thereto as may be, of the Amount required by the Advertisement published as aforesaid to be raised in such Year.

Proportions in which the Townships are to be ruled.

LVIII. And be it enacted, That every Sum hereby authorized to be raised by Rates upon the Occupiers of Lands and Tenements within the said Townships and Townlands shall be raised and contributed in the Proportions following; (that is to say,) so much and such Part of any and every such Sum as shall bear to the whole of such Sum the same Proportion as the Sum of One thousand one hundred Pounds bears to the Sum of Five thousand Pounds shall be assessed and levied upon the Occupiers of Lands, Tenements, and Hereditaments for the Time being chargeable with the Payment of County Cess or Grand Jury Rates, and situate in the Townships and Townlands specified as Class 1. in the said Schedule hereunto marked (A.); and so much and such other Part of any and every such Sum as shall bear to the whole of such Sum the same Proportion as the Sum of One thousand and fifty Pounds bears to the Sum of Five thousand Pounds shall be assessed and levied upon the Occupiers of Lands, Tenements, and Hereditaments for the Time being chargeable with the Payment of County Cess, or Grand Jury Rates, and situate in the Townships and Townlands specified as Class 2. in the said Schedule; and so much and such other Part of any and every such Sum as shall bear to the whole of such Sum the same Proportion as the Sum of Eight hundred and fifty Pounds bears to the Sum of Five thousand Pounds shall be assessed and levied upon the Occupiers of Lands, Tenements, and Hereditaments for the Time being chargeable as aforesaid, and situate in the Townships and Townlands specified as Class 3. in the said Schedule; and so much and such other Part of any and every such Sum as shall bear to the whole of such Sum the same Proportion as the Sum of Seven hundred and seventy-five Pounds bears to the Sum of Five thousand Pounds shall be assessed and levied upon the Occupiers of Lands, Tenements, and Hereditaments for the Time being chargeable as aforesaid, and situate in the Townships and Townlands specified as Class 4. in the said Schedule; and so much and such other Part of any and every such Sum as shall bear to the whole of such Sum the same Proportion as the Sum of Six hundred Pounds bears to the Sum of Five thousand Pounds shall be assessed and levied upon the Occupiers of Lands, Tenements, and Hereditaments for the Time being chargeable as aforesaid, and situate in the Townships and Townlands specified as Class 5. in the said Schedule; and so much and such other Part of any and every such Sum as shall bear to the whole of such Sum the same Proportion as the Sum of Four hundred and twenty-five Pounds bears to the Sum of Five thousand Pounds shall be assessed and levied upon the Occupiers of Lands, Tenements, and Hereditaments for the Time being chargeable as aforesaid, and situate in the Townships and Townlands specified as Class 6. in the said Schedule; and so much and such other Part of any and every such Sum as shall bear to the whole of such Sum the same Proportion as the Sum of Two hundred Pounds bears to the Sum of Five thousand Pounds shall be assessed and levied upon the Occupiers of Lands, Tenements, and Hereditaments for the Time being chargeable as

aforesaid, and situate in the Townships and Townlands specified as Class 7. in the said Schedule.

Separate Rates to be made on the different Classes.

LIX. Provided always, and be it enacted, That the Rates to be made and levied under the Authority of this Act upon the Occupiers of rateable Lands, Tenements, and Hereditaments within the said Townlands and Townships shall be separate and distinct Rates upon the Occupiers of such rateable Lands, Tenements, and Hereditaments in the Townlands and Townships comprised in each of the said Classes.

Rates, if deficient or excessive in any Year, to be increased or decreased proportionately in the next.

LX. Provided always, and be it enacted, That in case in any Year the Amount to be raised under the Authority of this Act by Rates upon the rateable Lands, Tenements, and Hereditaments in the said Townlands and Townships, or in One or more Class or Classes of the said Townlands and Townships, shall for any Reason fall short of the Amount hereby authorized to be raised in that Year upon the rateable Lands, Tenements, and Hereditaments in such Townlands and Townships, or such Class or Classes respectively, (as the Case may be,) then and in such Case, and as often as the same shall happen, the Rate or Rates respectively to be levied in the Year then next ensuing upon the rateable Lands, Tenements, and Hereditaments in the same Townlands and Townships, or such Class or Classes respectively, (as the Case may be,) shall be increased by the Amount of the Deficiency in the previous Year: Provided also, that in case in any such Year the Amount to be raised under the Authority of this Act upon the rateable Lands, Tenements, and Hereditaments in the said Townlands and Townships, or in One or more Class or Classes of the said Townlands and Townships respectively, shall from any Reason exceed the Amount hereby authorized to be raised in that Year upon the rateable Lands, Tenements, and Hereditaments in such Townlands and Townships, or such Class or Classes respectively, (as the Case may be,) then and in such Case, and as often as the same shall happen, the Rate or Rates respectively to be levied in the Year then next ensuing upon the rateable Lands, Tenements, and Hereditaments in the same Townlands and Townships, or in such Class or Classes, (as the Case may be,) shall be decreased by the Amount of the Excess levied in the previous Year: Provided nevertheless, that in either of the Cases provided for by this present Clause, and whenever the same shall happen, the Trustees shall specify in the Advertisement to be published as aforesaid in the Year next thereafter the Cause, Amount, and short Particulars of such Increase or Decrease (as the Case may be): Provided also, that the Amount of such Increase or Decrease (as the Case may be) shall not be taken into consideration in calculating the proportions to be paid by the Treasurer of the said County and by the said *Wexford* Harbour Improvement Company respectively as aforesaid, or the Proportions to be raised by Rates upon the Occupiers of Lands, Tenements, and Hereditaments within the said Borough of *Wexford*.

Trustees not to raise more than 4,000*l.* in any one Year.

LXI. And be it enacted, That the total Amount to be raised by the Trustees under the Authority of this Act (exclusive of Interest on Money borrowed) shall not on any Account exceed the Sum of Four thousand Pounds in any One Year.

LXII. Provided

Errors in Advertisement not prejudicial.

LXII. Provided also, and be it enacted, That no Error, Inaccuracy, or Informality in any Advertisement to be published as aforesaid, or in the Particulars thereof, shall be held to discharge or diminish the Liability which under the Provisions of this Act would have attached to any Person, or vitiate, invalidate, or affect any Rate which under the Provisions of this Act would have been good but for such Error, Inaccuracy, or Informality.

Every Rate to be a Poundage Rate upon the net annual Value.

LXIII. And be it enacted, That every Rate to be made under the Authority of this Act shall be a Poundage Rate, and made upon an Estimate of the net annual Value of the several Lands, Tenements, and Hereditaments rated thereunto: Provided always, that such annual Value shall, at the Option of the Trustees, be deemed and taken either to be that at which the same Lands, Tenements, and Hereditaments respectively are or shall be valued in the Field Book or Field Books on which the List of Valuation or Lists of Valuations published or to be published respecting the same pursuant to the Provisions contained in an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in* Ireland, *and to incorporate certain detached Portions of Counties and Baronies with those Counties and Baronies respectively whereunto the same may adjoin, or wherein the same are locally situate*, on in any other Act or Acts now in force respecting the uniform Valuation of Lands and Tenements in *Ireland*, was or were or shall be grounded, or to be that at which the same Lands, Tenements, and Hereditaments respectively were applotted for the Grand Jury Cess at the Applotment made next before the making of the Rate to be levied under the Authority of this Act.

6 & 7 W. 4. c. 84.

Books in which the Poor Rates are entered to be open for Inspection.

LXIV. And be it enacted, That the Treasurer for the Time being for the said County of *Wexford* shall, from Time to Time whenever required so to do by the Trustees, make and deliver to them, upon the same Terms as he shall be bound to make and deliver the same to any Person or Persons requiring the same for the Applotment of Grand Jury Cess, One or more Copy or Copies of any Field Book or Field Books which shall have been furnished to him pursuant to the Provisions in that Behalf contained in the said Act or Acts for the uniform Valuation of Lands and Tenements in *Ireland*, and also One or more Copy or Copies of any Field Map or Field Maps which shall have been furnished to him in like Manner, such last-mentioned Copy or Copies to be marked and numbered so as to correspond with such Field Book or Field Books; and that the Trustees, or any Person or Persons to be appointed by them to collect any Rate or Rates to be made under the Authority of this Act, shall and may at all reasonable Times, and without paying any thing for the same, examine and take a Copy or Copies of any Book or Books in which the Particulars of any Applotment for Grand Jury Cess in respect of any Lands or Tenements rateable under the Authority of this Act shall be entered as by Law required; and in case any Person having the Custody of any such Book or Books shall refuse to permit or shall not permit such Examination, or such Copy or Copies to be taken as aforesaid, he shall forfeit a Sum

a Sum not exceeding Forty Shillings for every such Offence, to be recoverable as Penalties are made recoverable under this Act.

Particulars of Rate to be entered in Book, which shall be open to Inspection of the Rate-payers.

LXV. And be it enacted, That the Particulars of every Rate to be made under the Authority of this Act shall be entered by or by the Authority of the Trustees in a Book to be kept for that Purpose, which shall contain an Account of every Particular set forth at the Head of the respective Columns in the Form given in the Schedule hereunto annexed, marked (B.); and the Trustees, or any Two of them, shall, before the Rates or any of them shall be levied, sign the Declaration at the Foot of the said Form; and such Book shall, after the Signature of the said Declaration, be received as Evidence in all Courts, and before all Judges, Justices, and others, of the Truth of every Particular so therein contained, and without Proof of the Handwriting of the Persons who shall have signed such Declaration, or that they were respectively Trustees duly appointed at the Time of their respectively signing the same.

Publication of Rate.

LXVI. And be it enacted, That before any Rate shall be levied under the Authority of this Act the Trustees shall cause to be given, in some Newspaper published and circulated in the said County of *Wexford*, One Calendar Month's Notice at the least of the making thereof, and of the Place where the Rate Book in which the Particulars of the Rate so made shall have been entered or deposited, and may be inspected; and after such Notice shall be so given it shall be lawful for any Person affected by the Rate therein mentioned at all seasonable Times to take a Copy of or Extract from the said Rate as entered in the said Rate Book, without paying any thing for so doing; and in case the Person having the Custody of such Rate Book shall refuse to permit, or shall not permit, any Person so affected by such Rate as aforesaid to make a Copy thereof or an Extract therefrom, the Person so refusing or not permitting such Copy or Extract to be made shall forfeit and pay to the Party aggrieved any Sum not exceeding Ten Shillings, to be recovered as Penalties and Forfeitures are recoverable under this Act.

Rates vested in Trustees.

LXVII. And be it enacted, That the several Rates made under this Act shall be vested in the Trustees, and shall be payable at such Times as they shall direct to the Collectors to be appointed by them.

Rates to be paid by Occupier.

LXVIII. And be it enacted, That every Rate made under the Authority of this Act shall be paid by the Person in the actual Occupation of the Lands, Tenements, or Hereditaments rated at the Time of the Rate being made, and on his Default then by the Person or Persons subsequently in the Occupation of the same Property from whom such Rate shall be demanded.

Tenants to deduct Half the Rate from the Rent.

LXIX. And be it enacted, That when the Person occupying such Lands, Tenements, or Hereditaments shall be liable to pay a Rent in respect of the same, he may deduct from such Rent, for each Pound of the Rent which he shall be liable so to pay, One Half of the Sum which he shall have paid as Rate in respect of each Pound of the net annual Value,

Value, whether such Rent shall be greater or less than such net annual Value, and so in proportion for any less Sum than a Pound.

Sub-Lessors to make proportionate Reduction from superior Landlord's Rent.

LXX. And be it enacted, That where any Person to whom Rent shall be payable in respect of any rateable Lands, Tenements, or Hereditaments shall also pay a Rent in respect of the same, he shall be entitled to deduct from the Rent so paid by him a Sum bearing such a Proportion to the Amount of Rate deducted from the Rent payable to him as the Rent paid by him bears to the Rent payable to him.

Covenant to the contrary ineffectual.

LXXI. Provided also, and be it enacted, That any Covenant or Agreement whereby any Person liable to pay Rent, and entitled under the Provisions of this Act to deduct therefrom any Rate or Proportion of Rate, shall have covenanted or agreed or shall hereafter covenant or agree to forego such Deduction, shall, so far as such Rate is concerned, be of no effect.

Receipt for Rate to be taken in discharge.

LXXII. And be it enacted, That in all Cases the Receipt for Rates to be levied under the Authority of this Act in respect of any Lands, Tenements, or Hereditaments shall be accepted by every Person entitled to receive Rent in respect of the same in lieu of such a Portion of Rent as the Person tendering such Receipt is hereby entitled to deduct from such Rent by reason of his Payment of the Rate for which such Receipt shall be given: Provided always, that no Deduction on account of any Payment of Rate under this Act shall be held to be a Discharge of any Portion of any Gale or quarterly or other Payment of Rent due from the Person entitled to make such Deduction, so as to prejudice the Right of any Landlord to recover the Possession of any Hereditaments by Ejectment for Nonpayment of the Rent thereof in any Case where the remaining Portion of such Gale shall be unpaid, but that it shall and may be lawful for such Landlord to proceed for the Recovery of such Hereditaments by Ejectment, as effectually as if the entire Gale or quarterly or other Payment of Rent out of which such Deduction is hereby allowed had remained wholly due and unpaid: Provided also, that no Deduction shall be made from any Rent-charge granted by way of Jointure or any other Rent-charge or Annuity granted, limited, or devised for a Life or Lives in being only, or for Years determinable on a Life or Lives in being.

Rate may be amended.

LXXIII. And be it enacted, That it shall be lawful for the Trustees from Time to Time to amend any Rate made by virtue of this Act by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person shall have been rated, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate conformable to this Act; and no such Amendment shall be held to avoid the Rate; provided always, that any Person who shall be aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and every Person whose Rate shall be altered shall be entitled to Seven Days Notice in Writing, to be left at his usual or

last known Place of Abode in *Ireland*, of such Alteration before the Rate shall be payable by him.

Rate enforced by Distress or Civil Bill.

LXXIV. And be it enacted, That in case the Rate in respect of any Lands, Tenements, or Hereditaments rateable under the Authority of this Act shall not have been fully paid within Two Calendar Months after the Rate shall have been made, and Notice thereof shall have been given as aforesaid, it shall be lawful for the Trustees, or any Person authorized by them to collect such Rate, to levy and raise such Rate, or the Part thereof remaining unpaid, together with all Costs incurred by any Neglect or Refusal to pay the same, by such Distress on the rateable Property, and such Sale and Disposition of the Distresses taken thereon, as are by Law provided for the Recovery of Rent reserved on Leases of Land for Lives or Years, or to sue for such Rate and Costs by Civil Bill in the Names of such Trustees, or any One or more of them, or their Clerk or Treasurer for the Time being, before the Assistant Barrister having Jurisdiction to hear and determine Causes by Civil Bill in the Place or District where the Person liable to pay the same resides: Provided always, that in case the Person occupying such Property, and paying such Rate and Costs, or any Part thereof, shall not be the Person primarily liable to pay the Rate, or shall not be the immediate or any superior Landlord of the Person primarily liable, it shall be lawful for the Person making such Payment to deduct and retain the whole of the Rate and Costs so paid by him from any Rent payable by him in respect of such Property; and the Person from whose Rent such Rate and Costs shall be so deducted shall be entitled to make from any Rent paid by him such Deduction as he would have been entitled to make in case the Rate had been duly paid by the Person primarily liable to pay the same.

Any Goods on the Premises to be distrainable.

LXXV. And be it enacted, That in all Cases in which by the Provisions of this Act it is made lawful to levy any Money by Distress and Sale of the Goods of any Person, all Goods and Chattels, to whomsoever the same may belong, found on the Premises in respect of which any such Person is or shall be rated as the Occupier, or as Occupier of which he shall be liable to pay the Rate, shall or may be distrained and sold as if they were the Goods and Chattels of such Person.

Power of Appeal in like Manner as under *Poor Law* Act.

LXXVI. And be it enacted, That it shall be lawful for any Person who shall think himself aggrieved by any Rate made upon him in respect of any Lands, Tenements, or Hereditaments under this Act to appeal, for any Cause or Causes of Complaint for which and to any Court or Courts to which it is or may be lawful for him to appeal, against any Applotment for County Cess or Grand Jury Rates made in respect of the same Lands, Tenements, or Hereditaments; and every such Court shall hear and determine such Appeal, and adjudicate thereupon in the same or the like Manner in all respects, and shall or may make the like Orders as to Costs or otherwise, as if the same were an Appeal against an Applotment for County Cess or Grand Jury Rates in respect of such last-mentioned Lands, Tenements, and Hereditaments: Provided nevertheless, that before any Appeal shall be made under the Authority of this present Clause the same or the like Notices shall

shall be given, and Recognizances entered into, and Acts and Steps done and taken respectively, and within the same or the like Periods, as would be necessary or requisite in case the Appeal were against the making or levying of any such Rate for the Relief of the Poor as last aforesaid.

Exemption of certain Vessels.

LXXVII. And be it enacted, That nothing in this Act or in any or either of the recited Acts contained shall extend to charge with Rates or Duties, or to regulate or subject to any Control, any Vessel belonging to or employed in the Service of Her Majesty, Her Heirs and Successors, or any Member of the Royal Family, or in the Service of the Customs or Excise, or of any Corporation of *Trinity House* of *Deptford Strond*, or the Commissioners of Northern Lights, using the Harbour, Dock, or Pier, and not conveying Goods for Hire, or any Packet Boat or Post Office Packet, being a Packet Boat or Post Office Packet as defined under the Provisions of any Act relating to the Post Office, or any Post Office Bag of Letters conveyed by any such Packet Boat or Packet, or by any other Vessel whatsoever, or any of the Officers or Persons employed in the Service of the Admiralty, Ordnance, Customs, Excise, or Post Office, or their Baggage, or any Vessel or Goods being under Seizure by the Officers of the Revenue, or any Naval, Victualling, or Ordnance Stores, or other Stores or Goods for the Service of or being the Property of Her Majesty, or any Troops landed upon or delivered or disembarked from any of the Quays of the Harbour, Dock, or Pier, or their Baggage; but all such Vessels, Officers, or Persons as aforesaid shall have the free Use of the Harbour, Dock, or Pier, without any Charge or Rate being made for using the same: Provided always, that if any Person claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Power to borrow Money on the Credit of the Rates.

LXXVIII. And be it enacted, That it shall be lawful for the Trustees from Time to Time to borrow at Interest, on the Credit of the Monies, Rates, and Assessments by this Act authorized to be raised, levied, and made, any Sum of Money which, together with any Sum previously borrowed or raised under the Provisions of this Act (except for Payment of Interest), shall not exceed the Sum of Twenty-five thousand Pounds Sterling, and in the event of any Part of such Sum or Sums of Money being repaid by the Trustees to reborrow the same, and so *toties quoties*; and for securing the Repayment of the Money so borrowed, with Interest, the Trustees and their Clerk may assign over the said several Monies, Rates, and Assessments, or any Part thereof, to the Person who shall advance or lend such Money, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Commissioners of Public Works in Ireland empowered to lend 25,000*l.*

LXXIX. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Public Works acting in execution of the Acts for the Extension and Promotion of Public Works in *Ireland*, and they are hereby empowered, out of any Monies which are or shall be at their Disposal or under their Control, to advance to the Trustees from Time to Time any Sum or Sums of Money, not exceeding

ing in the whole the said Sum of Twenty-five thousand Pounds, upon the Security of the said Monies, Rates, Duties, and Assessments hereby authorized to be raised, levied, and made.

Form of Assignment.

LXXX. And be it enacted, That every such Assignment or Security as aforesaid may be according to the Form in the Schedule to this Act annexed marked (C.), or to the like Effect.

Assignment to be without Preference.

LXXXI. And be it enacted, That all Persons to whom Securities shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums advanced by them respectively, be Creditors on the said Monies, Rates, and Assessments equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Date of any such Securities respectively.

Expences of Assignment.

LXXXII. And be it enacted, That the Expences of every Security shall from Time to Time be defrayed by the Trustees out of the Money raised by the same.

Register of Assignments to be kept, and to be open to Inspection.

LXXXIII. And be it enacted, That a Register of such Assignments or Securities shall be kept by the Clerk to the Trustees; and within Three Days after the Date of any such Assignment an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Designations, shall be made in such Register; and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

Transfer of Assignment.

LXXXIV. And be it enacted, That from Time to Time any Party entitled to any such Assignment may transfer his Right and Interest therein to any other Person; and any such Transfer may be according to the Form in the Schedule to this Act annexed marked (D.), or the like Effect.

Register of Transfers to be kept.

LXXXV. And be it enacted, That within Twenty-one Days after the Date of every such Transfer it shall be produced to the Clerk to the Trustees, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Assignment; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Assignment in all respects, and no Party having made such Transfer shall have Power to make void, release, or discharge the Assignment so transferred, or any Money thereby secured: Provided always, that if the Clerk of the Trustees shall refuse or neglect to enter any such Transfer as aforesaid, after being thereunto required, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, besides being liable for the Damages consequent on such Neglect.

Mortgages, Transfers, &c. to be stamped.

LXXXVI. And be it enacted, That every Mortgage, Bond, Transfer, or other Security for Money, and every Transfer of any Mortgage, Bond, or other Security for Money, to be granted or made by virtue of this Act, shall be by Deed duly stamped, wherein the Consideration

tion shall be truly stated; and every Security made by virtue of this Act shall be under the Hands of at least Two of the Trustees and their Clerk; and the Trustees or their Clerk, or any of them, shall not be personally liable, by reason of having signed any such Instruments, for the Repayment of the Money borrowed, or Interest thereon, or for Payment of any Sum which they respectively shall not have bound themselves personally to pay as Individuals independently of their Office of Trustees and Clerk under this Act.

For enforcing Payment of Arrears of Interest on Mortgage.

LXXXVII. And in order to provide for the Recovery of the Arrears of Interest and Costs, or of the Principal and Interest and Costs of any Mortgage to be made by the Trustees, at the respective Times at which such Interest, or such Principal and Interest, and Costs, become due, be it enacted, That if such Interest, or any Part thereof, shall for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee may either sue for the Interest so in arrear, by Action of Debt, in any of the Superior Courts, or he may require the Appointment of a Receiver by an Application to be made as herein-after mentioned.

Recovery of Principal, Interest, &c. of Money lent on Mortgage.

LXXXVIII. And with respect to such Principal Money, Interest, and Costs, be it enacted, That if such Principal Money and Interest be not paid within Six Months after the same shall have become payable, and after Demand thereof in Writing, the Mortgagee may sue for the same in any of the Superior Courts, or if his Debt amount to the Sum of One thousand Pounds, he may alone, or if his Debt does not amount to the Sum of One thousand Pounds, he may in conjunction with other Mortgagees whose Debts being so in arrear after Demand as aforesaid shall, together with his, amount to the Sum of One thousand Pounds, require the Appointment of a Receiver by an Application to be made as herein-after mentioned.

Appointment of a Receiver.

LXXXIX. And be it enacted, That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices; and on any such Application so made, and after hearing the Parties, it shall be lawful for such Justices, by Order in Writing, to appoint some Person to receive the whole or a competent Part of the Monies and Rates liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Rates or Sums aforesaid, be fully paid; and upon such Appointment being made, all such Monies and Rates as aforesaid shall be paid to and received by the Person so to be appointed, and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, shall have been so received, the Power of such Receiver shall cease.

Application of Monies.

XC. And be it enacted, That the Money to come to the Hands of the Trustees by virtue of this Act shall be applied, in the first place, in defraying the Expences incurred in applying for and incidental to the passing of this Act; in the second place, in paying the annual Interest on any Money to be borrowed; in the third place, in defraying the Expences of building, maintaining, and keeping in repair, and lighting, cleansing, and watching, the said Bridge and Approaches hereby authorized to be constructed, and carrying this Act into execution; and, lastly, in repaying the Principal Money borrowed by virtue of this Act.

Power to appoint Patrols and Watchmen.

XCI. And be it enacted, That it shall be lawful for any One or more of Her Majesty's Justices on the Nomination of the Trustees to appoint such a Number of fit and able-bodied Men as they shall think proper to be employed as Watchmen, Guards, or Patrols upon the said Bridge hereby authorized to be constructed or the Approaches thereof, and upon such Nomination as aforesaid to appoint any Person or Persons to be Superintendent or Superintendents thereon, and from Time to Time to remove any of the said Superintendents, Watchmen, Guards, or Patrols for any Cause which shall appear to such Justice or Justices to be sufficient, and upon such Nomination as aforesaid to appoint others in their Room, and from Time to Time to make such Rules, Orders, and Regulations for the better governing of the Superintendents, Watchmen, Guards, or Patrols, and for the watching and guarding of the same Bridge and Approaches, and keeping the Peace thereon, and on every of them, as the said Justice or Justices and the Trustees shall think proper; and the Trustees shall provide proper Watch-houses, Watchboxes, and Places for the Reception of such Watchmen.

Watchmen, &c. vested with Powers of Constables.

XCII. And be it enacted, That all Watchmen and Patrols shall be sworn in as Constables before some Justice or Justices, who is and are hereby required to swear them in accordingly; and such Watchmen and Patrols shall act as such whilst in the Execution of the Powers of this Act, and they are hereby invested with the like Powers, Privileges, and Protections as any Constable or Constables is or are invested with by Law.

Power to fix Lamps.

XCIII. And be it enacted, That it shall be lawful for the Trustees and they are hereby empowered from Time to Time to cause such and so many Lamp Irons or Lamp Posts to be put up or affixed in, upon, or along the Sides of the said Bridge hereby authorized to be constructed, and to cause such Number of Lamps of such Sizes and Sorts to be provided and affixed or put upon such Lamp Irons and Lamp Posts, as they shall think necessary for lighting the same Bridge and every or any Part thereof, and to cause the said Lamps to be lighted as and when they shall think proper.

Power to contract for lighting.

XCIV. And be it enacted, That it shall be lawful for the Trustees from Time to Time to contract and agree with any Company of Proprietors or with any other Person or Persons to light the said Bridge hereby authorized to be constructed, with Gas, Oil, or otherwise as to the Trustees shall from Time to Time seem proper and expedient, and to provide

provide and set up such Lamp Posts and other Things upon the same Bridge as may be necessary for such Purposes.

No Person to take up the Pavement of the Bridge without Consent.

XCV. And be it enacted, That if any Person shall at any Time hereafter take up, remove, or alter, or cause to be taken up, removed, or altered, any Part of the Carriageways or Footpaths on the said Bridge hereby authorized to be constructed, or any of them, or shall make or cause to be made any Alterations in any of the Tunnels, Gutters, Soughs, Drains, or Watercourses therein, without the previous Consent or Authority of the Trustees, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Provision for Damages not otherwise provided for.

XCVI. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by One or more Justices; and where by this Act any Damages or Charges are directed to be paid, in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justice or Justices by whom the Offender shall be convicted of such Offence; and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and such Justice or Justices shall issue his or their Warrant accordingly.

For ascertaining Compensation.

XCVII. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justices of the Peace assembled or acting at Petty Sessions may summon any Person liable to pay the same to appear before them at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

Justices to examine Parties and Witnesses.

XCVIII. And be it enacted, That where in this Act any Question of Compensation or Damage is referred to the Determination of any Justices, it shall be lawful for such Justices to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justices; and if either Party fail to appear at the Time and Place appointed by the Justices for going into any such Question, without reasonable Excuse to the Satisfaction of such Justices, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justices to proceed *ex parte*.

Publication of Penalties.

XCIX. And for the Purposes of providing for the due Publication of all Penalties and Forfeitures which may be incurred under this Act, be it enacted, That from Time to Time the Trustees shall publish the short Particulars of the several Offences for which any and every such Penalty

Penalty is imposed by this Act, and the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the said Bridge hereby authorized to be constructed, or in some conspicuous Place immediately adjacent thereto; and such Particulars shall be renewed as often as the same or any Part thereof are or is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Penalty for defacing Boards.

C. And be it enacted, That if any Person pull down or break or deface any such Board put up or affixed as required by this Act for the Purpose of publishing any Penalty or Forfeiture, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board, and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered: Provided always, that, notwithstanding the Obliteration or Destruction of any such Board, or any of the Letters or Figures thereon, the Penalties or Forfeitures imposed by this Act shall be incurred and recoverable during a reasonable Period allowed for the Restoration and Renewal of the said Board, or the Letters or Figures so obliterated or destroyed.

Penalties to be summarily recovered before Justices.

CI. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint being made before One or more Justices; and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending, it shall be lawful for any Justices assembled and acting at Petty Sessions to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

CII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and such Justices, or One of them, shall issue his or their Warrant of Distress accordingly.

CIII. And

In default of Distress Offenders may be committed.

CIII. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of the Justices whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress; and in such Case, and if such Warrant shall have been issued, and upon Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall, by Warrant, cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CIV. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the Treasurer of the County of *Wexford* Infirmary, or the Treasurer of the County of *Wexford* Fever Hospital, to be applied for the Purposes of the Charity.

Penalties to be sued for within Six Months.

CV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before any Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

CVI. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person summoned as a Witness before any such Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CVII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Trustees, and

and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CVIII. And be it enacted, That the Justice or Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule to this Act annexed marked (E.)

Informalities.

CIX. And be it enacted, That no Rate or Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress how to be levied.

CX. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CXI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Appeal.

CXII. And be it enacted, That if any Party shall think himself aggrieved by any Determination or Adjudication of any Justice or Justices under the Provisions of this Act he may appeal to the General Quarter Sessions for the County where the Cause of Appeal shall have arisen, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizance, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court therein.

The Court to make such Order as they

CXIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, mitigate any

any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress on his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs both of the Adjudication and of the Appeal as they may think reasonable. think reasonable.

Plaintiff not to recover after Tender of Amends.

CXIV. And be it enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, if Tender of sufficient Amends shall have been made on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

When Bridge completed to be a County Bridge.

CXV. And be it enacted, That from the Expiration of One Calendar Month next after the said Bridge hereby authorized to be constructed shall have been completed and opened for Traffic, the same shall belong to and become vested in, and all Expences of maintaining and keeping in repair the same, and otherwise incidental thereto, shall be wholly borne and paid by, the Inhabitants of the said County of *Wexford*.

Power of Trustees to expire at End of Ten Years.

CXVI. And be it enacted, That from and after the Expiration of Ten Years next after the passing of this Act all the Powers and Authorities hereby given to the Trustees shall absolutely cease and determine, but so nevertheless as not to defeat, prejudice, or affect any Action or Suit which shall have been brought by or shall be pending against the Trustees, or any Right or Cause of Action or Suit which shall have arisen against them, or which they may have against any Person or Persons.

Acts repealed.

CXVII. And be it enacted, That when and as soon as the Trustees shall have made and completed the Purchase hereby authorized to be made of the Rights and Interests of the Persons interested as aforesaid in the said present Bridge, and the Tolls or Duties payable in respect thereof, then and immediately thereupon all the Clauses and Provisions in the herein-before recited Acts passed in the Thirty-fourth Year of the Reign of His Majesty King *George* the Third contained, so far only as the same respectively relate to the making and maintaining of a Bridge across the said River *Slaney* at or near to the Town of *Wexford*, and also the herein-before recited Act passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, shall be repealed.

No Works below High-water Mark without the Consent of the Commis-

CXVIII. Provided always, and be it enacted, That it shall not be lawful for the Trustees to make, or begin to make, construct, or carry on any Pier or other Work below the Line of High-water Mark at ordinary Spring Tides without the previous Consent of Her Majesty, Her

sioners of Woods &c.

Her Heirs and Successors, to be signified in Writing under the Hands of Two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of the Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said Lord High Admiral, or the said Commissioners, may approve of, such Approval being signified as last aforesaid; and where any such Work shall have been constructed, it shall not be lawful for the said Trustees at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extensions, the like Consents or Approvals; and if any such Work shall be commenced or completed contrary to the Provisions hereof, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Costs and Charges of the said Trustees, and the Amount thereof may be recovered in any competent Court; and in the event of any Work being commenced or completed under the Powers in this Act or the said recited *Wexford* Harbour Improvement Act, 1846, and of any Question arising as to whether the same or any Portion thereof shall have been undertaken, proceeded with, or constructed according to or in conformity with the Provisions of this and the said recited Act or either of them, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, to determine every such Question; and any Certificate approving of or consenting thereto, under the Hand of the Secretary of the Admiralty, shall be deemed and taken to all Intents and Purposes as conclusive Evidence that the Work to which such Approval or Consent refers is in accordance with the said Provisions.

Power to Wexford Harbour Improvement Company to increase their Capital.

CXIX. And whereas by the said *Wexford* Harbour Improvement Act it is enacted that the Capital of the said *Wexford* Harbour Improvement Company shall be One hundred and forty thousand Pounds: And whereas it is expedient that the said *Wexford* Harbour Improvement Company should have Power to increase their Capital to the Extent herein-after provided; be it therefore enacted, That it shall be lawful for the said *Wexford* Harbour Improvement Company to raise, by the Creation and Sale or other Disposition of new Shares of Fifty Pounds each, but not by any other Ways or Means, any Sum or Sums of Money not exceeding in the whole the Sum of Fifteen thousand Pounds, in addition to the said Sum of One hundred and forty thousand Pounds authorized to be raised by the said *Wexford* Harbour Improvement Act; and that the several Persons subscribing for or purchasing or otherwise acquiring such new Shares shall have and be entitled to the same Rights and Privileges, and be on the same Footing in all respects, as the Persons for the Time being holding or possessing the Shares authorized to be created by the said *Wexford* Harbour Improvement Act, and every Provision therein contained having reference

ference to the Shares thereby authorized to be created shall, from and after the passing of this Act, be deemed and taken also to refer to and include the new Shares hereby authorized to be created.

Powers of the Wexford Harbour Improvement Company to borrow Money extended to this Act.

CXX. And whereas by the said *Wexford* Harbour Improvement Act the said *Wexford* Harbour Improvement Company are empowered to borrow, in the Manner and upon the Security and subject to the Restrictions and Conditions therein mentioned, the Sum of Forty-six thousand Pounds: And whereas it is expedient that the Power of the said Company to borrow Money should be extended in manner herein-after mentioned; be it therefore enacted, That, in addition to the said Sum of Forty-six thousand Pounds which, under the Provisions of the said *Wexford* Harbour Improvement Act, the said Company are authorized to borrow as aforesaid, it shall be lawful for them to borrow, as soon as the whole Capital shall have been subscribed and One Half thereof paid up, in like Manner, and on the like Security, and subject to the like Restrictions and Conditions, any further Sum or Sums not exceeding in the whole the further Sum of Five thousand Pounds; and it shall be lawful for the Persons advancing such further Sum or Sums, or any Part thereof, to enforce Payment of the Arrears of Principal and Interest which may be due to them respectively in respect of their Advances, in the same Manner as the Persons advancing the said Sum of Forty-six thousand Pounds, or any Part thereof, are empowered by the said *Wexford* Harbour Improvement Act to enforce Payment of the Arrears of Principal and Interest due on their Advances.

Expences of Act.

CXXI. And be it enacted, That all the Charges and Expences of passing this Act, or incidental thereto, notwithstanding any thing herein-before contained, shall be paid by the Trustees out of the first Monies which shall come to their Hands under the Provisions of this Act.

Interpretation of Act.

CXXII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them unless there be something in the subject or Context repugnant to such Construction:

The Expression "the Trustees" shall mean the Trustees for the Time being acting by virtue of this Act:

The Word "Rates" shall mean the Rates by this Act authorized to be levied:

The Words "Justice," or "Justice of the Peace," or "Justices," shall mean Justice or Justices of the Peace acting for the County of *Wexford:*

The Word "Bridge" shall include the Toll House, Toll Gates, Piers, Abutments, Appurtenances, and all other Things affixed or belonging to the Bridge.

Short Title.

CXXIII. And be it enacted, That in citing this Act in other Acts, and in legal Instruments, it shall be sufficient to use the Expression "The *Wexford* Free Bridge Act, 1847."

Saving Rights of certain

CXXIV. And be it enacted, That nothing herein contained shall prejudice, diminish, alter, take away, affect, or interfere with any of the Rights,

Railway Companies.

Rights, Powers, Privileges, and Authorities now vested in and enjoyed by the *Waterford, Wexford, Wicklow, and Dublin* Railway Company, or the *Wexford, Carlow, and Dublin Junction* Railway Company, or either of them, under and by virtue of the several Acts of Parliament now in force relating to such Companies respectively, but all such Rights, Powers, Privileges, and Authorities shall remain as fully to all Intents and Purposes as if this Act had not been passed.

Saving the Rights of the Crown.

CXXV. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Public Act.

CXXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

The

The SCHEDULES referred to in this Act.

SCHEDULE (A.)

Townships and Townland.

Class 1.

Ardcavan	Farmhill or Barratober
Crosstown	Artramon
Tincone	Ballyboggan, Lower
Burgess	Ballyregan or Fairyhill
Ballytramon	Castle Bridge
Knottown	Ballywish
Ballycrane	Pollregan
Cradnatore	Castle Bridge
Craanagam	Glebe
Kilmisten	Oldtown

Class 2.

Ferry Carrig	Mountanna
Ferry Carrig	Galbally, East
Killeen	Galbally
Sanderscourt	Galbally, North
Islafalcon	Garrywilliam
Killowen	Crossabeg
Newcastle, Upper	Saint Edmonds
Newcastle, Lower	Ballynaleck
Newcastle	Knockmore
Ballymacshoneen	Ardcolm
Ballymacshoneen	Ballyla
Kitestown	Johnstown
Kereight	Begerin Island
Kavanagh's Park	Big Island
Galbally, West	The Ridge

Class 3.

Ballyharran, Lower	Randall's Mill
Ballyharran, Upper	Ballyboggan, Upper
Tikillen	Mullanagower
Newtown, Upper	Kilcorrell
Ballywater	Ballyhow, Lower
Kereight	Ballyhow, Middle
Kyle, Upper	Galballybeg
Kyle, Middle	Galbally
Garrycleary	Ballyna
Sion	Ballynacoolamore
Ballyshane	Ballinamonagh
Crory, Upper	Garrygibbon
Crory, Middle	Ballymartin
Crory, Lower	Glassganny
Toberfineck	Sinnott's Mill,
Castlesow	

Class 4.

Newtown, Lower
Deeps
Ballydicken, Upper
Ballydicken, Lower
Kyle, Lower
Ballynacarrig
Ballynacarrig
Polldarrig
Ballynaslaney
Whitefort
Monmore
Monmore
Whitefort
Whitefort
Knockduff
Knockduff
Rahale
Monavoddagh
Bleachlands
Millands
Lacken
Coolakip
Garryvarren
Coole
Killelan
Bishopland
Garrylough, Upper
Garrylough, Lower
Ballymore
Ballyhow-beg
Ballyna
Ballylomin
Glenbough
Ballinacoolabeg
Ballinablake
Barnahask
Coolrainy
Curracloe.

Class 5.

Redmondstown
Mullinagore or Oilgate
Ballinaslaney
Tinnahask
The Oil
The Oil
Ballyrooaan
Martingall
Coolamain
Woodlands
Kiimallock
Mullaghdarrig
Ballysilla
Ballylucas
Turkyle
Clonnasheoge
Garryhubbock
Glebe
Ballylucas
Ballybeg, Small
Ballyfarnoge
Ballyheige
Glebe
Ballinrooan
Newfort
Ballinra
Ballinrooan
Kilmacoe
Ballinra
Ballyvaloo, Upper
Ballinesker.

Class 6.

Jamestown
Tincoon
Ryane
Ballysillagh
Coolaknickbeg
Coolnaboy
Coolaknick
Ballyvake
Island
Ballymurn, Lower
Ballinkeel
Ballykelly
Ballymurn, Upper
Ballylucas
Ballynabrigadane
Ballyna, Upper
Garryntinodagh
Ballybeg, Great
Ballybawn
Monroe
Ballyroe (Nunn)
Ballyroe (Annesley)
Part of Ballyna
Ballinra
Barnariddery
Ballina, Upper
Ballina, Lower
Ballyvalloo, Lower.

Class 7.

Tomlane	Toberbeg
Mullawn	Toberbeg
Edermine	Killahard
Glebe	Mahanagh
Garrynisk	Garrynisk
Scurlocksbush	Garryniskbeg
Roperstown	Garryvaddenbeg
Riverview	Garryvadden, Lower
Glenteigh	Garryvadden, Upper
Ballycoe	Knockbawn
Ballyrannel	Inch
Ballydonfin	Ballyna, Upper
Clonmore, Lower	Ballinaclash
Ballina, Lower	Ballynaclash
Killisk	Cranroe
Glebe	Monroe
Knocknarey	Ballynastraw
Aughmore	Oulartleigh
Curclough	Tinraheen
Ballynamona	Askasilla
Ballyhought	Crosshue.

SCHEDULE (B.)

Form of Rate made in pursuance of the Wexford Free Bridge Act, 1847.

A Rate for defraying a Portion of the Expences incident to the Erection and Maintenance of a Bridge over the River Slaney near the Town of Wexford, and other Matters relating thereto in the said Act mentioned, made the Day of One thousand eight hundred and , on a Poundage of in the Pound.

Arrears due (if any).	Name of Occupier.	Description of Property.	Name or Situation of Property.	Estimated Extent.	Net Annual Value.	Rate at in the Pound.
£ s. d.				A. R. P.	£ s. d.	£ s. d.

We, being Two of the Trustees appointed under the Provisions of the Wexford Free Bridge Act, 1847, do declare the several Particulars specified in the respective Columns of the above Rate to be true and correct, so far as we have been able to ascertain them, to which End we have used our best Endeavours.

A. B.
C. D.

SCHEDULE (C.)

Form of Bond and Assignment.

By virtue of the Wexford Free Bridge Act, 1847, we, being of the Trustees, and I being the Clerk of the Trustees under the said Act, in consideration of the Sum of advanced and paid by do hereby assign and make over to the said his [*or* her *or* their] Heirs, Executors, Administrators, and Assigns, all and sundry the Monies, Rates, and Assessments payable to us in virtue of the said Act, and also our Right, Title, and Interest of, in, and to the same, to be held by the said and his [*or* her *or* their] Heirs, Executors, Administrators, and Assigns, until the said Sum of with the legal Interest thereof, shall be fully satisfied and paid; provided always, that the said and his [*or* her *or* their] Heirs, Executors, Administrators, and Assigns, shall not be entitled to call up or demand Repayment of the said Principal Sum without giving Intimation of his [*or* her *or* their] Intention by Letter addressed to the said Trustees at least Six Months previous to the Date at which Repayment is required. In witness whereof we have hereunto set our Hands and Seals this Day of

Signed, sealed, and delivered by the said in the Presence of }

A. B.
C. D.

SCHEDULE (D.)

Form of Transfer.

I in consideration of the Sum of paid by do hereby transfer the Assignment made to me by the Trustees under the Wexford Free Bridge Act, 1847, bearing Date the Day of and all Interest now due and to become due thereon, and all my Right and Property therein, to the said his Heirs, Executors, Administrators, and Assigns. In witness whereof I have hereunto set my Hand and Seal this Day of One thousand eight hundred and forty

Signed, sealed, and delivered by the said in the Presence of }

A. B.
C. D.

SCHEDULE (E.)

Form of Conviction.

to wit. { Be it remembered, That on the Day of in the Year of our Lord One thousand eight hundred and

C. D. is convicted before me *E. F.*, one of Her Majesty's Justices of the Peace [*or* before us *E. F.* and *G. H.* Two of Her Majesty's Justices of the Peace [*as the Case may be*] for the County of with having [*here describe the Offence generally, and the Time and Place when and where the same was committed*], contrary to the Wexford Free Bridge Act, 1847, and I do therefore adjudge the said *C. D.* [*here insert the Adjudication.*]

Given under my Hand the Day and Year first above written.

London: Printed by George E. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1847.