ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. cli.

An Act to repeal the *Wexford* Harbour Improvement Act, and to make new Arrangements for a more effective and expeditious Execution of a Portion of the Undertaking thereby authorized; and for other Purposes. [30th *June* 1852.]

WHEREAS by the *Wexford* Harbour Improvement Act, 1846, the *Wexford* Harbour Improvement Company was incorporated, and certain Powers were given to such Company for improving and altering a Portion of the Harbour of *Wexford* in the County of *Wexford* in *Ireland*, for improving the Navigation of the River *Slaney*, and for embanking and reclaiming divers Waste Lands, Mud Banks, or Slobs in and adjacent to the said Harbour and River, and for other Purposes: And whereas a Portion of the Harbour of *Wexford* has been improved, and a Portion of the Waste Lands, Mud Banks, or Slobs in the said Act mentioned or referred to have been embanked and reclaimed under the Provisions of the said Act, and the Estate, Right, and Interest of Her Majesty to and over the Lands so embanked and reclaimed have been duly granted and conveyed to the said *Wexford* Harbour Improvement Company by a certain Deed bearing Date the Nineteenth Day of

9 & 10 Vict. c. 387.

The Wexford Harbour Embankment Act, 1852.

March One thousand eight hundred and fifty, and under the Hands and Seals of the then Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, but a large Portion of the Work authorized by the said Act to be done for deepening and improving the said Harbour, and the Works thereby authorized to be done for improving the Navigation of the said River *Slaney*, remains to be executed, and a large Portion also of the said Waste Lands, Mud Banks, and Slobs remain unembanked and unreclaimed: And whereas the Powers and Duties given to or imposed upon the said Company by the said Act are in many respects vague and indefinite, and by reason thereof great Difficulty has been and is experienced in carrying into effect the Provisions of the said Act: And whereas it is expedient that Provision should be made for securing the constant and effectual Drainage of the Lands already reclaimed or to be reclaimed by the Company, and the permanent Maintenance of the Embankments and Works by which such Reclamation has been or may be effected: And whereas it is expedient that new Arrangements should be made for a more effective and expeditious Execution of the Purposes of the said Act, so far as the same have not been effected, and to that end so much of the Undertaking thereby authorized as relates to the improving and altering of the said Navigation of the said River *Slaney* should be severed from the remaining Portion of such Undertaking, which relates to the embanking and reclaiming of the said Waste Lands, Mud Banks, and Slobs, and the Works in *Wexford* Harbour, and that the former Portion of the Undertaking should be carried into effect pursuant to the Provisions of an Act to be passed in the present Session of Parliament, and to be called the River *Slaney* Improvement Act, 1852: And whereas Her Majesty in right of Her Crown is entitled to the said Waste Lands, Mud Banks, and Slobs now remaining unembanked and unreclaimed: And whereas, for the Purposes aforesaid, it is expedient that the *Wexford* Harbour Improvement Act, 1846, should be repealed; but the several Purposes aforesaid cannot be carried into effect without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows:

Recited Act repealed.

I. The *Wexford* Harbour Improvement Act, 1846, shall be and the same is hereby repealed.

Saving Contracts and Engagements.

II. All Contracts, Bond Debts, and Engagements respectively of the said *Wexford* Harbour Improvement Company which may be in force at the Time of the passing of this Act shall be binding upon and shall be fulfilled, discharged, and satisfied by the Company hereby incorporated,

incorporated, except nevertheless such Contracts, Debts, and Engagements (if any) as by the said River *Slaney* Improvement Act, 1852, are or shall be declared binding on, or are or shall be required to be fulfilled, discharged, and satisfied by the Commissioners appointed under the Provisions of that Act or of this Act; and all the Estates, Rights, Interests, and Property whatsoever and wheresoever possessed or acquired by the said *Wexford* Harbour Improvement Company under the Provisions of the said Act hereby repealed, to which such Company was at the Time of the passing of this Act entitled, (and particularly the Lands so embanked and reclaimed as aforesaid, and comprised in the said Deed of the Nineteenth Day of *March* One thousand eight hundred and fifty,) shall be and the same are hereby respectively transferred unto and vested in the Company hereby incorporated; and the said Company, subject to the Charges herein-after mentioned or referred to, and so subject, shall and may have, exercise, and enjoy all the same Powers, Rights, Privileges, Authorities, and Benefits whatsoever, over or in respect of or as incident to the said Estate and Property, or any Part thereof, as the said *Wexford* Harbour Improvement Company would or might have had, exercised, or enjoyed if this Act had not been passed.

Actions, &c. not to abate.

III. No Action, Suit, Prosecution, Appeal or Notice of Appeal, Arbitration, Submission, Order or Decision, Distress, Execution, or other Decision whatsoever, commenced, carried on, levied, given, or made by, against, or in reference to the said *Wexford* Harbour Improvement Company previously to the passing of this Act shall abate or be discontinued, annulled, or prejudicially affected by this Act, but, on the contrary, the same shall continue and take effect in favour of or against or in reference to the Company hereby incorporated, in the same Manner in all respects as the same respectively would have continued and taken effect in favour of or against or in reference to the said *Wexford* Harbour Improvement Company if this Act had not been passed; and all Penalties incurred by or for any Offence against the Provisions of the said hereby repealed Act, or against any Byelaw or Regulation of or concerning the said *Wexford* Harbour Improvement Company, previously to the passing of this Act, shall and may be sued for, proceeded for, and recovered, and all Offences which may have been committed before the passing of this Act against the Provisions of the said repealed Act, or any such Byelaws or Regulations, may be prosecuted in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if this Act had not been passed, the Company hereby incorporated being, in reference to the Matters aforesaid, in all respects considered identical with the said *Wexford* Harbour Improvement Company, save only and except that no Action, Suit, or Remedy shall be brought or had against the Company

pany hereby incorporated in respect of any Matter or Thing to be undertaken by the Commissioners or either of them appointed by this Act or under the said River *Slaney* Improvement Act, or for or in respect of which the last-mentioned Commissioners or either of them are or shall thereby be declared or made liable.

Right of Action saved.

IV. Nothing in this Act contained shall be held to prejudice or affect any Right or Cause of Action or Suit, or any Remedy, which the said *Wexford* Harbour Improvement Company had against any Person or Corporation, or which any Person or Corporation had against the said *Wexford* Harbour Improvement Company, at the Time of the passing of this Act, but all such Rights, Causes, and Remedies may be enforced or prosecuted by or against the Company hereby incorporated, in like Manner and within the same Periods as the same might have been enforced or prosecuted by or against the said *Wexford* Harbour Improvement Company if this Act had not been passed.

Saving Rights.

V. Provided always, That nothing in this Act contained shall extend in any way to defeat, affect, or prejudice any Rights, Privileges, Liberties, Powers, Easements, Accommodations, or Exemptions not herein-after specified and reserved, or otherwise expressly provided for by this Act, which under or by virtue of the said recited Act were given, granted, continued, or reserved to or for the Benefit of any Persons or Corporations whose Estates, Properties, or Interests are, have been, or may be in any ways affected in or by the Works by the said Act to be made and maintained, or to which such Persons or Corporations are or may be, or but for the Repeal of the said Act would have been, otherwise entitled under or by virtue of such Act, and which Rights, Privileges, Liberties, Powers, Easements, Accommodations, or Exemptions were subsisting or capable of being exercised at the Time of the passing of this Act; but all such Rights, Privileges, Liberties, Powers, Easements, Accommodations, and Exemptions shall be and they are hereby declared to be as valid and effectual as if the said Act was not repealed, and such several Persons and Corporations shall be entitled to, and shall have, use, and enjoy, the same Rights, Privileges, Liberties, Powers, Easements, Accommodations, and Exemptions, or such and so many of them as immediately before the passing of this Act they were entitled to have, use, and enjoy, as fully and effectually as if the said Act had not been repealed, and shall and may have and be entitled to such and the like Powers and Remedies upon and against the Company hereby incorporated, for securing the Possession, Use, and Enjoyment of such Rights, Privileges, Easements, Accommodations, and Exemptions, as under the Provisions of the said recited Act they had or were or might have been entitled to against the Company

pany hereby dissolved in case the said recited Act had not been repealed; and all such Penalties, Damages, Monies, Costs, and Expenses as under the Provisions of the said recited Act would or hereafter might have become payable to or recoverable by such Persons and Corporations as aforesaid of and from the Company hereby dissolved in case the said Acts had not been repealed, shall and may be payable by and recoverable from the Company hereby incorporated in such Manner and by such Ways and Means (except when they shall be otherwise provided for by this Act) as the same are respectively made payable and recoverable under the Provisions of the said recited Act.

8 & 9 Vict. cc. 16. 18. and 20. incorporated with this Act.

VI. The several Acts of Parliament following, (that is to say,) the "Companies Clauses Consolidation Act, 1845," and the "Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," (so far as the same Acts respectively shall not be contrary to or inconsistent with the Provisions herein contained,) shall be incorporated with and form Part of this Act.

Short Title.

VII. In citing this Act in other Acts of Parliament, and in legal Instruments and in all other Proceedings, it shall be sufficient to use the Expresssion "The *Wexford* Harbour Embankment Act, 1852."

Subscribers incorporated.

VIII. From and immediately after the passing of this Act the several Persons and Corporations who at the Time of the passing thereof were Proprietors of Stock or Shares on the Register of the said *Wexford* Harbour Improvement Company, and all other Persons and Corporations who shall hereafter subscribe towards the Undertaking of the Company hereby incorporated, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making, completing, and maintaining the Works hereby authorized to be constructed, completed, and maintained, and which are herein-after defined or referred to as the Undertaking of the Company; and for the Purposes aforesaid, and subject to the Powers and Authorities by this Act conferred, shall be incorporated by the Name of "The *Wexford* Harbour Embankment Company," and by that Name shall be a Body Corporate, and have a Common Seal, with perpetual Succession, and shall have Power to purchase, hold, sell, and dispose of Lands for the Purpose of or in relation to the Undertaking.

Capital.

IX. The Capital of the Company shall be One hundred and forty thousand Pounds.

Number and Amount of Shares.

X. The said Capital shall be divided into Two thousand eight hundred Shares, and the Amount of each Share shall be Fifty Pounds.

Shares to vest in the Proprietors of Shares in the Company hereby incorporated.

XI. Every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to any Share or Shares in the Capital of the said *Wexford* Harbour Improvement Company shall in respect thereof be possessed or entitled to the like Number of Shares of equal Amount in the Capital of the Company hereby incorporated, and such Shares are hereby vested in such Persons and Corporations accordingly, and shall confer on the Holders thereof the same Rights and Interests as they would have enjoyed in respect thereof if this Act had not been passed, save in so far as such Rights or Interests may be expressly or by necessary Implication altered by this Act; and all Sums of Money which at the Time of the passing of this Act shall have been called up and paid, or called up but not paid, for or on account of any Shares in the Capital of the said *Wexford* Harbour Improvement Company, shall be considered as having been called up and paid, or called up and not paid, (as the Case may be,) for or on account of the Shares in the Company hereby incorporated, which shall be substituted for such former Shares by virtue of this Act; and all Rights and Remedies to or in respect of any Shares in the Capital of the said *Wexford* Harbour Improvement Company, on which Shares any Call shall remain unpaid at the Time of the passing of this Act, or which Shares shall have been forfeited for Nonpayment of Calls, or otherwise affecting any such Shares, (and whether such Rights and Remedies were Rights and Remedies of the Holders or Persons interested in such Shares or of the said *Wexford* Harbour Improvement Company,) shall continue and be applicable to the Shares which shall be substituted for such former Shares by virtue of this Act, such substituted Shares being considered in all respects, with reference to such Rights and Remedies, as identical with the Shares for which they were substituted.

Power to Directors to agree with Shareholders for Surrender of their Shares instead of forfeiting the same.

XII. The Directors, in Cases where, in their Opinion, any Share (if sold) would not produce a sufficient Sum to discharge the Arrears of Calls thereon, or in any other Cases where they may deem it for the Advantage of the Company, may agree (if authorized to do so by an Extraordinary Meeting of the Company called for the Purpose of considering such Agreement,) with the Proprietors of such Shares for the Sale or Surrender of the same to the Company on such Terms as the Directors shall think fit; and after such Sale or Surrender the Shares so sold or surrendered shall merge in and form Part of the Capital of the Company.

As to Shares surrendered on Terms.

XIII. In all Cases where, after the passing of this Act, the Company hereby incorporated, or the Directors thereof acting under the Authority of a General Meeting of the Company, may agree with the Holders of any Shares for the Surrender or for Forfeiture of such Shares in respect of which Calls may be in arrear at the Time of such

such Agreement, the Shares surrendered or forfeited in pursuance of such Agreement shall be deemed and taken to be lawfully surrendered or forfeited in like Manner as though such Forfeiture had taken place by a Vote of a Meeting of Proprietors after due Notice, as required by "The Companies Clauses Consolidation Act, 1845," and such Shares shall, as from the Date of such Agreement, be deemed to have merged in the Capital of the Company.

Forfeited Shares which cannot be sold may merge in the Company.

XIV. In all Cases where any Shares shall, prior to the passing of this Act, have been or shall hereafter be forfeited, and such Forfeiture shall have been confirmed at a General Meeting of the *Wexford* Harbour Improvement Company, or shall be confirmed at a General Meeting of the Company hereby incorporated, according to the Provisions of the "Companies Clauses Consolidation Act, 1845," and Notice of such Forfeiture shall have been or shall be given to the Owner of the Shares forfeited, by Letter from the Secretary of the said *Wexford* Harbour Improvement Company or of the Company hereby incorporated, either delivered to such Owner or sent by Post to or left at his Place of Abode or Business, as described in the Shareholders Address Book, the Directors of the Company hereby incorporated, if they shall be unable to sell the said Shares for a Sum equal to the Arrears of Calls and Interest then due in respect thereof, may declare the same to be merged in the general Capital Stock of the Company, and the same shall thenceforward merge accordingly in the said Capital; and a Declaration in Writing made by some credible Person not interested, before any Justice of the Peace, stating that a Sum of Money sufficient to pay the Arrears of Calls and Interest in respect of such Shares could not be obtained for the same at the Time of such Merger, shall be *primâ facie* Evidence of the Facts therein stated, and the Proprietors of such Shares shall from and after the making of such Declaration be precluded from all Right, Title, or Interest therein.

Company may issue new Shares in lieu of Shares merged in the Company.

XV. The Company may from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Proprietors present in Person or by Proxy at any General Meeting of the Company specially convened for that Purpose, create and issue new Shares, upon such Terms, in such Manner, of such Amounts, and with such Rights as by such Meeting shall be determined, to the Extent of the Capital originally represented by any Shares which may be surrendered or have been or may be forfeited or merged as aforesaid: Provided always, that the Rates of Interest (if any) which may be guaranteed upon Shares shall not exceed Six Pounds *per Centum per Annum*.

Calls.

XVI. Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Ten

Ten Pounds *per* Share shall be the utmost aggregate Amount of Calls that may be made in any One Year, and Four Months at the least shall be the Interval between successive Calls.

First and other Meetings.

XVII. The Ordinary Meetings of the Company shall be held half-yearly in the Months of *January* and *July*; and all Meetings, whether ordinary or extraordinary, shall be held at such Place and Time as the Directors shall from Time to Time appoint.

Scale of Voting.

XVIII. The Scale according to which the Shareholders may vote in respect of their Shares shall be as follows; that is to say,

For every Share - - - - One Vote.

Quorum of General Meetings.

XIX. The Quorum for every Meeting of the Company shall be not less than Five Shareholders holding in the aggregate not less than Five hundred Shares in the Capital of the Company.

Number of Shareholders to convene Extraordinary Meeting.

XX. The Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be not less than Five Shareholders holding in the aggregate not less than Five hundred Shares in the Capital of the Company.

Number and Qualification of Directors.

XXI. The Number of Directors shall be Six; the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking; and *John Edward Redmond* of the *Deeps, Enniscorthy*, *Edward Grogan* of *Harcourt Street, Dublin*, *William Parsons Hoey* of *Leeson Street, Dublin*, *William Dargan* of *Dominick Street, Dublin*, *John Maher* of *Ballinkeele, Enniscorthy*, and Sir *James Dombrain* of *Leeson Street, Dublin*, shall be the Directors of the said Company until the next General Meeting of the Company after the passing of this Act.

Power to vary the Number of Directors.

XXII. It shall be lawful for the Company to increase and reduce the Number of Directors, provided that the increased Number do not exceed Nine, and that the Number of Directors be not at any Time less than Five.

Power of Embankment.

XXIII. Whereas Plans and Sections of the Works authorized by the said Act hereby repealed, (in which Plans and Sections the present Entrance to the Harbour of *Wexford* was proposed to be retained,) and Books of Reference to the said Maps and Plans, were, in the Month of *November* One thousand eight hundred and forty-five, duly deposited with the Clerk of the Peace for the County of *Wexford*: Be it enacted, That it shall be lawful for the Company, subject to the Restrictions and Provisions of this Act, to embank, recover from the Sea, reclaim, cultivate, and otherwise improve all and singular and such

such Part and Parts of the Waste Lands, Mud Banks, or Slobs, not already embanked as aforesaid, delineated upon the said Plans and Sections, and described in the said Book of Reference as lying below High-water Mark at ordinary Spring Tides, whether the same now lie under Water or not, and for that Purpose to raise any Embankment or Embankments on the Sides or on either Side of the said Harbour and on *Roslare Burrow*, and also to divert and alter the Course of or to stop up all or any of the navigable Channels now running into the said Harbour, respectively marked on the said Map or Plan, and called or known by the Names of the Channel or Stream to *Beggerin Island*, the *Brest Channel*, *Coal* or *Cull Channel*, the *Passage of the Nob*, and the Cut or Pill to *Drinagh*: Provided always, that nothing herein contained shall be held or construed to vest in the Company any Right or Title in or to, or to authorize or empower the Company to take possession of any Portion of the said Waste Lands, Mud Banks, or Slobs, without the Consent of the Parties entitled thereto, which at the passing of this Act is or shall be capable of being grazed by Cattle, except as herein-after specifically provided for; and provided further, that nothing herein contained shall bind the Company to embank or cause to be embanked any Part or Portion of the said Waste Lands, Mud Banks, or Slobs so delineated as aforesaid, which shall not, in the Discretion of the Company, be likely to compensate them for the Outlay necessary for such embanking, unless required so to do by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, by Writing under the Hand of the Secretary of the Admiralty.

Power to deviate with Consent of Admiralty.

XXIV. It shall be lawful for the Company to deviate within the Line of Embankments delineated on the Plans so deposited as aforesaid, provided that no such Deviation shall be made without the previous Consent of the Lord High Admiral, or the Lords Commissioners for the Time being for executing the Office of Lord High Admiral, to be certified in Writing under the Hand of the Secretary to the Admiralty for the Time being, and that the Works by means of such Deviation shall not be made to extend into the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the Book of Reference, without the previous Consent in Writing of such Person.

Company to erect Walls, &c.

XXV. For the Purpose of effecting the Embankment and reclaiming of the said Waste Lands, Mud Banks, or Slobs, and other Works hereby authorized in connexion therewith, it shall be lawful for the Company, their Agents and Workmen, to make and alter and maintain good and sufficient Walls, Banks, and Fences, and also such Waterways, Tunnels, Engines, Sluices, Roads, Ways, and other Works, in or upon, through or over the said Waste Lands, Mud Banks,

Banks, or Slobs, and also to divert or turn the Course over the said Waste Lands, Mud Banks, or Slobs of any River, Stream, Creek, Drain, or Water which does or shall flow in, through, over, or upon the said Waste Lands, Mud Banks, or Slobs, and to embank such Rivers, Streams, Creeks, Drains, or Waters, and to use and employ their Waste Lands, Mud Banks, or Slobs, and Water, in such Manner as to the Company shall seem fit and proper.

Company not to injure Drainage of Lands.

XXVI. Provided always, That nothing herein contained shall extend or be construed to extend to empower the Company to injure the draining of the Lands adjoining the said Waste Lands, Mud Banks, or Slobs to be embanked and reclaimed by virtue of this Act, or prevent or impede the free Discharge of the Waters of any of the Rivers, Streams, or Creeks running from such adjoining Lands.

Contractors empowered to dig for Materials.

XXVII. Every Contractor or other Person employed by the Company for any Work to be executed under the Authority of this Act shall have Power and Authority to dig for, raise, deposit, and carry away in, upon, or out of any Lands situate and being within One Mile of any of the Lands hereby authorized to be embanked, not being a Deer Park, Bleach Green, Orchard, walled Garden, Haggard, or Yard, or planted Walk, Lawn, or Avenue to a Mansion House, any Clay, Gravel, Stones, Sand, or other Materials which may be wanted for the Construction of the said Embankment, Inclosure, or other Works to be executed under the Provisions of this Act; and such Contractor or other Person so employed is hereby further empowered to make Drains, in order to carry off Water which might injure such Embankment, Inclosure, or other Works of, in, upon, or through any Lands not being a Deer Park, Bleach Green, Orchard, walled Garden, Haggard, or Yard, or planted Walk, Lawn, or Avenue to a Mansion House, and shall make such Satisfaction for the Damage done thereby or by taking any such Materials as aforesaid as shall be assessed by Three substantial Householders, which Householders shall view the Ground immediately previous to and immediately after such Damage shall be committed, One of such Householders to be named by the Owner or Occupier of the Land, and another by the Contractor or other Person employed as aforesaid, and the Third by the Justices of the Peace of the District assembled at Petty Sessions; and in case any Contractor or other Person employed as aforesaid, or any other Owner or Occupier of Land as aforesaid, shall refuse, or, after Four Days Notice in Writing to that effect, shall neglect to name a Householder on his Part, then they shall be named for him by such Justices as aforesaid; and such Three Householders shall be sworn by such Justices (previous to the Damage being committed) to be Appraisers of such Damages as may occur, and to make a true Estimate of any Clay,

Clay, Stones, Gravel, or other Materials so taken, and of making a Passage through the Land: Provided nevertheless, that it shall not be lawful for any such Contractor or other Person to enter any Lands for any such Purpose against the Will of the Occupiers thereof without the previous Order of a Justice of the Peace, which Order any such Justice is hereby authorized and required to grant on its being proved to his Satisfaction that the Clay, Gravel, Stones, or other Materials sought cannot be conveniently procured elsewhere, or that such Drain cannot be otherwise sufficiently made or cleansed.

New Cut to be made before closing the present Pill to Drinagh.

XXVIII. Previous to closing up the present Pill to *Drinagh* the Company shall be bound to substitute and maintain a Cut or Channel in lieu thereof, and which Cut or Channel so to be made shall be of a Depth of not less than Two Feet at Low Water, and of a Width of not less than Thirty Feet at Low Water of ordinary Spring Tides, and shall extend from the Channel of the Harbour of *Wexford* to *Drinagh* and *Little Killiane*, and within Two Years after the Completion of the said Cut or Channel to extend the same to *Ballybrenan* of a Width of Twenty Feet.

Board of Commissioners.

XXIX. It shall be lawful for the Grand Jury of the said County of *Wexford* and they are hereby authorized and required, on the Application of the Company, to nominate and appoint any Three or more indifferent Persons, who immediately upon their Appointment, and making the Declaration herein-after prescribed in that Behalf, shall form a Board of Commissioners for the Purposes herein-after in that Behalf mentioned, and at the Meetings of the said Board the Commissioners present shall appoint from amongst themselves One Commissioner to act as the Chairman of the Meeting; and the Chairman at every such Meeting shall have the same Right of voting as the other Commissioners present, and in case of an Equality of Votes such Chairman shall have the casting or decisive Vote.

Grand Jury of the County of Wexford to supply Vacancies.

XXX. In case any Commissioner hereby appointed or hereafter to be appointed shall die or go to reside in Foreign Parts, or neglect, refuse, or become incapable to act, it shall be lawful for the Grand Jury of the said County of *Wexford* and they are hereby authorized and directed, from Time to Time, to nominate and appoint such other Person, not being interested in the Premises, as to them shall seem proper, in the Stead of the Commissioner so dying or going to reside in Foreign Parts, or neglecting, refusing, or becoming incapable to act as aforesaid; and every Commissioner so nominated and appointed shall, from and immediately after his Appointment, and making the Declaration herein-after prescribed in that Behalf, have the same or

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the like Powers and Authorities in all respects as if he had been originally named and appointed a Commissioner.

Commissioners to sign Declaration before acting.

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

'I *A.B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of the *Wexford* Embankment Act, 1852, according to Equity and good Conscience, and without Partiality, Fear, Favour, or Affection, Prejudice or Malice, to any Person whomsoever.'

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

Evidence of Refusal to act.

XXXII. If any Commissioner hereby appointed or hereafter to be appointed, and not prevented by Sickness or other unavoidable Cause, shall neglect to attend any Three successive Meetings of the Board of Commissioners, such Neglect shall be deemed a Refusal on the Part of such Commissioners to act in the Execution of this Act.

Meetings and Adjournment of Commissioners.

XXXIII. The said Commissioners to be appointed by the Grand Jury of the said County of *Wexford* as aforesaid shall and they are hereby required to meet within Fourteen Days next after they shall be requested so to do by the Company, and after such First Meeting to hold such and so many subsequent Meetings, by Adjournment or otherwise, as to them shall seem necessary; and every Meeting of the said Board of Commissioners shall be held at some convenient Place within the said County of *Wexford*; and if on the Day appointed for any such Meeting Three Commissioners shall not attend, it shall be lawful for the Commissioners or Commissioner present, or for the Clerk of the said Commissioners respectively, to adjourn such Meeting to be held at the same or any other convenient Place, on any future Day not exceeding Fourteen Days from the Day of Adjournment; and all the Powers and Authorities by this Act granted to or vested in the said Board of Commissioners shall and may from Time to Time be exercised by them or by the major Part of them present at any Meeting to be held in pursuance of this Act, such Commissioners present not being less than Three; and every Award, Order, and Determination of the said Commissioners being reduced into Writing, and signed by the Commissioners present at such Meeting, or the

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major Part of them as aforesaid, shall be filed of Record in the Office of the Clerk of the Peace of the said County of *Wexford*, and any such Award, Order, and Determination, or an Office Copy thereof, certified by the Clerk of the Peace of such County to be a true Copy, shall, without further Proof, be *primâ facie* Evidence in all Courts and in all Proceedings whatsoever; and the said Commissioners shall and they are hereby required to cause Notice to be given of the Time and Place of such their First and every other Meeting by causing the same to be inserted in One of the Newspapers published in the said County of *Wexford* Seven Days at least before every such Meeting (a Meeting by Adjournment only excepted), every such Notice to certify the particular Cause or Object of such Meeting being appointed.

Commissioners may appoint a Clerk.

XXXIV. It shall be lawful for the said last-mentioned Commissioners from Time to Time to appoint some fit and proper Person to be the Clerk to such Board, to assist them in the Execution of the Powers and Duties given to or imposed upon them by this Act, and remove such Clerk from Time to Time, and appoint another in his Room, as to the said Commissioners shall seem proper.

Remuneration of Commissioners.

XXXV. Each of the said last-mentioned Commissioners shall be allowed and paid by the Company the Sum of One Pound Ten Shillings, and no more, for each Day he shall travel or be employed in the Execution of this Act, in full Satisfaction for his Trouble and Expenses in executing the same; and the same Commissioners and their Clerk, and all other Persons who shall attend any Meeting of the said Commissioners, shall defray their own Expenses, except for the Use of the Room in which the Meetings of the said Commissioners shall be holden.

Power to summon Witnesses.

XXXVI. It shall be lawful for the said last-mentioned Commissioners or any Two of them, under their Hands and Seals, to summon any Person as a Witness whose Evidence they shall deem necessary or important in reference to the several Matters and Things to be decided, fixed, and determined by them as herein mentioned, also to tender and allow a reasonable Sum to such Witness for his Loss of Time, Costs, and Charges; and in case any such Witness shall refuse or neglect, without a reasonable Excuse, to attend and give Evidence pursuant to such Summons, or shall attend and refuse to be examined upon Oath or Declaration, (which Oath or Declaration the said Commissioners are hereby empowered to take and administer,) then and in either of the said Cases, and as often as the same shall happen, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered in like Manner as Penalties are recoverable under the said Companies Clauses Consolidation Act.

Commissioners to ascertain Value of Lands to be reclaimed.

XXXVII. And whereas the Company have agreed, notwithstanding that the said Waste Lands, Mud Banks, or Slobs are the Property of the Crown in virtue of the Royal Prerogative, to apportion in manner herein-after mentioned the Value of One Twentieth Part thereof among the Proprietors or Owners of the Lands abutting upon or adjoining to the said Waste Lands, Mud Banks, or Slobs, in respect of the Embankment and Recovery from the Sea hereby authorized to be made: Be it enacted, That the said Commissioners to be appointed by the Grand Jury of the County of *Wexford* as aforesaid shall, as soon as conveniently may be after such Embankment or any Part thereof shall from Time to Time be completed, ascertain and declare in Writing the Amount of One Twentieth Part of the Value in Money of the Waste Lands, Mud Banks, or Slobs, which shall be embanked and recovered from the Sea under the Provisions of this Act, such Value to be ascertained according to the Value of the said Waste Lands, Mud Banks, or Slobs respectively in the State in which they shall respectively be at the Time of such Embankment and Recovery being completed; and shall apportion such One Twentieth Part amongst the Proprietors and Owners, or reputed Proprietors and Owners of the Land abutting upon and adjoining to the same Waste Lands, Mud Banks, or Slobs, according and in proportion to the Extent of the Frontage of such Land abutting upon or adjoining the same Waste Lands, Mud Banks, or Slobs, and shall declare such Apportionment in Writing, and shall cause the same to be communicated to such Proprietors and Owners, or reputed Proprietors or Owners respectively, their Guardians or Trustees; and notwithstanding anything herein-before contained it shall be lawful for any Proprietor or Owner of any Land abutting upon or adjoining to any Part of the Waste Lands, Mud Banks, or Slobs hereby authorized to be embanked and recovered from the Sea as aforesaid, or his Guardian or Trustee, to claim and receive of and from the Company the Amount to be so apportioned to him as aforesaid, in full Compensation and Satisfaction of and for all the Estate, Royalty, Interest, or Right of such Proprietor or Owner in or to any Part of the said Waste Lands, Mud Banks, or Slobs, and of and for all Loss, Damage, Injury, or Prejudice arising by or in consequence of the Operations by this Act authorized to any Estate, Royalty, Interest, or Right of such Owner, Proprietor, or Occupier in or upon the said Waste Lands, Mud Banks, or Slobs, or any Part thereof, or in or upon any Lands abutting thereon or adjoining thereto, such Amount to be a Charge on the said Waste Lands, Mud Banks, or Slobs; and upon the Embankment of such Waste Lands, Mud Banks, or Slobs being completed and certified in manner herein-after mentioned, such Proprietor or Owner, having previously demanded of the Company in Writing the Payment of the Amount so to be apportioned to him aforesaid, and Six Months having elapsed after

One Twentieth of such Value to be apportioned among Proprietors whose Lands adjoin.

such

such Demand, without such Payment having been made, may raise such Amount, and his Costs and Charges, by Sale of a competent Part of the said Waste Lands, Mud Banks, or Slobs.

Commissioners empowered to mortgage or sell the Waste Lands for Payment of Expenses.

XXXVIII. For all Costs, Charges, or Expenses properly payable by the Company for any of the Compensations or Awards in pursuance of the Provisions herein-before contained, granted, or made, including the Fees of the said Commissioners and the Remuneration of their Clerk, it shall be lawful for the said Board of Commissioners, unless such Costs, Charges, and Expenses shall be paid by the Company, from Time to Time to raise by the Sale or Mortgage of a competent Part or Parts of the said Waste Lands, Mud Banks, or Slobs when reclaimed, a sufficient Sum or sufficient Sums to pay or discharge such Costs, Charges, or Expenses, and to make a good and legal Title to the Purchaser or Purchasers, Mortgagee or Mortgagees; nevertheless, no such Sale or Mortgage shall have any Priority over or prejudice or affect any Lease, Sale, or Mortgage previously made under any of the Provisions of this Act.

Power to the Commissioners of Woods, &c. to grant the Rights of the Crown.

XXXIX. It shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or either of them, and they and he are or is hereby authorized and empowered, with the previous Authority of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, to be signified by some Warrant under his or their Hand or Hands, at any Time or Times after the passing of this Act, to grant, convey, and dispose of to the Company the whole or any Part of the Estate, Right, Title, or Interest of Her Majesty into, out of, or upon the said Waste Lands, Mud Banks, or Slobs, or such Part thereof as may be embanked and recovered from the Sea by the Company, according to the Provisions of this Act, subject to the Incumbrances by this Act created, for such Consideration in Land or Money, and either by the Payment of One Sum absolutely or subject to such Conditions, Limitations, and Provisoes, or the Payment of such Instalments of Money, as the said Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues shall at their Discretion think expedient; provided that nothing herein contained shall subject any of the said Lands to any such Incumbrances until such Conveyance as aforesaid to the Company is actually made.

Upon Completion of the Embankment and Payment of all Compensation, Company to

XL. Upon Payment to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues of any Money payable by the Company as herein-before provided in respect of the said Waste Lands, Mud Banks, or Slobs, or any Part thereof, and as soon as the Embankment of the said Waste Lands, Mud Banks, or Slobs, or any Part

be entitled absolutely to the Waste Lands.

Part thereof, shall from Time to Time have been completed to the Satisfaction of the Lord High Admiral or the said Lords Commissioners, and such Completion shall have been certified under the Hand of the Secretary of the Admiralty, and not before, all and singular the Waste Lands, Mud Banks, and Slobs so embanked and reclaimed, together with all the yearly and other Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Possibility, Claim, and Demand whatsoever therein or thereto, either at Law or in Equity, of any Person or Persons, Bodies Politic or Corporate, and Corporations Aggregate or Sole, shall, subject to the Provisoes herein-after contained, and subject to the Incumbrances by this Act charged thereon, be vested in and become the Property of the Company, and thenceforth all the Estates, Rights, Titles, and Interests of all such Persons and Corporations in the said Waste Lands, Mud Banks, or Slobs shall, save as herein is provided, be barred and determined: Provided always, that nothing in this Act contained shall vest or be construed or taken to vest in the Company any Right, Title, or Interest to or in that Portion of the said Waste Lands, Mud Banks, or Slobs which is situate, lying, and being on the Inside of the Island of *Wood Town*, between the said Island, the Burrow of *Roslare*, *Hopeland*, and Part of *Wood Town*, in a Line from the North End of the said Island to the said Burrow, and from the South-west Point of the said Island to the Point of *Wood Town*, containing about Sixty Acres, be the same more or less.

Rights of Lords of the Manor adjoining reclaimed Lands not to be prejudiced.

XLI. Nothing herein contained shall extend or be construed to extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Lord or Lords of any Manor adjoining or contiguous to any Part or Parts of the said Waste Lands, Mud Banks, or Slobs hereby authorized to be embanked as aforesaid, except so far as the same may be barred or extinguished by any Act, Deed, Matter, or Thing to be made, done, or executed in pursuance of this Act.

Power to enter and take Lands.

XLII. For the Purposes of this Act or any of them, and under and subject to the Restrictions and Provisions herein and in the said "Lands Clauses Consolidation Act" contained, it shall be lawful for the Company to enter upon, use, take, and acquire all and singular the Lands, Tenements, and Hereditaments delineated or marked out in the said Map or Plan and described or referred to in the said Book of Reference deposited as aforesaid, or so much and such Part and Parts thereof as the Company shall or may from Time to Time require; the Company, their Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction to all Persons and Corporations

Corporations interested in any Lands which shall be taken, used, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the Company and all Persons whomsoever for what they or any of them shall do by virtue of the Powers hereby granted: Provided always, that nothing herein contained shall empower the Company for the Purpose of improving the said Waste Lands, Mud Banks, or Slobs to enter upon or use the adjoining Lands or any Part thereof without the previous Consent in Writing of the Owner or Owners thereof, his, her, or their Guardian or Guardians, Trustee or Trustees.

Power to borrow Money on Bond or Mortgage.

XLIII. It shall be lawful for the Company to borrow any Sums, not exceeding in the whole the Sum of Forty-six thousand Pounds, on Bond or on Mortgage of the Lands hereby vested, or which shall under the Provisions of this Act become vested in the Company or any Part or Parts thereof; and every such Mortgage Deed to be executed by the Company shall or may contain all such Powers, Clauses, and Provisions for the Protection or Security of the Mortgagee as are usual in like Cases, or as the Directors shall think reasonable, and (notwithstanding any Clause or Provision to the contrary contained in the said Company's Clauses Consolidation Act) the several Mortgagees shall have and enjoy all the same Rights and Remedies, both as against the Company and as between themselves, and the Priorities between Two or more Mortgagees of the same Land shall be determined by the same Rules, and in like Manner in all respects, as if the respective Mortgages had been made by an individual Owner in Fee Simple.

Power to lease reclaimed Lands.

XLIV. After the said Waste Lands, Mud Banks, or Slobs, or any Part thereof, shall have been embanked and certified so to be as aforesaid, it shall be lawful for the Company from Time to Time to grant any Lease or Leases thereof, or of any Part or Parts thereof, to take effect in possession and not in reversion, for any Term or Terms of Years not exceeding Fourteen Years, at such Rents and under such Covenants and Conditions as the Company shall or may think proper, subject to the Approbation of the said Lord High Admiral or the Commissioners for executing that Office first signified in Writing by the Secretary of the Admiralty, so long as the Charges or any of them by this Act created shall remain unsatisfied; and every Mortgage or Sale to be made under the Provisions of this Act shall be subject to any such Lease previously granted.

Embankments to be maintained.

XLV. And whereas it is expedient to provide for the Maintenance of the Undertaking hereby authorized, and for the continuous Drainage of the Lands embanked and recovered from the Sea under the Provisions

Provisions of the Act hereby repealed and of this Act, and for the Repair of the Works executed for such Purposes so soon as the several Lines of Embankment, and the Catchwater and other Drains proper for the Security of the same, and for the Cultivation of the Lands so recovered from the Sea, shall have been completed: Be it enacted, That the Company and the Owner or Owners for the Time being, as the Case may be, of any Lands sold by the Company under the Provisions of this Act shall, at his or their own Expense and in the Manner hereinafter provided, maintain and keep in an efficient State of Repair all the Embankments and Works already made, or which may from Time to Time be made by the Company for the Embankment, Recovery from the Sea, or Drainage of such Lands, and which shall for the Time being be essential for protecting the same or any Part thereof from Inundation, and shall also maintain in repair all such Drains, Culverts, and Sluices as may have been made under the Provisions of the Act hereby repealed, or may be made under the Provisions of this Act, in, over, or under such Lands or any Part thereof, and such Embankments shall be maintained and kept in repair to the Satisfaction of the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral, signified by Writing under the Hand of the Secretary of the Admiralty.

District Commissioners to be appointed for Embankment and draining Purposes.

XLVI. In order to provide, after the Sale or Lease of any Portion of the Lands hereby vested or to become vested in the Company from Time to Time as aforesaid, for the permanent Maintenance of the Embankments and Works, and of the Drains and Culverts connected therewith, in an efficient State of Repair, the Directors for the Time being of the Company, and all the Owners of Fifty or more Acres of Lands comprised in any One Deed of Grant and Conveyance from the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues as aforesaid, and which shall have been sold by the Company, shall be and form a Board of Commissioners for maintaining and repairing the Embankments, Drains, Culverts, and Works situate in or belonging to the Tract of Lands or District comprised in such Deed of Grant and Conveyance, and the Lands comprised in every such Deed of Grant and Conveyance as aforesaid shall be and form a distinct and separate District for Embankment and Drainage Purposes; and the Chairman for the Time being of the said Directors or of the said last-mentioned Commissioners, or any Three of such Commissioners of any such District, shall have Power at any Time to convene a Meeting of the Commissioners of such District by Advertisement published for Two successive Weeks prior to such Meeting in some Newspaper circulated in the County of *Wexford*; and any Four Commissioners present at such Meeting shall form a Quorum; and all the Powers and Authorities hereby given to such Commissioners may be exercised at such Meeting thereof: Provided always,

always, that there shall be at all Times a separate Board of Commissioners and separate Rates for the Maintenance and Repair of the Embankments, Drains, Culverts, and Works situate in or belonging to the Tract of Lands or District comprised in every such Deed of Grant or Conveyance as aforesaid: Provided also, that any Person who shall for the Time being be entitled to the Receipts of the Rent and Profits of any such Lands as aforesaid in possession or subject only to any Estate of Dower, or to any Lease for Life or Lives, or for Years, or any less Interest, or (if any such Person shall be a married Woman, or an Infant, or an Idiot or Lunatic) his or her Husband, Guardian, or Committee, (as the Case may be,) shall be deemed and taken to be the Owner of such Lands within the Intent and Meaning of this present Clause.

Chairman to be appointed.

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

Officers may be appointed.

XLVIII. The said Commissioners of every such District shall have Power to appoint any Officer or Officers for the Purpose of superintending and maintaining the Embankments, Drains, and other Works situate in or upon the Lands of such District, and to authorize every such Officer to do and execute all such Acts and Works in that Behalf as the Commissioners may from Time to Time think necessary or proper, and to pay to such Officer or Officers respectively such Salary as such Commissioners may think reasonable, and the Officer or Officers so appointed as aforesaid shall in all Cases of Emergency have full Power and Authority, without any express Directions from the Commissioners, to order and direct the Execution of such Works as may be necessary for securing the Maintenance of the Embankments and the Protection of the Lands of such District from Inundation.

How Expenses of Salary, &c. to be provided for.

XLIX. The Salary of every such Officer or Officers, as well as all other Costs, Charges, and Expenses which may be incurred by the Commissioners of any and every such District and their Officer or Officers in carrying into execution the said Works of Maintenance, Drainage, and Repair as aforesaid, shall be defrayed by means of a Rate to be assessed and levied by the Commissioners of the District

upon

upon and in respect of the Lands situate in the particular District which the Officer or Officers shall be appointed to superintend, or in respect to which the Costs, Charges, and Expenses shall be incurred.

How Contributions are to be assessed.

L. The Amount of every such Rate shall from Time to Time be fixed and determined by the Commissioners of the District, and shall be assessed equally in respect of every Acre of Land situate in such District, whether the same be in the Hands of the Company or shall have been sold by the Company: Provided always, that every such Rate as aforesaid shall be payable by the Person in the actual Occupation of the Land rated at the Time of the Rate being determined, and on his Default then by the Person or Persons subsequently in the Occupation of the same Lands from whom such Rate shall be demanded; and every such Rate so fixed and determined shall be advertised for Two successive Weeks in some Newspaper published or circulated in the Borough of *Wexford* at least Twenty-one clear Days before the same shall become due and payable.

For Recovery of Rates.

LI. In case any Rate fixed and determined as aforesaid shall not be paid within a Period of Twenty-one Days after the Date appointed by the Commissioners of the District upon which the same shall be assessed for the Payment thereof, it shall be lawful for such Commissioners to levy the Amount thereof by Distress and Sale of the Goods and Chattels of the Occupier for the Time being making default wheresoever the same may be found, or of the Goods and Chattels of any Person or Persons found upon the Premises of any such Occupier, and for that Purpose to enter upon the Lands and Premises of such Occupier, and to seize and take and to carry away and sell such Goods and Chattels, without being liable for any Action of Trespass or otherwise in respect thereof: Provided always, that, unless otherwise agreed between the Owner and Occupier of any such Lands, it shall be lawful for the Occupier thereof to deduct from the Rent payable by him to his Landlord the Amount which he may have paid, or in respect of which Distraint may have been made for and towards such Rate as aforesaid: Provided also, that for the Purposes aforesaid the said Company shall be considered the Occupier of any Lands liable to such Rates as aforesaid, and which shall not have been sold by, or shall not be under Lease from them at the Time of making such Rate: Provided also, that no Rate purporting to be made or determined as aforesaid, and no other Act or Proceeding to be done or authorized by the Commissioners of any such District as aforesaid shall be invalid by reason of the Persons acting for the Time being as such Commissioners, or any of them, being disqualified or incompetent to act as such Commissioners, or by reason or on account of any Meeting of such Commissioners not having been duly convened or constituted: Provided also, that any such Rate as aforesaid may be amended from Time

Time to Time as the Commissioners of the District within which the same shall be made shall see fit.

Company bound to dispose of the Mud Land within 21 Years.

LII. Within Twenty-one Years next after the said Embankment and Reclamation hereby authorized to be made shall have been completed, and certified so to be in manner herein-before in that Behalf provided, the Company shall well and truly sell and absolutely dispose of and convey the said Waste Lands, Mud Banks, or Slobs so embanked and reclaimed as aforesaid, and every Part thereof, (except so much thereof as shall have been apportioned as herein-after mentioned or required for the Purpose of improving the said Harbour, or shall have been conveyed to the Commissioners to be appointed under the said River *Slaney* Improvement Act under the Provisions herein-after contained,) and all the Estate, Right, Title, and Interest of the Company therein, for such Consideration, to such Persons, and in such Way and Manner as the Company shall or may think proper, but subject nevertheless and without Prejudice to any Incumbrances by this Act charged thereon, and to any Mortgage or Mortgages, Lease or Leases which shall have been made thereof in pursuance of the Power herein in that Behalf contained: Provided always, that in case the Company shall not, within the Period hereby limited for that Purpose, sell and dispose of in manner aforesaid all the said Waste Lands, Mud Banks, or Slobs (except as aforesaid), and all their Estate and Interest therein, then and in such Case, and immediately on the Expiration of such Period, the said Waste Lands, Mud Banks, or Slobs, or such Part thereof as shall be unsold and undisposed of, (except as aforesaid,) shall, subject to any such Mortgages or Leases as aforesaid, revert to and vest in the Person or Persons who would have been the Owner or Owners of the same respectively, or such Part thereof, in case this Act had not been passed, it being the Intent and Meaning of this Act that the said Waste Lands, Mud Banks, or Slobs, except such Part thereof as aforesaid, shall not nor shall any Part thereof remain and be vested in the Company by virtue of this Act for a longer Term or Period than Twenty-one Years next after the same shall have been embanked, and certified so to be in manner aforesaid.

Power for compulsory Purchase of Lands limited.

LIII. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

Penalty on Persons injuring the Property of theCompany.

LIV. If any Person shall injure, trespass upon, or damage any of the said Embankments, Reclamations, or Works, or shall wilfully and to the Detriment of the said Company injure, break, throw down, or destroy any Part of the Works erected or made by virtue of this or the repealed Act, or any Part of the Materials of such Works, so that the said Works shall be liable to be injured, obstructed, impeded, or otherwise

wise interrupted, or shall wilfully obstruct or prevent any Person in the lawful Exercise of all or any of the Powers hereby granted, the Offender and every Person aiding and assisting in the Offence shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence, besides making good the Damages, where Damages shall have arisen by reason or in consequence of such Offence, such Damages to be recoverable by the Company in the like Manner as Penalties imposed by the special Act are recoverable under the Provisions in that Behalf contained in the said Companies Clauses Consolidation Act.

Power to sell Portion of reclaimed Land to Wexford Harbour Commissioners.

LV. And whereas the Company are willing, upon the Condition herein-after mentioned, to sell to the *Wexford* Harbour Commissioners so much of the said reclaimed Lands as does not exceed in Admeasurement One hundred Acres, or containing One Half Mile of continuous Frontage, for the Purpose only of erecting thereon Quays, Docks, and Wharfs, with convenient Accesses thereto, for the Accommodation of the Trade resorting to the said Port and Harbour: Be it therefore enacted, That the Extent of Land to be acquired, not exceeding the Limit and Extent aforesaid, the Situation of the same, and the Price to be paid therefore, shall be left to the sole Arbitration of *James Walker* Esquire, Civil Engineer, and in the event of the Death or Disability of the said *James Walker*, or of his failing to act, the same shall be left to the sole Arbitration of an Engineer to be appointed by the Lord High Admiral or the said Lords Commissioners: Provided always, that such Quays, Docks, and Wharfs, and Accesses thereto, shall be executed according to a Plan to be approved of by the Lord High Admiral or the said Lords Commissioners, by Writing under the Hand of the Secretary of the Admiralty: Provided also, that the said *Wexford* Harbour Commissioners shall give to the said Company Notice in Writing, within Twelve Calendar Months next after the Completion of the said Works to the Satisfaction of the said Lord High Admiral or the said Lords Commissioners, to be certified as aforesaid, of their Intention to take and purchase the said reclaimed Lands, such Notice to specify and define the Quantity and Situation of the Lands required to be purchased for the Purposes aforesaid, and shall pay such awarded Sum within Two Years after the Date of such Award: Provided also, that if the said *Wexford* Harbour Commissioners shall not, after Notice given as aforesaid to such Company, commence such Works as aforesaid within the Period of Three Years next after the Completion of the Purchase of such required Lands, and shall not complete the same after such Commencement within the Period of Seven Years, then as to so much of the said Lands so set out and purchased for such Works as aforesaid, the Works upon which shall not be completed within the said Period, shall revert to the Company on Repayment of the Purchase Money, or the proportionate Part thereof,

thereof, by the said Company to the said *Wexford* Harbour Commissioners.

Site for Ballast Wharf to be provided.

LVI. The Company shall, if required so to do by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, by Writing under the Hand of the Secretary of the Admiralty, convey, free of any Expense, to the *Wexford* Harbour Commissioners, for the Purpose of the Erection thereon of a Ballast Wharf, such Part of the Embankment hereby authorized as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, by Writing under the Hand of the Secretary of the Admiralty, direct, not exceeding Two hundred and fifty Feet in Length and One hundred Feet in Depth.

Provision for securing Payment of 10,000*l.*

LVII. The Company shall pay to Her Majesty's Paymaster General for the Time being the Sum of Ten thousand Pounds, by Two equal Instalments, One of such Instalments to be paid at the Expiration of One Year from the passing of this Act, and the other at the Expiration of Two Years after the passing of this Act, and such Sum shall be and is hereby made the First Charge and Incumbrance upon all Lands embanked under the Provisions of the *Wexford* Harbour Improvement Act, 1846, and conveyed as aforesaid; and in case of Default being made in Payment of either of the said Instalments, or any Part thereof, for the Period of Six Calendar Months next after the same ought to be paid, it shall be lawful for the said Admiralty Commissioners to sell by Auction an adequate Portion of the said Lands already embanked and conveyed as aforesaid, for the Purpose of raising the Amount so in arrear as aforesaid, and Interest thereon, after the Rate of Five Pounds *per Centum per Annum*, from the Time when the same ought to have been paid, and the Costs of Sale, and by any Deed or Deeds executed by Two or more of the said Admiralty Commissioners to convey the Lands so sold to the Purchaser or Purchasers thereof, as he or they shall direct, in Fee Simple, and all the Estate and Interest of the Company therein, discharged from all Liens and Incumbrances created under this Act or by the Company, and such Lands shall, upon Payment of the Purchase Money and the Execution of the Deed of Conveyance, vest in such Purchaser or Purchasers, or his or their Nominee or Nominees accordingly, and the Money so raised shall be applied in Payment of the said Arrears, Interest, and Costs, and the Surplus (if any) be paid over to the Company.

Provision for securing a further Sum of 10,000*l.*

LVIII. The Company shall pay to Her Majesty's Paymaster General for the Time being a further Sum of Ten thousand Pounds, in Ten equal yearly Instalments of One thousand Pounds each, the first of such Instalments to be payable on the First Day of *July* One thousand

thousand eight hundred and fifty-six, and a further Instalment of One thousand Pounds at the Expiration of every succeeding Year, until the whole thereof shall be paid, and such further Sum and the several Instalments thereof shall, until so paid, be and the same are hereby made the First Charge upon all Lands which may be hereafter reclaimed by the *Wexford* Harbour Embankment Company under any Act or Acts of Parliament heretofore passed in any previous Session or Sessions of Parliament, or which during the present or any subsequent Session is or may be passed, or otherwise; and in case of Default being made in the Payment of any of the said Instalments of One thousand Pounds each for the Period of Six Calendar Months next after the same ought to be paid, then and in every such Case it shall be lawful for the said Admiralty Commissioners to sell by public Auction an adequate Portion of the said Lands to be hereafter embanked and reclaimed, for the Purpose of raising the Amount in arrear for the Time being, and Interest thereon, after the Rate of Five Pounds *per Centum per Annum*, from the Time when the same ought to have been paid, and also the Costs of Sale, and by any Deed or Deeds executed by Two or more of the same Commissioners to convey the Lands to be sold from Time to Time to the Purchaser or Purchasers, or as he or they may direct, in Fee Simple, and all the Estate and Interest acquired by the Company therein under the Provisions of this Act, or any Deed or Grant or Conveyance to be executed in pursuance of this Act, and discharged from all Liens and Incumbrances created by this Act or by the said Company, and such Lands shall, upon Payment of the Purchase Money and the Execution of the Conveyance, vest in such Purchaser or Purchasers, or in his or their Nominee or Nominees accordingly, free from all such Liens and Incumbrances as aforesaid, and the Purchase Money shall be applied in Payment of the said Arrears, Interests, and Costs, and the Surplus be paid to the said Company.

Commissioners to pay annually a Sum for maintaining the improved Harbour.

LIX. In addition to all other Payments to Her Majesty's Paymaster General, Two Thirds of so much of the said Tonnage Rates to be received annually by the *Wexford* Harbour Commissioners as shall exceed the Amount of Rates received upon Sixty thousand Tons shall be paid annually after the passing of this Act by the said *Wexford* Harbour Commissioners to Her Majesty's Paymaster General, the Amount of such Two Thirds to be certified by the said *Wexford* Harbour Commissioners, or their Secretary, in Writing to the Secretary of the Admiralty; and in the Year One thousand eight hundred and sixty-six, and in every subsequent Year, the Company shall, within One Calendar Month after Demand in Writing under the Hand of the Secretary of the Admiralty, pay to the said Paymaster General for the Time being such Sum or Sums as the Lord High Admiral or the Lords Commissioners for executing that Office may require to be

paid

paid for the Purpose of maintaining the Works executed in the Harbour of *Wexford*, not exceeding in any One Year the total Sum of Five hundred Pounds; and the Lands to be embanked under the Authority of this Act shall be and the same is and are hereby charged with the Payment of the said Sum; and in case the Sum charged by this present Clause, or any Part thereof, shall remain unpaid for the Space of Two Calendar Months next after the same ought to be paid, the said Admiralty Commissioners may enforce Payment thereof by Distress to be levied upon the Lands hereby charged with the Payment of the Sum or Sums in arrear, in the like Manner as if the same had been Rent in arrear; and in case an adequate Sum shall not be raised by means of such Distress the said Admiralty Commissioners may sell an adequate Portion of the Lands so charged as last aforesaid for the Purpose of raising the Amount so in arrear as aforesaid, with Interest thereon after the Rate of Five Pounds *per Centum per Annum* from the Time when the same ought to have been paid, and the Costs of Sale, and may, by any Deed or Deeds executed by any Two or more of the said Commissioners, convey the Lands so sold to the Purchaser or Purchasers thereof, or as he or they shall direct, in Fee Simple, and all the Estate and Interest acquired by the said Company therein, discharged from all Liens and Incumbrances created under this Act or by the Company, and such Lands shall, upon Payment of the Purchase Money and the Execution of the Conveyance, vest in such Purchaser or Purchasers, or his or their Nominee or Nominees accordingly, and the Money so raised shall be applied in Payment of the said Arrears and Costs, and the Surplus (if any) be paid over to the Company: Provided always, that if the Two Thirds of the Tonnage Rates to which the Admiralty Commissioners to be appointed as herein-after provided are entitled shall amount to the Sum of Eight hundred Pounds a Year for a Term of Seven successive Years, then and in that Case the Charge by this Clause created shall cease and determine.

Lands embanked under Authority of this Act to be charged with its Payment.

LX. Provided always, That no Purchaser or Purchasers shall be bound to inquire into the Necessity, Reason, or Propriety of any such Sale or Sales, or whether the Person executing the Deed or Deeds of Conveyance were or not Commissioners as aforesaid, it being the Meaning of this Act that any Sale or Sales purporting to be made by the said Admiralty Commissioners under the Provisions of this Act, and every Deed of Conveyance duly stamped, purporting to be executed by Two or more Commissioners, shall, so far as regards the Safety of the Purchaser or Purchasers, be deemed and taken to have been in all respects duly made and executed in conformity with this Act: Provided also, that the said Purchase Money shall in every Case of a Sale under this Act be paid to the said Paymaster General for the Time being, and that his Receipt in Writing for the same, duly

Limiting Inquiry as to Sales or Deeds.

duly stamped, shall be an effectual Discharge to the Purchaser or respective Purchasers, and that no Purchaser or Purchasers shall be bound to see to the Application of his or their Purchase Money or respective Purchase Monies: Provided also, that no Sale under this Act shall prejudice any Lease previously granted of the Lands included in the Sale.

Commissioners of Valuation may apportion Charges.

LXI. Provided always, That it shall be lawful for the Commissioners of Valuation under the Public General Act 6 and 7 Wm. IV. c. 84., and any Act amending and extending the last-mentioned Act, and they are hereby required, whenever called on so to do by the Company, with the Consent of the Lord High Admiral or the Commissioners for executing the said Office, to be signified in Writing under the Hand of the Secretary of the Admiralty, from Time to Time, by any Deed or Deeds executed by any One of the said Commissioners of Valuation, to apportion the said Second Charge of Ten thousand Pounds and Five hundred Pounds a Year hereby created, or any Parts thereof, in such Way and Manner as may appear equitable, upon the Lands which shall be embanked under the Provisions of this Act, in order and so that different Portions of the said Lands may be charged solely and exclusively with distinct and separate Portions of the Charges so from Time to Time to be apportioned; and after any and every such Apportionment the Lands hereby charged with the whole of such Charges respectively shall be and remain charged only with the Payment of such Proportion of the same Charges as shall by such Deed of Apportionment be expressly charged thereon, and shall be exonerated from the Residue of such Charges: Provided always, that no Purchaser, Mortgagee, or Lessee shall be bound to inquire into the Fairness or Propriety of any such Apportionment, or whether the Person or Persons making the same were such Commissioner or Commissioners as first aforesaid, or were duly qualified to act, or whether the Proceedings relating to such Apportionment were regular: Provided always, that the Receipt of the said Paymaster General, duly stamped for Payment of any of the said Sums of Ten thousand Pounds or any of the Instalments thereof, or any of the Sums hereby charged, shall be conclusive Evidence of the Payment of the same, and shall be a complete Discharge of the said Lands charged from the Sum or Sums by such Receipts respectively admitted to have been received: Provided always, that if at any Time any Payment shall be made by the Company, with the Consent of the Lord High Admiral or the said Commissioners for executing that Office, to be signified in Writing under the Hand of the Secretary of the Admiralty, in anticipation of or before any Period appointed for that Purpose, then and in every such Case Interest at the Rate of Five Pounds *per Centum per Annum* shall

shall be allowed for any such Payment made in anticipation or advance as aforesaid.

Power to commute Payment of the Sum of 500*l.* by Agreement with Admiralty.

LXII. It shall be lawful for the Company at any Time to agree with the Lord High Admiral or the Commissioners for executing the said Office, for the Purpose of commuting the Payment as aforesaid of the said Sum not exceeding Five hundred Pounds a Year, or any Part thereof, for the Payment of One or more Sums of Money, to be fixed upon by the Company and the said Lord High Admiral or the said Commissioners for executing the said Office, and also for the Purpose of determining any Liability of the Company at the End of any Term or Remainder of Years, on such Conditions as may be agreed upon between the said Parties; and in case any such Agreement shall be entered into, then and immediately thereafter, or from and after a Day to be named, and upon Payment in full of the Amount of the commuted Payment, the Obligation to pay the said Sum not exceeding Five hundred Pounds a Year shall cease and determine, and the said Lands charged therewith as aforesaid shall be free and discharged from all Security or Lien in respect thereof.

Appointment of Commission for improving Wexford Harbour.

LXIII. And whereas it is expedient to appoint Commissioners for the Purpose of executing Works for deepening and improving the Harbour of *Wexford*, and the Sea Channels in or leading to the same: Be it enacted, That Three such Commissioners shall be nominated and appointed by the Lord High Admiral or by the Lords Commissioners for executing the said Office, by Writing under the Hand of the Secretary of the Admiralty, and the Commissioners so nominated and appointed shall form One Board, under the Name and Style of the "Admiralty Commission for improving *Wexford* Harbour;" and so often as any Commissioner so appointed shall die or resign, or shall for Six Months continuously cease to act, then and in every such Event the Lord High Admiral or the said Commissioners for executing the said Office shall nominate and appoint as aforesaid a Successor in the Room and Stead of the Commissioner so dying, resigning, or ceasing to act; and it shall be lawful for the Lord High Admiral or the said Commissioners for executing the said Office, under the Hand of the Secretary of the Admiralty, to revoke, at his or their Discretion, the Appointment of any Commissioner so appointed as aforesaid, and to nominate and appoint a Commissioner in lieu of the Commissioner whose Appointment shall be so revoked.

Application of Monies.

LXIV. The said Two Sums of Ten thousand Pounds shall be laid out and expended, and shall be applied, by the Admiralty Commissioners to be appointed as herein-before provided, in executing Works

as

as aforesaid, and as the Lord High Admiral or the Commissioners for executing the said Office shall, under the Hand of the Secretary of the Admiralty, direct; and the said annual Sum of Five hundred Pounds, or any Sum or Sums for which the same or any Part thereof may be commuted, and the Two Thirds of the said surplus Tolls, shall be applied by the said Commissioners to be appointed under the said Act, as the said Lord High Admiral or the Commissioners for executing the said Office shall direct, in maintaining the Works executed in the said Harbour of *Wexford* in such Manner as the said Lord High Admiral or the Commissioners for executing the said Office shall direct as aforesaid.

Power to Admiralty to order local Survey at Expense of Company.

LXV. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of Embankment of the Company in or affecting any tidal Water or navigable River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and, if not paid upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

If Works affecting Tidal Waters are abandoned the Admiralty may remove them at Expense of Company.

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

No Works below High-water Mark without Consent.

LXVII. Nothing in this Act contained shall extend or be construed to extend to authorize the making, constructing, or erecting of any Work below the Line of High-water Mark at ordinary Spring Tides, without the previous Consent of Her Majesty, Her Heirs and Successors, to be signified in Writing under the Hands of One of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and of the said Lord High Admiral, or of the said Commissioners for executing the Office of Lord High Admiral, having been first obtained for that Purpose, such Assent to be signified in Writing under the Hand

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, and Land Revenues, and the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may approve of, such Approval to be signified as last aforesaid; and where any such Work shall have been constructed, it shall not be lawful for the Company at any Time to alter or extend the same without obtaining previously the like Consents and 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, and Land Revenues, or the Lord High Admiral, or the 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 Company, such Costs and Charges to be recovered in any competent Court.

Certificate of Secretary of Admiralty.

LXVIII. Any Certificate under the Hands of the Secretary of the said Lord High Admiral, or the said Lords Commissioners for the Time being, of the Approval or Consent of the said Lord High Admiral or the said Lords Commissioners for the Time being to or in any Matter or Thing in respect to which such Approval or Consent is hereby required or authorized to be given, shall be to all Intents and Purposes conclusive Evidence of such Approval or Consent.

Company not to construct Works between certain Points.

LXIX. It shall not be lawful for the said Company, in the Execution of any of the proposed Works, to make any Cuttings or Intersections between *Raven Point* and *Curracloe House*, or between the Entrance of the Harbour and *Roslare House*, so as to separate or intersect the Coast Guard Stations, without the Consent of the Lords Commissioners of Her Majesty's Treasury first had and obtained.

Period for Completion of Works limited.

LXX. In case the Works hereby authorized to be done shall not be completed within Ten Years next after the passing of this Act, the Power given to the said Company by this Act, or the said "Companies Clauses Consolidation Act, 1845," and the said "Lands Clauses Consolidation Act, 1845," for executing the said Works or otherwise in relation thereto shall cease, except as to any Portion of the said Waste Lands, Mud Banks, or Slobs which may have been reclaimed and embanked with the Approbation of the said Lord High Admiral or the Lords Commissioners for the Time being.

Saving the Rights of the Trinity House.

LXXI. Nothing in this Act contained shall extend to prejudice or derogate from the Jurisdiction or Authority or any of the Rights or Privileges

Privileges of the Corporation of the *Trinity House of Deptford Strond.*

Title of the Crown not to be affected until actually conveyed.

LXXII. Provided always, and it is hereby expressly declared, That nothing whatsoever herein-before contained, either directly or by Implication or otherwise, shall vest or pass any Interest in or create any Charge upon the said Waste Lands, Mud Banks, or Slobs hereby authorized to be embanked, or any other Waste Lands, Mud Banks, Slobs, or Lands belonging to Her Majesty, or any Part thereof respectively, into or in favour of the Company, or any other Person or Persons whomsoever, or shall otherwise affect the Title of Her Majesty, Her Heirs and Successors, to the same, until the Consideration for the Estate and Interest of Her Majesty in the said Waste Lands, Mud Banks, Slobs, or Lands shall have been paid to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and until such Grant and Conveyance has been made to the Company as the said Commissioners, or One of them, are and is hereby empowered to make, it being the true Intention and Meaning of this Act that the Title of Her Majesty, Her Heirs and Successors, to the said Waste Lands, Mud Banks, Slobs, and Lands, and every Part thereof, shall, until such Consideration has been paid and Grant and Conveyance made as herein-before mentioned, continue, and be as good, valid, and free from Incumbrances as if this Act had not passed, any Matter or Thing herein-before contained notwithstanding.

Saving the Rights of the Crown.

LXXIII. 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 Waste Lands, Mud Banks, Slobs, 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, and Land Revenues, or any One of them, first had and obtained for that Purpose, and which Consent such Commissioners or any One of them are and is 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.

Expenses of Act.

LXXIV. The Costs, Charges, and Expenses attending or incident to the passing of this Act shall be paid by the Company hereby incorporated upon the passing thereof.

Interpretation of Terms.

LXXV. In this Act the Words "the Company" shall mean "the *Wexford* Harbour Embankment Company," incorporated by this Act, and the Words "the Undertaking" shall mean the Waste Lands, Mud Banks, and Slobs already embanked and reclaimed, and which may hereafter

hereafter be embanked and reclaimed under the Provisions of this Act, and the Walls, Banks, Fences, Waterways, Tunnels, Engines, Sluices, Roads, Ways, Lanes, Buildings, Works, and other Property and Rights herein-before defined, and vested in or belonging to the Company.

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