ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

****

Cap. ccclxxxvii.

An Act for improving and altering a Portion of the Harbour of *Wexford* in the County of *Wexford* in *Ireland*, and the Entrance thereof; for improving the Navigation of the River *Slaney*, and also the Bridge over the same River at or near to the Town of *Wexford;* 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.

[18th *August* 1846.]

WHEREAS the Harbour of *Wexford* in the County of *Wexford* in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland* is very defective, inconvenient, and dangerous for Vessels frequenting the same, and it would be of great public and local Benefit if the said Harbour and the Entrance thereof were deepened and improved, and the Course of the Channel of the said Harbour in some respects altered: And whereas the River *Slaney* between a certain Point called *Pouldarrig Point* near the

Mill of *Pouldarrig* in the same County, and a certain Bridge known as the Bridge of *Enniscorthy* in the same County, cannot be navigated by Ships and Sea-borne Vessels, and the Navigation thereof is difficult even for flat-bottomed Boats and Barges, and it would be of great public Utility if the said River were deepened and improved, and rendered easily navigable: And whereas the Bridge across the said River at or near to the Town of *Wexford* in the said County of *Wexford* as at present constructed is injurious to the said Harbour of *Wexford*, and it is very desirable that the said Bridge should be altered, and that the Waterway of the said River at the said Bridge should be enlarged: And whereas in the Bed of the said Harbour of *Wexford*, and the said River *Slaney*, and the Estuary thereof, and adjacent thereto respectively, there are certain Waste Lands, Mud Banks, or Slobs which, being either under Water or subject to be covered by the Tidal Waters, are in their present State incapable of Cultivation and of little or no Value: And whereas the Queen's most Excellent Majesty in right of Her Crown claims to be entitled to the said Waste Lands, Mud Banks, or Slobs, or to some Part thereof: And whereas it would materially facilitate the Improvement of the said Harbour, and be of essential public and local Advantage, if the said Waste Lands, Mud Banks, or Slobs were embanked and reclaimed from the Sea and brought into Cultivation: And whereas the several Persons herein-after named are willing, at their own Expence, to carry into effect the aforesaid Undertaking, but the same cannot be done without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Acts of Parliament following, (that is to say,) the "Companies Clauses Consolidation Act, 1845," and the "Lands 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.

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

Short Title.

II. And be it enacted, That 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 Expression "The *Wexford* Harbour Improvement Act, 1846."

Subscribers incorporated.

III. And be it enacted, That *Charles Arthur Walker*, *John Maher*, *Edward Grogan*, *William Rickford Collett*, *Simeon Hardy*, *Patrick Walter Redmond*, *William Parsons Hoey*, and *John Edward Redmond*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the said Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes and with the Powers herein-after mentioned and contained, and such Company shall be incorporated by the Name of "The *Wexford* Harbour Improvement Company," and by that Name shall be a Body Corporate, and shall have perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of this Act, and also to sell and dispose of the same Lands, within the Restrictions herein or in the

said "Companies Clauses Consolidation Act, 1845," and the said "Lands Clauses Consolidation Act, 1845," respectively contained.

Capital.

IV. And whereas the estimated Expence of carrying the said Undertaking into effect is One hundred and forty thousand Pounds; be it therefore enacted, That the Capital of the Company shall be One hundred and forty thousand Pounds.

Number and Amount of Shares.

V. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Two thousand eight hundred, and the Amount of each Share shall be Fifty Pounds.

Calls.

VI. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and 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.

VII. And be it enacted, That the first Ordinary Meeting of the Company shall be held within Two Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *January* and *July*, and the first of such Ordinary Meetings shall be held in the Month of *January* next; and all Meetings, whether ordinary or extraordinary, shall be held at such Place and Time as the Directors shall from Time to Time appoint.

Quorum of General Meetings.

VIII. And be it enacted, That 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.

Shareholders may convene Extraordinary Meeting.

IX. And be it enacted, That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall not be 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.

X. And be it enacted, That the Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking, except as to the Three Directors whom the *Wexford, Carlow, and Dublin* Railway Junction Company are in the event herein-after in that Behalf mentioned empowered to appoint.

Power to vary the Number of Directors.

XI. And be it enacted, That it shall be lawful for the Company to increase and reduce the Number of Directors, provided that the increased Number do not exceed Twelve, and that the Number of Directors be not at any Time less than Six.

First Directors.

XII. And be it enacted, That *Charles Arthur Walker*, *John Maher*, *Edward Grogan*, *William Rickford Collett*, *Simeon Hardy*, *Patrick Walter Redmond*, *William Parsons Hoey*, and *John Edward Redmond*

mond shall be the first Directors of the Company, and that the Quorum of a Meeting of Directors shall be Three.

Newspapers for Insertion of Advertisements.

XIII. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be some One or more Newspaper or Newspapers published and circulated in *Dublin*, and some One or more Newspaper or Newspapers published and circulated in the said County of *Wexford*.

So much of 6 & 7 Vict. c. 41. as relates to the Erection of Works, &c. repealed.

XIV. And whereas an Act was made and passed in the Sixth and Seventh Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for improving, maintaining, and regulating the Harbour of* Wexford *in the County of* Wexford; be it enacted, That so much of the said Act as relates to the erecting of Works within, and to the embanking, sinking, widening, deepening, and cleansing of the said Harbour within the Limits hereafter mentioned, (that is to say,) between the Eastern Extremity of a certain Quay called *St. Paul's Quay* in the said Town of *Wexford* and the Sea, be and the same is hereby repealed, but this present Clause shall not extend or be construed to extend to repeal, alter, or affect the same Act in any other respect: Provided always, that nothing in this Act contained shall be held to affect the existing Powers of the *Wexford* Harbour Commissioners of erecting, building, repairing, and maintaining all such Quays, Wharfs, and Docks within the Limits of the Harbour as they may consider necessary for the Accommodation of the Trade resorting to the said Port and Harbour, or of making, repairing, and maintaining such wide and convenient Passages and Avenues thereto as the said Commissioners may think fit.

Works to be executed according to deposited Plans.

XV. And whereas Plans and Sections of the intended Works retaining the present Entrance to the said Harbour, and also Books of Reference thereto containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, or which may be required to be taken for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace for the County of *Wexford;* be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful to make and maintain the said Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Power to Company to improve the Harbour within certain Limits, subject to Approval of the Admiralty.

XVI. And be it enacted, That it shall and may be lawful to and for the Company, and they are hereby expressly authorized and required, to widen, deepen, scour, dredge, and cleanse and maintain the said Harbour between the Limits aforesaid, *videlicet*, between the said Eastern Extremity of *Saint Paul's Quay* and the Sea, in such Way and Manner and to such Extent as the Company shall think proper, and as the Lord High Admiral or the Commissioners for the Time being for executing the Office of Lord High Admiral shall direct, and as delineated in the said Plans and Sections, and in particular that the Company shall remove a certain Island or Bank called the *Ballast Island*

Island in the said Harbour, and form a Wharf in some convenient Part of the said Harbour, to be approved of by the said Lord High Admiral or the said Lords Commissioners for the Time being, for the Purpose of depositing and supplying Ballast, also shall deepen a certain Channel called the *Hantoon Channel* and the clear sailing Course from the same Channel up to the Bridge of *Wexford* in such Direction and in such Manner as the said Lord High Admiral or the said Lords Commissioners for the Time being shall direct or order, and so far as that the said sailing Course shall be Two hundred Yards at the least in Width, and the said Entrance and sailing Course shall be at least Eleven Feet in Depth below Low Water of the lowest Spring Tide, and with such Slopes upwards from the Eleven Feet in Depth up to the present Depth or top Width of the navigable Channel, as the said Lord High Admiral or the said Lords Commissioners for the Time being shall approve of; and also that the Company shall by piling and other effectual Means encourage the Formation of *Dogger Bank* into a permanent Island for sheltering the Entrance and preserving the said *Hantoon Channel*, and shall also secure in a substantial Manner the Sides of the Entrance under a certain Point called "The *Roslare Point*," and also a certain Burrow near to the said *Roslare Point*, in such Manner as the said Lord High Admiral or the said Lords Commissioners for the Time being shall approve; and that for the Purposes aforesaid, or any of them, it shall be lawful for the Company to dig and remove all and any Part of any and every Rock, Shoal, or Bank, or Bed of Mud, Sand, Soil, Rubbish, or Gravel, and other Accumulations or Obstructions, which may now or hereafter be in the Bed of the said Harbour within the Limits aforesaid, and also to use or dispose of Mud, Sand, Soil, Rubbish, Gravel, or other Things which may be so dug or removed as aforesaid as the Company shall think proper, and also to raise any Embankment or Embankments on the Sides of the said Harbour between the Limits aforesaid, and 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 *Breast Channel*, *Coal* or *Cull Channel*, the Passage of the *Nob*, and the Cut or Pill to *Drinagh*, and also to do or cause to be done all such other Acts and Things as the said Lord High Admiral or the said Lords Commissioners may from Time to Time deem necessary or desirable to be done for carrying into effect all or any of the Purposes of this Act, or as being contingent thereon: Provided always, that during the Time that the Works authorized by this Act to be done shall be in progress the Company shall take effectual Means to prevent any unnecessary Obstruction or Delay to the Vessels frequenting the said Harbour, and in particular the Company shall not deposit any Materials to be excavated by them under the Powers of this Act, or cause the same to be deposited, which in the Opinion of the said Lord High Admiral or the same Lords Commissioners for the Time shall injure or prejudice the said Harbour: Provided also, that it shall be obligatory on the Company at all Times in future to maintain the *Hantoon Channel* and the sailing Course in the said Harbour in manner and to the Extent hereby required, and to keep the same in such improved State and Condition, and also to keep in

good and perfect Repair the other Works hereby required to be executed by them, or which the said Lord High Admiral or the said Lords Commissioners for the Time being shall direct.

Certificate of Secretary of the Admiralty Evidence that Harbour has been improved.

XVII. And be it enacted, That a Certificate in Writing purporting to be signed by the Secretary of the Admiralty for the Time being, deposited with the Clerk of the Peace for the County of *Wexford*, shall be the conclusive and only Evidence that the said Harbour has been so deepened, dredged, and improved within the Limits aforesaid.

Company not to be entitled to any surplus Rates until Works are completed to the Satisfaction of the Admiralty.

XVIII. And be it enacted, That it shall be obligatory on the Company to commence and to carry on contemporaneously the Works hereby required to be done with respect to the said Harbour and the said River *Slaney*, and that the Company shall not be entitled to any surplus Rates or Tolls as herein-after provided until all the said Works shall have been executed to the Satisfaction of the said Lord High Admiral or the said Lords Commissioners for the Time being, to be certified in Writing under the Hand of their Secretary: Provided always, that in case the said Lord High Admiral or the said Lords Commissioners for the Time being shall require the Company to commence or to carry on and complete the said Works with respect to the said Harbour before they shall commence or complete the said Works with regard to the said River, or any of them, then and in such Case the Company shall be bound so to do, and in such Case they shall be entitled, on the Completion of the said Works or either of them to the Satisfaction of the said Lord High Admiral or the said Lords Commissioners, to be certified as aforesaid, to receive in each Year after the Completion of such Works, or within Six Months from the Date of such Certificate, Two Thirds of so much of the Tonnage Rates received by the said *Wexford* Harbour Commissioners as shall exceed the Amount of Rates received upon Sixty thousand Tons: Provided always, that the said Company shall be bound to apply the said Surplus, or so much thereof as may be necessary, to improve and deepen the said River and Harbour, and to maintain the said River and Harbour of the respective Depths herein-before directed.

Power to Harbour Commissioners to reduce Rates not to be affected.

XIX. And be it enacted, That nothing herein contained shall be held to alter or affect the Power of the *Wexford* Harbour Commissioners to reduce from Time to Time all or any of the Rates granted by the before-recited Act, and again to raise the same as they shall think expedient, provided that such Rates shall under no Circumstances exceed the Rates granted by the said recited Act.

Power to improve and render navigable the River between certain Points.

XX. And be it enacted, That it shall and may be lawful for the Company, and they are hereby expressly authorized and required, to improve and deepen the said River *Slaney* from *Pouldarrig Point* aforesaid to the said Bridge of *Enniscorthy* so that the Tide may at all Times flow and ebb freely up to *Enniscorthy* aforesaid, and so as that the Bed of the said River from the said Town of *Wexford* to *Enniscorthy* aforesaid may be not less than Seven Feet below Low Water of the lowest Spring Tide at *Wexford* aforesaid, and from Time to Time and at all Times to keep the said River in such improved State and Condition as aforesaid, and for such Purposes or any of them to cleanse,

cleanse, scour, dredge, and deepen the said River, and alter and vary the Course of the Channel thereof, and divert the Water thereof into such altered Channel or Channels, and to dig and remove all or any Part of any and every Rock, Shoal, or Bank, or Bed of Mud, Sand, Soil, Rubbish, or Gravel, and other Accumulations or Obstructions, which may now or hereafter be in the Bed of the said River, and to use or dispose of the Mud, Sand, Soil, Rubbish, Gravel, or other Things which may be so dug or removed as aforesaid as the Company shall think proper, and also for the same Purposes or any of them to narrow or confine the Bed of the said River by setting up or erecting in the said River or on the Banks thereof artificial Embankments, or by any other Means whatsoever, and shelve off, cut, and straighten the Banks of the said River: Provided always, that no Mud, Sand, Soil, Rubbish, or other Things so to be dug or removed as aforesaid shall be deposited upon the Surface of the Lands on either Side of the River without the Consent of the Owner or Occupier of such Lands first had and obtained: Provided also, that during the Time that the Works by this Clause authorized to be done shall be in progress the Company shall take effectual Means to prevent any unnecessary Obstruction or Delay to the Vessels navigating the said River, and also to secure the Foundation of the several Bridges over the said River within the Limits aforesaid.

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

XXI. And be it enacted, That 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, 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*.

Certificate of Secretary of Admiralty Evidence that River has been improved.

XXII. And be it enacted, That a Certificate in Writing purporting to be signed by the Secretary of the Admiralty for the Time being, deposited with the Clerk of the Peace for the County of *Wexford*, shall be the conclusive and only Evidence that the said River has been so deepened, dredged, and improved within the Limits aforesaid.

Power to charge Toll.

XXIII. And be it enacted, That when and so soon as the Company shall have improved and deepened the said River between *Pouldarrig Point* aforesaid and the said Bridge of *Enniscorthy* in manner and to the Extent aforesaid, and so long as they shall keep the said River within the Limits aforesaid improved and deepened in manner and to the Extent aforesaid, it shall be lawful for the Company, and they are hereby expressly authorized and empowered, to demand and receive for every Vessel which shall pass up the said River or any Part thereof between *Pouldarrig Point* aforesaid and the said Bridge of *Enniscorthy* any Toll or Sum not exceeding the Rates following; that is to say,

For every Vessel (exceeding Fifteen Tons) laden with Limestone, Three-pence *per* Ton upon each and every Ton which such Vessel shall measure or be authorized by Licence to carry:

For

For every other Vessel exceeding Fifteen Tons, and not being a Vessel kept or used exclusively for Pleasure, Sixpence *per* Ton upon each and every Ton which such Vessel shall measure or be authorized by Licence to carry, and a proportionate Part of such Sums respectively for a Fraction of a Ton.

Power to reduce Toll and raise it again.

XXIV. And be it enacted, That it shall be lawful for the Company from Time to Time to reduce the Toll hereby authorized to be taken to such an Extent as they may think proper, and afterwards from Time to Time to advance the same to any Sum or Sums not exceeding the said Sum of Sixpence *per* Ton: Provided always, that previously to any Reduction or Advance of the said Toll being carried into effect One Month's Notice of the Intention to reduce or advance the same shall be given by the Company in some Newspaper published in the said County of *Wexford*.

Tolls to be charged equally.

XXV. Provided always, and be it enacted, That the several Tolls authorized to be taken by this Act shall at all Times be charged equally and after the same Rate in respect of the same Description of Vessels and Goods.

Toll charged at Time of Money borrowed not reducible without Consent.

XXVI. And be it enacted, That the Toll which shall be levied at the Time when any Money shall be lent to the Company on the Credit of the said Toll shall not be reduced without the Consent in Writing of Three Fourth Parts at the least in Value and Amount of the Lenders of such Money: Provided always, that all Lenders shall be considered consenting Parties who shall not dissent in Writing within the Period of One Month next after they respectively shall have been applied to in Writing by the Secretary or Clerk for the Time being of the Company.

Power to Collector to enter Vessels to ascertain Tolls payable.

XXVII. And to the end that the Toll by this Act imposed may be effectually levied, be it enacted, That it shall be lawful for any Person appointed by the Company to collect any such Toll, and for such Persons as they may authorize, to enter either alone or with Assistants any Vessel which shall pass up the said River or any Part thereof between *Pouldarrig Point* aforesaid and the said Bridge of *Enniscorthy*, and to ascertain the Toll payable in respect of such Vessel.

Toll recoverable by Distraint of Vessel and Tackle.

XXVIII. And be it enacted, That if any Master or other Person having Charge of any Vessel in respect of which any Toll shall be payable to the Company shall refuse or neglect to pay the same, then it shall be lawful for the Person appointed by the said Company to collect such Toll, and such other Persons as they may authorize, to go on board of such Vessel and demand such Toll, and on Nonpayment thereof or any Part thereof to take and distrain such Vessel, and all the Cargo, Tackle, and Furniture in or upon the same or belonging thereto, or any Part thereof respectively, and to detain such Distress until the Toll shall be paid; and in case any Part of the said Toll shall remain unpaid for the Space of Fourteen Days next after any Distress shall have been so made, then it shall be lawful for the said

Collector to sell the Distress, and therewith to satisfy the Toll so unpaid, and all the Expences of taking and keeping and selling such Distress, rendering the Overplus (if any) to the Master or other Person in charge of such Vessel, upon Demand.

Penalty for evading Toll.

XXIX. And be it enacted, That if any Master or Person having the Charge of any Vessel shall evade the Payment of any Toll payable to the Company under this Act, he shall pay to them Three Times the Amount of such Toll, and the same shall be recovered from such Master or Person in charge in the same Manner as Penalties imposed by this Act are recoverable under the Provisions in that Behalf contained in the said Companies Clauses Consolidation Act, 1845.

Masters of Vessels to produce Certificate of Registry.

XXX. And be it enacted, That the Master or Commander of every registered Vessel shall, on Demand, produce the Certificate of the Registry of such Vessel to any Person authorized by the Company to collect the Toll in respect of such Vessel; and if any such Master or Commander shall refuse or neglect to produce such Certificate to any such Person, on demand, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Exempting Vessels in Her Majesty's Service.

XXXI. And be it enacted, That every Vessel belonging to, or employed in the Service of, or seized or detained on behalf of Her Majesty, Her Heirs and Successors, and every Vessel in the Service of the Customs or Excise or Post Office, and all Officers or Persons employed therein respectively, or in the Service or Employ of the Admiralty or Ordnance, shall have free Use of the said River *Slaney* without any Charge or Rate whatsoever being made for the same, and without any Toll or Rate being payable for any Stores belonging to or purchased for Her Majesty's Service, or for any Bagagge belonging to such Officers or Persons aforesaid, and nothing in this Act or in the recited Act contained shall confer any Power or Control over any of the said Vessels, their Officers or Crews: Provided always, that if any Person shall claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Ten Pounds.

Tonnage of British Vessels to be ascertained by the Register, that of other Vessels by Admeasurement according to the 5 & 6 W. 4. c. 56. or 6 & 7 Vict. c. 84.

XXXII. And be it enacted, That the Tonnage of every *British* Vessel liable to the Payment of any Tonnage Rate under this Act, and duly registered according to Law, shall be ascertained according to the certified Tonnage in the Register, and the Tonnage of all other Vessels shall be ascertained according to the Rules of Admeasurement established by an Act of Parliament passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Admeasurement of the Tonnage and Burden of the Merchant Shipping of the United Kingdom*, or by an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to the Customs*, as the Case may require, or any Law for the Time being regulating such Admeasurement.

Rates of Foreign Vessels to be the same as on British Ships where Treaties exist with Foreign Countries.

XXXIII. Provided always, and be it enacted, That any Rates, Duties, or Charges chargeable by the said recited Acts upon Vessels not belonging to or the Property of Her Majesty's Subjects, or for the Pilotage or Ballastage of such Vessels, shall not be applicable to Vessels belonging to Countries with which Treaties of Reciprocity have been concluded or may hereafter be concluded so long as such Treaties shall continue in force, but the same Duties, Rates, or Charges shall be levied upon the Vessels of such Countries during such Periods as aforesaid, and for the Pilotage and Ballastage of such Vessels, as may be from Time to Time payable by the said recited Act upon Vessels belonging to or the Property of *British* Subjects.

Disputes respecting Tolls, &c. to be settled before a Justice.

XXXIV. And be it enacted, That if any Dispute shall arise concerning the Right or Liability to or the Amount of any Toll due or payable, or alleged to be due or payable, by virtue of this Act, or concerning the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Person distraining to detain such Distress, or (if the Case shall so require) the Proceeds of the Sale thereof, until the Question in dispute shall be determined by Two or more Justices of the Peace assembled at Petty Sessions for the District within which the Person from whom the Tolls or Charges shall be claimed shall reside; and upon Application made to such Justices for that Purpose by either Party, after Summons signed by any Justice of the Peace and served on the other of them (the Service of such Summons being proved to the Satisfaction of the said Justices), they shall examine the Matter upon Oath of the Parties or Witnesses, or either of them, and determine the same, and award such Costs to be paid by either of the Parties to the other of them as the said Justices shall think reasonable; and such Costs, if not paid on Demand, shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Tolls payable shall be painted on Boards, and placed in a conspicuous Place.

XXXV. And be it enacted, That the Company shall from Time to Time cause to be painted on Boards in large and legible Characters, and affixed within the principal Office of the Company, and also on some conspicuous Part of the Toll House or Place where the Toll shall be payable, the Rate which shall be from Time to Time exacted by the Company under this Act.

If Toll Board destroyed, Toll to continue payable until its Restoration.

XXXVI. Provided always, and be it enacted, That no Toll shall be payable, except during the Time that such Board shall continue so affixed: Provided always, that if any such Board shall be destroyed, injured, or obliterated, the Toll shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such Board in the same Manner as if such Board had continued affixed and in the State required by this Act.

Penalty for pulling down Boards.

XXXVII. Provided also, and be it enacted, That if any Person shall pull down, deface, or damage any Board put up or affixed by the Company under the Provisions of this Act, or shall obliterate or alter 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

defray the Expences attending the Restoration of such Board, such Expences to be recoverable as any Penalty by this Act imposed may be recovered.

Persons aggrieved may appeal to the Quarter Sessions.

XXXVIII. And be it enacted, That if any Person shall think himself aggrieved by the Determination or Adjudication of any Justice under the Provisions of this Act, he may appeal to the General Quarter Sessions for the said County of *Wexford*, 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 Recognizances, with Two sufficient Sureties, before a Justice of the Peace, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Power to Quarter Sessions to hear Appeals.

XXXIX. 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, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Damages, Penalty, or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon 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.

Power to alter the Causeway of the Bridge at Wexford.

XL. And be it enacted, That it shall be lawful for the Company, and they are hereby authorized and required, to alter and improve the Causeways of the said Bridge, and increase the Waterway thereof, by forming Arches in the said Causeways to such Extent and in such Manner as the said Lord High Admiral or the Commissioners for the Time being for executing the Office of the Lord High Admiral shall direct: Provided always, that nothing in this Act contained shall interfere with or affect the Right or Power of the said Lord High Admiral or the Commissioners for building a Bridge over the River *Slaney* to pull down and alter the said Causeways or any of them, or to remove the Injury and Obstruction occasioned by the said Bridge to the said Harbour and the Improvement thereof, and also, if the same shall be considered necessary or expedient by Two Justices of the Peace acting at Petty Sessions in the District of *Wexford*, and if required by the said *Wexford* Harbour Commissioners, to erect and maintain across the said River at or near the said Bridge a temporary Wooden Bridge, with all proper Toll Houses and Works connected therewith for the Accommodation of the Public whilst the Improvements by this present Clause authorized to be made or any of them shall be in progress.

When Works required to be done

XLI. And be it enacted, That when and as soon as the Company shall have completed the several Works herein required to be done by

are completed, Company may cultivate Waste Lands, &c.

by them, or when and as soon as the said Lord High Admiral or the said Commissioners for the Time being shall be satisfied with the Progress of the said Works, then and in either of the said Cases, and immediately thereupon or at any Time or Times thereafter, it shall be lawful for the Company, subject to the Restrictions and Provisions of this Act, to embank, reclaim, cultivate, and otherwise improve all and singular and such Part and Parts of the said Waste Lands, Mud Banks, or Slobs as lie and are marked in the said Map or Plan as lying below High-water Mark at ordinary Spring Tides, whether the same now lie under Water or not: 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 Time such Embankment as aforesaid being commenced 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 which shall not in the Discretion of the Company be likely to compensate them for the Outlay necessary for such embanking, unless such Embankment shall be required by the said Lord High Admiral or the said Lords Commissioners for the Time being.

Board of Commissioners to be nominated by Grand Jury of Wexford.

XLII. And be it enacted, That 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 County of Wexford to supply Vacancies.

XLIII. And be it enacted, That 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 the like Powers and Authorities in all respects as if he had been originally named and appointed a Commissioner.

XLIV. Pro-

Commissioners to sign the following Declaration before acting.

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

'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* Harbour Improvement Act, 1846, 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.

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

Meetings and Adjournment of Commissioners.

XLVI. And be it enacted, That the said Board of Commissioners 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 excceeding 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 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.

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

Remuneration of Commissioners.

XLVIII. And be it enacted, That each of the said Commissioners shall be allowed and paid by the Company the Sum of One Pound Eleven Shillings and Sixpence and no more for each Day he shall travel or be employed in the Execution of this Act in full Satisfaction for his Trouble and Expences in executing the same; and the said Commissioners and their Clerk, and all other Persons who shall attend any Meeting of the said Commissioners, shall defray their own Expences, except for the Use of the Room in which the Meetings of the said Commissioners shall be holden.

Power to summon Witnesses.

XLIX. And be it enacted, That it shall be lawful for the said Commissioners or any Two of them, under their Hands and Seals, to summon any Person as a Witness whose Evidence the said Commissioners shall deem necessary or important in reference to the several Matters and Things to be decided, fixed, and determined by them as herein mentioned, 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 any Penalty imposed by this Act may be recovered.

Commissioners to ascertain Value of Lands to be reclaimed, Part of which to be apportioned among Proprietors whose Lands adjoin.

L. 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 Reclamation hereby authorized to be made; be it enacted, That the said Commissioners shall, as soon as conveniently may be after such Embankment or Reclamation, 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 so embanked and reclaimed as aforesaid, 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 Reclamation 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 that, notwithstanding any thing herein-before contained, it shall be lawful for every Proprietor or Owner of any Land abutting upon or adjoining to any Part of the Waste Lands, Mud Banks, or Slobs hereby authorized to be embanked and reclaimed as aforesaid, or his Guardian or Trustee, to claim and receive of and from the 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 or Proprietor in or upon the said Waste Lands, Mud Banks, or Slobs, or any Part thereof, or in or upon any Lands abutting thereon or adjoining thereto, 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 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.

Company to erect Walls, &c.

LI. And be it enacted, That 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, 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 adjoining Lands.

LII. Provided always, and be it enacted, 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.

LIII. And

Roads to be laid out for Use of Frontage Proprietors.

LIII. And be it enacted, That the said Company shall, as soon as conveniently may be after the said Mud Lands and Slobs shall have been embanked and reclaimed, lay out over those Parts of the said Mud Lands and Slobs all proper and convenient Roads for the Use of the Owners and Occupiers of the Lands adjoining the said Mud Lands and Slobs.

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

LIV. And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, with the previous Authority of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, 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 such Estate, Right, Title, or Interest as Her Majesty may so have or claim as aforesaid into, out of, or upon the said Waste Lands, Mud Banks, or Slobs, or into, out of, or upon such Part thereof as may be substantially embanked and effectually reclaimed by the Company, for such Consideration in Money or without any Consideration, and either absolutely or subject to such Conditions, Limitations, and Provisoes, as the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall in their Discretion think expedient.

Upon Completion of the Embankment, and Payment of all Compensation, Company to be entitled absolutely to the Waste Lands.

LV. And be it enacted, That upon Payment or legal Tender of any Money payable by the Company in respect of the said Waste Lands, Mud Banks, or Slobs, or any Part thereof, under the Provisions herein contained, and upon the Conveyance thereof in Cases where a Conveyance is necessary, and as soon as the Embankment and Reclamation of the said Waste Lands, Mud Banks, or Slobs, or any 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 hereby authorized to be 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, which shall have been paid for or compensated for, or granted in pursuance of the Provisions of this Act, shall, subject to the Provisoes herein-after contained, 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 are situate, lying, and being on the Inside of the Island of *Wood Town*, between the said Island, the Burrow of *Roslaire*,

Roslaire, *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: Provided always, that after the Purchase by the Company of such Waste Lands, Mud Banks, or Slobs, and until such Certificate of the Admiralty as aforesaid shall have been granted, the said Waste Lands, Mud Banks, and Slobs shall be vested in Her Majesty in right of Her Crown.

Commissioners may mortgage or sell the Waste Lands for Payment of Expences.

LVI. And be it enacted, That for all Costs, Charges, or Expences properly payable by the Company for any of the Purposes, or incurred in the Execution of the several Powers or Provisions, of this Act, relative to the embanking and reclaiming of the said Waste Lands, Mud Banks, or Slobs, 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 Expences 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 Sums to pay or discharge such Costs, Charges, or Expences, and to make a good and legal Title to the Purchaser or Purchasers, Mortgagee or Mortgagees.

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

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

Power to enter and take and use Lands for the Purposes of this Act.

LVIII. And be it enacted, That 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, 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 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 Mortgage or Bond.

LIX. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Forty-six thousand Pounds, to be secured on the Tolls by this Act imposed on Vessels passing up the said River *Slaney*, and on the surplus Rates hereby made payable to the Company by the said *Wexford* Harbour Commissioners, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of One hundred and forty thousand Pounds shall have been subscribed for, and One Half Part thereof shall have been paid up.

Mortgagees may enforce Payment of Arrears by Appointment of Receiver.

LX. And be it enacted, That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Money due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application shall be made shall not be less than Ten thousand Pounds in the whole.

Power to lease reclaimed Lands.

LXI. And be it enacted, That after the said Waste Lands, Mud Banks, or Slobs, or any Part thereof, shall have been embanked and reclaimed, 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.

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

LXII. 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 therefor, 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 for the Time being or the Lords Commissioners for executing the Office of Lord High Admiral: Provided also, that such Quays, Docks, and Wharfs, and Accesses thereto, shall be executed according to a Plan thereof to be prepared by an Engineer to be appointed by the Lord High Admiral for the Time or the said Lords Commissioners for executing the Office of Lord High Admiral; and 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 for the Time being, 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: Provided always, 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 by the said Company to the said *Wexford* Harbour Commissioners.

Company bound to dispose of the Mud Land within Twenty-one Years.

LXIII. And be it enacted, That 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 by the said Commissioners 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 to be embanked and reclaimed as aforesaid, and every Part thereof, (except so much thereof as shall have been apportioned or conveyed in exchange as aforesaid, or required for the Purpose of improving the said Harbour,) 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 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 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 so to be embanked and reclaimed as aforesaid, 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 reclaimed, and certified so to be in manner aforesaid: Provided always, that the said Waste Lands, Mud Banks, or Slobs, or any Part thereof, shall not be sold, conveyed, or in any way incumbered by the Company, without the Consent of the said Lord High Admiral or of the said Lords Commissioners for the Time being, to be certified as herein-after mentioned.

LXIV. And

Powers of this Act to expire at the End of Ten Years.

LXIV. And be it enacted, That in case the Works hereby required to be done in improving the said River *Slaney*, the said *Hantoon Channel*, and the said Harbour shall not be completed within Ten Years next after the passing of this Act, or in case such Progress shall not have been made towards the Completion of the said Works within Five Years next after the passing of this Act as shall be satisfactory to the said Lord High Admiral or to the said Lords Commissioners for the Time being, the Powers given to this 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.

Penalty on Persons injuring the Property of the Company.

LXV. And be it enacted, That if any Person shall injure or damage any of the said Embankments, 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 Act, or any Part of the Materials of such Works, so that the said Works shall be liable to be injured, obstructed, impeded, or otherwise interrupted, or shall wilfully obstruct or prevent any Person in the lawful Exercise of all or any of the Powers hereby granted, the Offender and every Person actually or constructively 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 this Act may be recovered.

Power to deviate from deposited Plans in certain Cases.

LXVI. And be it enacted, That it shall be lawful for the Company to deviate from the Line delineated on the Plans so deposited as aforesaid, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated upon the said Plans, nor to a greater Extent than One hundred Yards from the said Line, and that the Works by means of such Deviation be not 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.

Power for the Wexford, Carlow, and Dublin Junction Railway Company to take Shares;

LXVII. And whereas a Company has been projected, called "The *Wexford, Carlow, and Dublin Junction* Railway Company," for making a Railway from *Wexford* to *Carlow*: And whereas the Undertaking hereby authorized to be carried into effect would be beneficial to the Interests of such Company; be it therefore enacted, That it shall and may be lawful for the said *Wexford, Carlow, and Dublin Junction* Railway Company, in case the same shall be incorporated by Act of Parliament, to become Shareholders in the Capital of the Company hereby incorporated to any Extent not exceeding Twenty-five thousand Pounds which may be resolved and agreed upon by the said *Wexford, Carlow, and Dublin Junction* Railway Company at any General Meeting specially convened for the Purpose.

LXVIII. And

and may vote at Meetings by a Deputy.

LXVIII. And be it enacted, That at all General and Special Meetings of the Company the said *Wexford, Carlow, and Dublin Junction* Railway Company, in case they shall become Shareholders as aforesaid, may vote in respect of the Shares or Stock held by them by any Person, being a Shareholder in their Company, who may be deputed by them to attend such Meeting on their Behalf.

Three Directors of the said Railway Company to be Directors of this Company.

LXIX. And be it enacted, That the Directors for the Time being of the said *Wexford, Carlow, and Dublin Junction* Railway Company, in case such Company shall become Shareholders as aforesaid, shall or may nominate and appoint Three Members of their Body to be Directors of the Company, and such Members shall accordingly be Directors thereof, and shall respectively remain in Office until they shall respectively die or resign, or become disqualified by ceasing to be Directors of the said *Wexford, Carlow, and Dublin Junction* Railway Company, or until they respectively shall be removed by a Vote of the Directors of that Company; and it shall be lawful for such last-mentioned Directors, whenever any Vacancy shall occur in the Number of Directors to be nominated and appointed by them as aforesaid, to elect any other Member of their Body to supply the Vacancy.

E Grogan, W.R.Collett, and S.Hardy to be the Directors so long as they remain Directors of both Companies.

LXX. And whereas the said *Edward Grogan, William Rickford Collett*, and *Simeon Hardy*, who are hereby appointed Three of the Directors of the Company, are also Directors of the said *Wexford, Carlow, and Dublin Junction* Railway Company; be it enacted, That so long as they respectively shall continue Directors of both the said Companies they shall be considered and be the Three Directors whom the said *Wexford, Carlow, and Dublin Junction* Railway Company in the event of their becoming Shareholders in the Company are hereby authorized to nominate as aforesaid.

Provisions in 8 & 9 Vict. c. 16. as to Election, &c. of Directors not applicable to those appointed by Railway Company.

LXXI. And be it enacted, That the several Provisions in the said "Companies Clauses Consolidation Act, 1845," which relate to the Election, Qualification, Retirement from Office, and Rotation of Directors, shall not apply to the Directors of the Company appointed by or representing the said *Wexford, Carlow, and Dublin Junction* Railway Company as aforesaid, but such Provisions shall apply to all the other Directors of the Company.

Power to enter into Contracts with the Wexford Harbour Commissioners and the said Railway Company.

LXXII. And be it enacted, That it shall be lawful for the Company to make and enter into such Contracts or Agreements with the said *Wexford* Harbour Commissioners, and also with the said *Wexford, Carlow, and Dublin Junction* Railway Company, or with either of them, for carrying into effect all or any of the Purposes and Objects of this Act, or maintaining and keeping in repair and condition the several Works hereby authorized to be constructed, or any of them, as the Parties to such Contract or Agreement shall deem advisable, and subject to such Terms and Conditions as may be mutually agreed upon between them.

No Works to be co-

LXXIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the making, constructing,

below High-water Mark without Consent of the Admiralty.

structing, 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 Two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and of the said Lord High Admiral or of the Commissioners for the Time being for executing the Office of Lord High Admiral as aforesaid, having been first obtained for that Purpose, such Assent 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 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, 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 Company, such Costs and Charges to be recovered in any competent Court.

Certificate of Secretary of Admiralty sufficient Evidence of Consent.

LXXIV. And be it enacted, That any Certificate, purporting to be 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 without Consent of the Treasury.

LXXV. Provided nevertheless, and be it enacted, That 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 *Rosclare 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.

Compulsory Purchase of Lands limited.

LXXVI. And be it enacted, That 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.

Money paid into Bank of Ireland to be exempt from Usher's Poundage. 1 & 2 Vict. c. 117.

LXXVII. And be it enacted, That all Sums of Money which have been or shall be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery of *Ireland* under the Provisions of an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Custody of certain Monies paid in pursuance of the Standing Orders*

Orders of either House of Parliament by Subscribers to Works or Undertakings to be effected under the Authority of Parliament, shall and may be paid out and applied under any Order of the said Court of Chancery exempt from Usher's Poundage.

Rights of Lord of Manor on Banks of River Slaney not to be prejudiced.

LXXVIII. And be it enacted, That, save as by this Act specifically provided, nothing in this Act contained shall be construed or extend to affect, prejudice, alter, abridge, or take away any Rights, Royalties, Privileges, or Liberties of any Lord or Lady of a Manor or reputed Manor, or of any Tenant in Fee, in Tail, or for Life, of any Lands on the Banks of the said River *Slaney*, but that the said Rights, Royalties, Liberties, and Privileges, and every of them, shall remain in the same State as if this Act had not been passed, but so as not to prevent or obstruct the Exercise of the several Powers and Authorities hereby given, any thing herein contained to the contrary notwithstanding.

Saving the Rights of the Waterford, Wexford, Wicklow, and Dublin Railway Company. 9 & 10 Vict. c. 208.

LXXIX. And whereas an Act has been passed in this Session of Parliament, intituled *An Act for making a Railway and Branch Railway, to be called the* Waterford, Wexford, Wicklow, and Dublin *Railway*, whereby a Company has been incorporated with Powers to construct a Railway between the before-mentioned Places, together with a Branch to the Shores of *Greenal Bay*, the Line of which Branch has been laid down so as to pass or cross a Portion of the Waste Lands, Mud Banks, or Slobs by this Act authorized to be embanked and reclaimed; be it therefore enacted, That nothing in this Act contained shall extend to prejudice or interfere with the Rights and Privileges conferred on the Company incorporated by the said Act, or to defeat, prejudice, or impede the Construction of the before-mentioned proposed Branch Railway, or the Acquisition of any Lands required for the Purposes thereof, or of any Stations or other Works to be connected therewith.

Saving the Rights of the Trinity House.

LXXX. And be it enacted, That nothing in this Act contained shall extend to prejudice or derogate from the Jurisdiction or Authority, or any of the Rights or Privileges, of the Corporation of the *Trinity House* of *Deptford Strond*.

Saving the Rights of the Crown.

LXXXI. 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 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, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which Consent 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.

Interpretation of Act.

LXXXII. And be it enacted, That in this Act the Word "Vessel" shall include Ship, Lighter, Steam Boat, Barge, and Boat of every Description.

LXXXIII. And

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1846.