

ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

CAP. CII.

An Act to appoint Commiſſioners to enquire and examine, until the Firſt Day of *Auguſt* One thouſand eight hundred and eleven, into the Nature and Extent of the ſeveral Bogs in *Ireland*, and the Practicability of draining and cultivating them, and the beſt Means of effecting the ſame.

[15th *June* 1809.]

WHEREAS there are large Tracts of undrained Bog in *Ireland*, the Drainage whereof is neceſſary for their being brought into a ſtate of Tillage: And whereas the adding their Contents to the Lands already under Cultivation would not only increaſe the Agriculture of *Ireland*, and contribute much to its Reſources for the Suſtenance of the *Britiſh* Empire and its profitable export of Corn, but is highly expedient towards promoting a ſecure Supply of Flax and Hemp within the United Kingdom, for the Uſe of the Navy, and Support of the Linen Manufacture, independent of Foreign Nations and of the Interruptions ariſing from the Influence of political Events upon Foreign Trade: And whereas the Appointment of Commiſſioners for the Purpoſe of aſcertaining the Extent of ſuch Bogs, and the Practicability and Expence of draining the ſame, and for the other Purpoſes herein-after mentioned, will materially aſſiſt in effecting their Cultivation; be it therefore enacted

acted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That any Perſons (not exceeding in the whole the Number of Nine Perſons) who ſhall be nominated and appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by Writing under the Hand or Hands of ſuch Lord Lieutenant or other Chief Governor or Governors to be Commiſſioners for the Execution of this Act, ſhall be and they are hereby appointed to be Commiſſioners for aſcertaining the Extent of all ſuch Bogs in *Ireland* as ſhall by Repute or Eſtimation exceed the Extent of Five hundred Acres; and for enquiring and examining into the Practicability of draining each ſuch Bog, and into the beſt Mode and probable Expence of effecting ſuch Drainage; the Depth of Bog Soil, the Nature of the Strata immediately underneath; the Nature and Diſtance of the Manure beſt fitted for their Improvement, and the Expence of making the neceſſary Roads or Canals for conveying ſuch Manure into and through the ſame, from the neareſt or moſt convenient public High Roads or Canals, and for the carrying out the future Produce of the Bog Land when cultivated to the neareſt or moſt public Roads or Canals, together with the Opinion of the ſaid Commiſſioners as to ſuch Meaſures as they ſhall deem neceſſary or expedient for carrying into ſpeedy Effect the Drainage, Cultivation, and Improvement of all ſuch Bogs, and the future Increaſe of Timber in *Ireland*, by providing for the Plantation and Preſervation of Trees in ſuch Parts thereof as ſhall be beſt fitted for the Purpoſe.

Commiſſioners.

Appointment of new Commiſſioners.

II. And be it further enacted, That in Caſe of any Vacancy or Vacancies by Death or Reſignation of any One or more of the Commiſſioners to be appointed by virtue of this Act during the Continuance thereof, it ſhall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to nominate and appoint ſuch Perſon or Perſons as he or they may think proper to ſupply ſuch Vacancy or Vacancies; and every Perſon ſo nominated and appointed ſhall be ſubject to the ſame Rules, Regulations, and Reſtrictions, and ſhall have the like Powers and Authorities for carrying this Act into Execution to all Intents and Purpoſes whatſoever, as the Perſons originally appointed to be Commiſſioners under this Act.

No Salary to Commiſſioners.

III. And be it further enacted, That all and every Perſon and Perſons who ſhall act as a Commiſſioner or Commiſſioners under this Act, ſhall ſo act without any Salary, Recompence, or Reward whatever.

Oath of Commiſſioners.

IV. And be it further enacted, That every Commiſſioner herein nominated or to be appointed by virtue of this Act, ſhall before he begins to carry the ſame into Execution, take an Oath before any Magiſtrate or before ſome other of the ſaid Commiſſioners for the Time being (which Oath any Magiſtrate, or any One ſuch Commiſſioner, having firſt taken the ſaid Oath himſelf, is hereby authorized and required to adminiſter); and ſuch Oath ſhall be in the Words or to the Effect following; (that is to ſay),

I A. B.

'I *A. B.* do ſwear, That I will faithfully, impartially, and truly, according to the beſt of my Skill and Judgement, execute the ſeveral Powers and Truſts veſted in me by an Act of the Forty-ninth Year of the Reign of King *George* the Third, intituled, An Act [*here recite the Title of this Act*], according to the true Tenor and Purport of the ſaid Act.

'So help me GOD.'

Commiſſioners empowered to meet and make Enquiries.

'V. And be it further enacted, That it ſhall and may be lawful for ſuch Commiſſioners, and they are hereby authorized and required as ſoon after they ſhall be appointed in manner aforeſaid as may be, to meet and ſit from Time to Time, for the Purpoſe of carrying this Act into Execution, in ſuch Place or Places as they ſhall find moſt convenient, with or without adjournment, and from Time to Time to proceed by all ſuch Ways and Means as they ſhall judge expedient for carrying into Execution the Proviſions of this Act; and for that Purpoſe it ſhall and may be lawful for the ſaid Commiſſioners, or any Three of them, and they are hereby authorized, empowered, and required to call before them, and to examine upon Oath (which Oath they or any One of them are hereby authorized to adminiſter), all and every Perſon and Perſons whomſoever, whom the ſaid Commiſſioners ſhall think fit to examine touching all Matters and Things neceſſary for the Execution of the Powers veſted in the ſaid Commiſſioners by this Act; and the ſaid Commiſſioners, or any Three of them are hereby alſo authorized and required to appoint and employ ſuch Engineers, Surveyors, Workmen, Clerks, Officers, and Perſons as they ſhall think proper for the Execution of this Act, and to give and adminiſter to every ſuch Engineer, Surveyor, Workman, Clerk, Officer, or Perſon, as they ſhall think fitting ſo to do, an Oath for his true and faithful Demeanour in all Things relating to the due Performance of the Truſt repoſed in him by the ſaid Commiſſioners, and in all other Things touching the Premiſes; which Engineers, Surveyors, Workmen, Clerks, Officers, and other Perſons are hereby reſpectively required faithfully to execute and perform the ſaid Truſts in them ſeverally and reſpectively repoſed, without taking any Thing for ſuch their Employment or Service, other than ſuch Salary, Wages, Allowance and Reward, as the ſaid Commiſſioners, or any Three or more of them, ſhall direct and appoint in that behalf.

To examine Perſons on Oath;

and to appoint Engineers, Surveyors, &c. for the Execution of this Act.

Commiſſioners and their Surveyors, &c. empowered to enter on Lands, to ſurvey and aſcertain the Nature of the Soil, &c.

'VI. And be it further enacted, That for the Execution of the Purpoſes of this Act, it ſhall and may be lawful for the ſaid Commiſſioners, or any One of them, or any Perſon or Perſons acting under them or employed by them, and they are hereby reſpectively authorized and empowered from Time to Time to enter into and upon all and every or any ſuch Bogs, and to ſurvey the ſame, and to aſcertain the Boundaries thereof, and the Nature and Strata, Soil, and Compoſition thereof, and alſo to bore, dig, cut, trench, get, remove, take, and carry away any Earth, Stone, Clay, Soil, Rubbiſh, Trees, Roots of Trees, Gravel, or Sand, or other Matters and Things which may be dug or got in, upon, or out of ſuch Bogs, as may be deemed requiſite, neceſſary, or proper for the aſcertaining the Nature, Strata, Soil, and Compoſition of ſuch Bogs; and alſo to enter upon any Lands or Grounds through which the ſaid Commiſſioners, or any Surveyor, Engineer, or Workman employed under them, ſhall conceive it to

be expedient to carry a Drain for the Purpoſes intended by this Act, and with that view to examine, by boring or otherwiſe, the Soil, and the under Strata of the Soil therein, ſo as to enable them to aſcertain the Nature, Strata, Soil, and Compoſition of ſuch Land, and thereby aſcertain the Expedience and eſtimate the Expence of carrying the Courſe of the Drain through the ſame; they the ſaid Commiſſioners, their ſeveral Engineers, Surveyors, Agents, Deputies, Officers, and Workmen, doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted, and making Satisfaction to the Owners of and other Perſons intereſted in any ſuch Lands and Grounds which ſhall be prejudiced, for all Damages to be by them ſuſtained in or by the Execution of all or any of the Powers of this Act, in caſe the ſame ſhall be demanded, in the ſame Manner and under ſuch Reſtrictions as the Overſeers of Inland Navigation or Public Roads in *Ireland* are authorized and directed by ſeveral Acts in force in *Ireland* to make Compenſation; and this Act ſhall be ſufficient to indemnify the ſaid Commiſſioners and their Engineers, Surveyors, Agents, Officers, and Workmen, and all other Perſons whomſoever, for what they or any of them ſhall do in reſpect thereof by virtue of the Powers by this Act granted to them reſpectively.

Commiſſioners may be allowed to ſit in the Houſe of the Linen Board, or Dublin Society.

VII. And be it further enacted, That it ſhall be lawful for the Truſtees of the Linen and Hempen Manufactures in *Ireland*, and for the *Dublin* Society, to permit the ſaid Commiſſioners to meet and ſit in any of the Buildings or Apartments appropriated to their Uſe, if they ſhall think proper; any Bye Law or Regulation to the contrary notwithſtanding.

Commiſſioners ſhall report their Proceedings to Lord Lieutenant and Parliament, with Plans for the Cultivation of the Bogs, &c.

VIII. And be it further enacted, That the ſaid Commiſſioners ſhall, with as much Expedition as they can, and from Time to Time, at their Diſcretion, and as often as they ſhall be thereunto required, give and deliver an Account and Report of their Proceedings in Writing under the Hands and Seals of them, or any Three of them, to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to be laid before His Majeſty, and alſo to both Houſes of Parliament; in which Account and Report the ſaid Commiſſioners ſhall ſpecify, ſet forth, and give Deſcriptions and Maps of the Nature, Extent, Situation, Soil, and under Stratum of each Bog in *Ireland* on which they ſhall report, as far as they can aſcertain the ſame, together with a Map of the Courſe of the Drains propoſed for draining the ſame, the Falls therein, and Eſtimates of the Expence of executing ſuch Drains, and the Names of the Parties who are Proprietors of or intereſted in, or entitled to, or who claim any Right or Intereſt in any ſuch Bogs or any Part thereof, and to what Extent, as far as they ſhall have reaſonable Grounds of Knowledge thereof; adding at the ſame Time ſuch Obſervations as ſhall occur to the ſaid Commiſſioners; and ſuch Plans for the incloſing, improving or reclaiming ſuch Bogs and rendering the ſame fit for Cultivation, as may appear to the ſaid Commiſſioners to be proper to be adopted, ſpecifying to what Purpoſe of Cultivation all and every, or any of the ſaid Bogs, may in their Opinion beſt be applied, with a due regard to the planting and Preſervation of Timber Trees thereon, and ſuggeſting alſo any Legiſlative or other

Meaſures which the ſaid Commiſſioners may deem expedient or neceſſary to be adopted for carrying into ſpeedy Effect the Drainage or Cultivation of ſuch Bogs, in order that the ſaid Bogs, or ſuch of them as may be found fit and capable of being drained, improved, and cultivated, may be brought into Cultivation in the Manner moſt beneficial and advantageous to the Public, as well as in reſpect to Produce of Grain, and Growth of Flax and Hemp, as by the Plantation of Timber Trees thereon, as expeditiouſly and efficaciouſly as poſſible.

On Application of Proprietors of ſmall Bogs, Commiſſioners may make Enquiries as to the ſame under this Act.

IX. Provided always, and be it enacted, That in caſe any Proprietor or Proprietors of any Bog or Part of a Bog in *Ireland*, conſiſting by Repute or Eſtimate of leſs than Five hundred Acres, ſhall make Application in Writing under his or their Hand to the ſaid Commiſſioners, requeſting them to exerciſe the Proviſions of this Act with reſpect to ſuch Bog, it ſhall and may be lawful for the ſaid Commiſſioners to proceed in reſpect of ſuch Bog, in like Manner as by this Act they are authorized and empowered to do with reſpect to all Bogs which exceed the Extent of Five hundred Acres as aforeſaid.

Treaſury of Ireland may iſſue 5,000l. to defray the Expences attending this Act.

X. And be it further enacted, That it ſhall and may be lawful for the Lords Commiſſioners of His Majeſty's Treaſury in *Ireland*, or the Lord High Treaſurer of *Ireland*, for the Time being, and they are hereby authorized and required to iſſue or cauſe to be iſſued, upon the Warrant or Warrants of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, any Sum or Sums of Money not exceeding Five thouſand Pounds in the Whole, to the Commiſſioners under this Act, out of any Part of the Public Monies remaining in His Majeſty's Exchequer of *Ireland*; which Sums ſo iſſued ſhall be employed by the ſaid Commiſſioners for the Payment of Surveyors, Engineers, Workmen, Clerks, Meſſengers, and other Officers, and in defraying all the neceſſary Charges in or about the Execution of the Powers of this Act, in ſuch Manner and in ſuch Proportions as ſhall be appointed by the ſaid Commiſſioners under this Act, or any Four or more of them, by Writing under their Hands and Seals in that Behalf, and that ſuch Sums ſhall be accounted for by the ſaid Commiſſioners, or the Perſon or Perſons to whom the ſame ſhall be iſſued or paid, before the Commiſſioners of Impreſt Accounts in *Ireland*, in like Manner as Monies granted or impreſted for any public Work; and no Fees or other Charges ſhall be taken or demanded for the iſſuing or Payment of the ſame.

Perſons giving falſe Evidence guilty of Perjury.

XI. And be it further enacted, That if any Perſon or Perſons ſhall, upon his, her, or their Examination before the ſaid Commiſſioners, or any Three of them, wilfully and corruptly give falſe Evidence, every ſuch Perſon ſo offending, and being thereof duly convicted, ſhall be, and he, ſhe, and they is and are hereby declared to be ſubject and liable to ſuch Pains and Penalties as by any Law now in force and effect in *Ireland* Perſons guilty of wilful and corrupt Perjury are ſubject and liable to.

Continuance of Act.

XII. And be it further enacted, That this Act shall continue and be in force until the First Day of *August* One thousand eight hundred and eleven.

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