

ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

CAP. LXXII.

An Act for improving and completing the Harbour of *Dunmore*, in the County of *Waterford*, and rendering it a fit Situation for His Majesty's Packets.

[3d *June* 1818.]

WHEREAS the Pier of *Dunmore*, at the Mouth of the Haven of *Waterford*, has been begun and carried on at the public Expence, chiefly for the Accommodation of His Majesty's Packets plying between *Waterford* and *Milford*: And whereas it is expedient to provide for the improving and completing the said Pier and Harbour, for the Regulation of the Shipping that may use the same, and for the Support and Preservation of the Harbour when completed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, from and immediately after the passing of this Act, to appoint by Writing under his or their Hand or Hands any Persons whom he or they may think proper, not exceeding Five in Number, to be Commissioners for the Purpose of carrying this Act into Execution, who shall act without Fee or Reward; and such Persons so to be appointed shall be and are hereby appointed Commissioners for the Purposes of this Act; and it shall and may be lawful for any Two of

Lord Lieutenant may appoint Commissioners.

of the ſaid Commiſſioners to do any Act, Matter, or Thing whatever in the Execution of this Act, except in Caſes ſpecially provided for by this Act.

Appointment may be revoked, and in caſe of Vacancies by Death, &c. other Perſons may be appointed Commiſſioners.

II. Provided always, and be it enacted, That 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 revoke the Appointment of any Perſon or Perſons ſo appointed to be a Commiſſioner or Commiſſioners for the Purpoſes of this Act; and that in caſe of any Vacancy or Vacancies by ſuch Revocation, or by the Death or Reſignation of any One or more of the Commiſſioners to be appointed by virtue of this Act, it ſhall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, from Time to Time to nominate and appoint ſuch other Perſon or Perſons to be a Commiſſioner or Commiſſioners for the Purpoſes of this Act, as ſuch Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being ſhall think fit and proper to ſupply ſuch Vacancies; and every Perſon ſo nominated and appointed ſhall have ſuch and the like Power 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.

Commiſſioners to take and ſubſcribe Oath.

III. And be it further enacted, That the ſaid Commiſſioners and each and every of them ſhall take and ſubſcribe the Oath following before he or they ſhall take upon himſelf or themſelves the Execution of any of the Powers or Authorities hereby given, other than adminiſtering the ſaid Oath:

'I *A. B.* do ſwear, That I will, without Favour or Affection, Hatred or Malice, truly, faithfully, and impartially, according to the beſt of my Skill and Judgment, execute and perform all and every of the Powers, Authorities, and Duties of a Commiſſioner repoſed in me under and by virtue of an Act made in the Fifty-eighth Year of the Reign of His preſent Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*].'

Which Oath any one of the ſaid Commiſſioners, or any Perſon named in any Appointment of Commiſſioners, is hereby authorized and required to adminiſter at the Firſt or any other Meeting to be held by virtue of this Act.

Commiſſioners may appoint Officers.

IV. And be it further enacted, That it ſhall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, and he and they is and are hereby authorized, empowered, and required, from Time to Time to nominate and appoint a Secretary to the ſaid Commiſſioners; and the ſaid Commiſſioners are hereby authorized and empowered to nominate and appoint One or more Clerk or Clerks, and alſo from Time to Time to employ ſuch Engineers, Surveyors, and other Officers, and ſuch Labourers, Workmen, and Artificers, as the ſaid Commiſſioners or any Two of them ſhall think proper and expedient, for the better carrying into Execution the Purpoſes of this Act; and to pay and allow to ſuch Secretary and Clerk ſuch Salary or Allowance as the ſaid Commiſſioners, with the Conſent of the Lord Lieutenant or other Chief Governor or Governors, ſhall think fit: Provided

nevertheleſs, that ſuch Secretary as ſhall or may hereafter be appointed ſhall take and ſubſcribe the following Oath before he ſhall take upon himſelf the Execution of any of the Duties annexed to his ſaid Office, which Oath any one of the ſaid Commiſſioners or any Juſtice of the Peace is hereby authorized and empowered to adminiſter: Officers to take and ſubſcribe Oath.

'I *C. D.* do ſwear, That I will well, truly, and faithfully, without Fraud or Concealment, do, perform, and execute the ſeveral Duties attached to the Office of Secretary to which I have been appointed by the Commiſſioners for improving and completing the Harbour at *Dunmore*, in the County of *Waterford*; and that I will not accept or receive, directly or indirectly, any Monies, Fees, Perquiſites, or Profits, by way of Commiſſion, Premium, Per-centage, Poundage, or otherwiſe, for or by reaſon of the ſaid Office, or any of the Duties annexed thereto, or by reaſon of any Account, Contract, or Payment made or to be made, or in any way relating to the ſaid Harbour, or any of the Materials or Works thereof, ſave ſuch Payment and Compenſation only as ſhall be paid or allowed to me by the ſaid Commiſſioners.'

And if any ſuch Secretary, Clerk, or other Officer, Engineer or Surveyor, ſhall be guilty of any Fraud, Concealment, or other Matter, contrary to the true Intent and Meaning of the ſaid Oath, and be thereof convicted, he ſhall be deemed guilty of a Miſdemeanor; and it ſhall be lawful for the Court, by and before whom ſuch Perſon ſhall be tried and convicted, to inflict ſuch Puniſhment as may be by Law inflicted on a Perſon guilty of a Miſdemeanor.

V. And be it further enacted, That it ſhall and may be lawful to and for the Commiſſioners for the Purpoſes of this Act for the Time being, and they are hereby authorized and empowered, to contract and agree with any fit and proper Perſon or Perſons, Engineer, Surveyor, Artificers, Workmen, and others, for the making, doing, completing, and finiſhing all or any of the Quays, Piers, Walls, Erections, Roads, and Works requiſite to be done and performed, for the completing, executing, and finiſhing the ſaid Harbour at *Dunmore*, or any Part thereof, or for ſupplying any of the Materials for the ſame; and every ſuch Contract ſhall be ſigned by the Perſon or Perſons contracting or agreeing to perform ſuch Works reſpectively, and alſo by Two or more of the Commiſſioners for the Purpoſes of this Act, or by the Secretary authorized by the ſaid Commiſſioners for that Purpoſe; and that all Contracts which ſhall or may be ſo entered into ſhall be and the ſame are hereby declared good, valid, and effectual, to all Intents and Purpoſes whatſoever. Commiſſioners may contract for Works.

VI. And be it further enacted, That the ſaid Commiſſioner or Commiſſioners may ſue and be ſued in the Name of his or their Secretary for the Time being, by the Style and Title of 'Secretary to the Commiſſioners of *Dunmore* Harbour;' and that all Actions, Suits, Proſecutions, Informations, Appeals, and other Proceedings whatſoever, that may be neceſſary or expedient to be brought for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, to be had, taken, proſecuted, or defended by or againſt the ſaid Commiſſioners, ſhall be had, taken, and proſecuted in the Name of the Secretary; and that no Action, Suit, Proſecution, Information, Appeal, or other Proceedings to be had, taken, proſecuted, or defended by or againſt the ſaid Commiſſioners in the Name of Commiſſioners may bring and defend Actions in the Name of their Secretary.

of their Secretary, ſhall abate or be diſcontinued by the Death, Suſpenſion, or Removal of ſuch Secretary, or by any Act or Default of ſuch Secretary done or ſuffered, without the Conſent or Direction of the ſaid Commiſſioners, but that the Secretary for the Time being ſhall be always deemed the Plaintiff, Proſecutor, Informant, Appellant, Defendant, or Reſpondent, in any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings, except in ſuch Action or Actions, Suit or Suits, as ſhall be inſtituted, proſecuted, and carried on between the ſaid Commiſſioners and the Secretary for the Time being, in which Action or Actions, Suit or Suits, any one of the ſaid Commiſſioners ſhall or may be Plaintiff or Defendant, as the Caſe may be: Provided always, that every ſuch Secretary, in whoſe Name any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceeding ſhall be had, taken, proſecuted, or defended, in purſuance of this Act, ſhall be fully indemnified, reimburſed, and paid, out of the Monies applicable to the Purpoſes of this Act, all ſuch Coſts, Charges, Damages, and Expences as by the Events, or in conſequence of any ſuch Action, Suit, Information, Appeal, or other Proceedings, he ſhall pay, bear, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to, by reaſon of his being ſo made Plaintiff, Defendant, Informant, Appellant, or Reſpondent, as aforeſaid, unleſs ſuch Action or Suit ſhall ariſe in conſequence of his own wilful Neglect or Default, or that ſhall have been brought or commenced, or be defended, without the Order of the ſaid Commiſſioners.

All the Commiſſioners may empower the Secretary to act for them.

VII. And be it further enacted, That it ſhall and may be lawful for all the Three Commiſſioners to be appointed for the Purpoſes of this Act, by any Writing under the Hands of them and every of them, from Time to Time to authorize and empower their Secretary for the Time being to do any ſpecial Act, Matter, or Thing which ſuch Commiſſioners, or any Two of them, are by this Act authorized to do; and every Act, Matter, or Thing done by ſuch Secretary in the Execution of ſuch Power and Authority, ſhall be as good and valid to all Intents and Purpoſes as if the ſame were done by ſuch Commiſſioners or any Two of them.

Commiſſioners to purchaſe Lands.

VIII. And be it further enacted, That it ſhall and may be lawful to and for the Commiſſioners for the Execution of this Act, and they are hereby authorized and empowered, by and with the Conſent and Approbation in Writing of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to purchaſe all ſuch Lands, Ground, Buildings, Houſes, Hereditaments, and Premiſes whatſoever as are mentioned and particularized in the Schedule marked A. to this Act annexed, and in the Map or Plan depoſited with the Clerk of the Parliaments, or ſuch Part of them as the ſaid Commiſſioners for the Execution of this Act may, by and with the Conſent and Approbation of the Lord Lieutenant or other Chief Governor or Governors as aforeſaid, think neceſſary to be purchaſed and employed for the Purpoſes of this Act; and all ſuch Ground, Buildings, Houſes, and Premiſes which ſhall be purchaſed and employed for the Purpoſes of this Act, ſhall, when ſo purchaſed, be veſted in the ſaid Commiſſioners, and ſhall be taken Poſſeſſion of and ſhall be employed for the Purpoſes of this Act, according to the Directions of the Commiſſioners for executing this Act, under the Regulations in this Act mentioned and contained.

IX. And

IX. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, Parſons, Vicars, and all Feoffees in Truſt, Committees of Lunatics and Idiots, Executors, Adminiſtrators, Guardians, and other Truſtees whatſoever, for or on behalf of any Infants, Femes Covert, or Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any of the Lands, Grounds, or Hereditaments ſpecified in the Schedule marked A. to this Act annexed, to treat, contract, and agree with the ſaid Commiſſioners for the Purchaſe of ſuch Lands, Grounds, or Hereditaments, or any Part or Parts thereof, and for their Intereſt therein, for the Purpoſes aforeſaid, and to ſell and convey the ſame, as Occaſion ſhall be or require; and all Contracts and Agreements, Sales, and Conveyances which ſhall be ſo made, ſhall be valid and effectual in the Law to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatſoever, to the contrary thereof in anywiſe notwithſtanding; and all Feoffees in Truſt, Committees of Lunatics and Idiots, Executors, Adminiſtrators, Guardians, and Truſtees, Corporations Aggregate and Sole, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Bodies Politic, &c. empowered to ſell and convey Lands.

X. And be it further enacted, That if any Perſon or Perſons ſeiſed, or poſſeſſed of, or intereſted in any Ground, Houſes, Buildings, Lands, Tenements, Hereditaments, and Premiſes which ſhall be deemed neceſſary to be purchaſed by the Commiſſioners appointed under this Act, with ſuch Conſent and Approbation as aforeſaid, ſhall refuſe to treat or agree for the Sale thereof, or ſhall not agree with the ſaid Commiſſioners in the Sum of Money offered to be given for the ſame, or ſhall not or cannot produce a clear Title to the Premiſes they are in Poſſeſſion of, or the Intereſt they claim therein, that then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners or any Two of them (not being intereſted in the Queſtion to be determined, by being entitled to any Sum or Sums of Money claimed to be paid for ſuch Lands and Premiſes, or any Damages reſpectively or any Part thereof) from Time to Time to iſſue a Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to the Sheriff of the County or Counties in which ſuch Lands lie, thereby commanding ſuch Sheriff to impannel and return a competent Number of ſubſtantial and diſintereſted Perſons qualified to ſerve on Juries, not leſs than Twenty nor more than Forty, and ſuch Sheriff is hereby authorized and required to impannel and return ſuch Jury or Juries from Time to Time accordingly, under the Penalty of Two hundred Pounds for every Default in ſo doing, to be recovered by Action of Debt, Bill of Plaint, or Information in any of His Majeſty's Courts of Record, by ſuch Commiſſioners or their Secretary, in Manner herein provided or in default by them, or either or any of them, then by any Perſon who ſhall ſue for the ſame in any Court of Record in this Kingdom; and out of ſuch Perſons ſo to be impannelled and returned, a Jury of Twelve Perſons ſhall be drawn by ſome Perſon, by Ballot, to be named by the ſaid Commiſſioners, or by their Secretary appointed as aforeſaid; which Perſons ſo to be impannelled, ſummoned, and returned as aforeſaid, are required to come and appear before the ſaid Commiſſioners or their Secretary as aforeſaid at ſuch Time and Place as in ſuch Warrant or Warrants, Precept or Precepts, ſhall be directed and appointed, and to attend the ſaid Commiſſioners

In default of Agreement, a Jury to be ſummoned.

or their Secretary until diſcharged by them or him; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not be at liberty to challenge the Array; and the ſaid Commiſſioners or any Two of them, or their Secretary as aforeſaid (not being intereſted as aforeſaid), are hereby authorized and empowered by Precept or Precepts, Summons or Summonſes, from Time to Time as Occaſion ſhall require, to call before them or him and the ſaid Jury all and every Perſon and Perſons whomſoever who ſhall be thought proper and neceſſary to be examined as Witneſſes before them or him and the ſaid Jury, on their Oath or Oaths, touching or concerning the Premiſes; and the ſaid Commiſſioners or their Secretary, as the Caſe may be, if they or he ſhall think fit, ſhall and may authorize the ſaid Jury to view the Place or Places in queſtion in ſuch Manner as they ſhall direct, and ſhall have Power to adjourn ſuch Meeting from Day to Day as Occaſion ſhall require, and to command ſuch Jury upon their Oaths (which Oaths, as alſo the Oaths to ſuch Perſon and Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, not being intereſted as aforeſaid, or their Secretary, are and is hereby empowered and required to adminiſter) to inquire of the Value of ſuch Grounds, Lands, Tenements, and Hereditaments as ſhall be required or neceſſary for the Purpoſes of this Act, and of the reſpective Eſtate, Right, Title, Term, and Intereſt of every Perſon and Perſons, Body or Bodies Politic or Corporate, ſeiſed or poſſeſſed thereof or intereſted therein, or of or in any Part thereof, and ſhall aſſeſs and award the Sum or Sums to be paid to every ſuch Perſon or Perſons, Body or Bodies Politic or Corporate, for the Purchaſe of his, her, or their reſpective Eſtates, Rights, Titles, Terms, and Intereſts as aforeſaid; and the ſaid Commiſſioners or any Two of them, not being intereſted as aforeſaid, or their Secretary, ſhall and may award and give Judgment for ſuch Sum or Sums of Money ſo to be aſſeſſed and awarded; which ſaid Verdict or Verdicts, and the ſaid Award, Judgment, and Determination thereupon, Notice in Writing being given to the Perſon or Perſons, Body or Bodies Politic or Corporate intereſted, at leaſt Twenty-one Days before the Time of the Firſt Meeting of the ſaid Jury, declaring the Time and Place of the Meeting, and the Purpoſes for which the ſame is had, by leaving ſuch Notice at the Dwelling-houſe of ſuch Perſon or Perſons, or at his, her, or their uſual Place or Places of Abode, if then reſident within *Ireland*, and if not, then with the known Agent or Receiver of the Rents of ſuch Perſon or Perſons as ſhall be then abſent from *Ireland*, or if a Body Politic or Corporate, then with the oſtenſible or acting Officer of ſuch Body Politic or Corporate, ſhall be binding and concluſive to all Intents and Purpoſes whatſoever againſt all and every Perſon or Perſons, Body or Bodies Politic or Corporate, claiming any Eſtate, Right, Title, Truſt, Uſe, or Intereſt into or out of any ſuch Lands, Tenements, Hereditaments, or Premiſes, either in Poſſeſſion, Reverſion, Remainder, or Expectancy, as well Infants and Iſſue unborn, Lunatics, Idiots, and Feme Coverts, and Perſons under any legal Incapacity or Diſability, and all other Ceſtuique Truſts, his, her, and their Succeſſors, Executors, and Adminiſtrators, and againſt all other Perſons whomſoever; and the ſaid Verdicts, Awards, Judgments, and Decrees, and all other Proceedings of the ſaid Commiſſioners and Juries, to be made, given, and pronounced as aforeſaid, ſhall be fairly written on Parchment, and ſigned by the ſaid Commiſſioners who ſhall pronounce ſuch Judgment.

XI. And be it further enacted, That when the Value of any Lands, Tenements, or Premiſes, ſhall be ſubmitted to a Jury, ſuch Lands, Tenements, or Premiſes ſhall be valued by ſuch Jury, with reſpect to the actual State, Situation, and Value of ſuch Lands and Premiſes, in like Manner as if the Act had not been made, and not according to the additional Value which Lands, Tenements, Hereditaments, and Premiſes may acquire, or be ſuppoſed to acquire by the making, improving, and completing the ſaid Harbour, or by any future Improvements to be made or which might be made in any ſuch Lands, Tenements, Hereditaments, and Premiſes, in conſequence of ſuch Harbour, or the Expenditure which ſhall be laid out for the Purpoſes of this Act. Jury ſhall value Ground according to actual State.

XII. And be it further enacted, That upon Payment of ſuch Sum or Sums of Money ſo to be awarded or adjudged to the Perſon, Body or Bodies Politic or Corporate, to whom the ſame ſhall be awarded for the Purchaſe of ſuch Lands, Tenements, Hereditaments, and Premiſes as aforeſaid, or for the Purchaſe of any Eſtate, Right, Title, Term, or Intereſt therein, or on depoſiting the ſame in the Bank of *Ireland* in Manner by this Act directed, as the Caſe may be, ſuch Perſon or Perſons, Body or Bodies Politic or Corporate, ſhall make and execute, or cauſe or procure to be made and executed, Conveyances to the ſaid Commiſſioners of ſuch Lands, Tenements, Hereditaments, and Premiſes as aforeſaid, or of ſuch Eſtate, Right, Title, Term, or Intereſt for which ſuch Sum or Sums of Money ſhall be ſo awarded, and ſhall procure all neceſſary Parties to execute ſuch Conveyances, Aſſignments, and Aſſurances, and ſhall do all Acts, Matters, and Things neceſſary and requiſite to make a good, clear, and perfect Title to the ſaid Commiſſioners. Upon Payment of Sums awarded, Conveyances to be made to Commiſſioners.

XIII. And be it further enacted, That all ſuch Judgments, Verdicts, Sentences, Decrees, Orders, and other Proceedings of the ſaid Commiſſioners and Juries, as relate to or concern the Premiſes aforeſaid, ſhall be enrolled in the Roll's Office of the Court of Chancery in *Ireland*, and the ſame, or true Copies thereof, ſhall be deemed and taken to be good and ſufficient Evidence and Proof in any Court or Courts of Law or Equity whatſoever; and immediately on the Entry of ſuch Verdicts, Judgments, Sentences, Decrees, Orders, and other Proceedings of the ſaid Commiſſioners and Juries as aforeſaid, and on Payment of the Sum or Sums of Money agreed on or adjudged or awarded for the Purchaſe of any Land or Premiſes, to the Proprietor or Proprietors of any Lands, Tenements, Hereditaments, and Premiſes, or to the Perſon or Perſons who ſhall be entitled to receive ſuch Money, or on Payment of ſuch Money, reſpecting which any Difficulties, Diſputes, or Differences ſhall ariſe, into the Bank of *Ireland*, in Manner and for the Purpoſes herein mentioned, all the Eſtate, Right, Title, Term, Intereſt, Uſe, Truſt, Property, Claim, and Demand in Law and Equity of the Perſons to whom or to whoſe Uſe ſuch Money ſhall be paid as aforeſaid, ſhall paſs to and be veſted in the ſaid Commiſſioners for the Purpoſes of this Act, who ſhall be deemed in Law to be in the actual Poſſeſſion thereof to all Intents and Purpoſes whatſoever. Verdicts to be enrolled in the Court of Chancery. Amount of Verdict to be paid into Court of Chancery, when Difficulty as to Title.

XIV. And be it further enacted, That in caſe any Jury ſhall give in a Verdict for more Monies as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, than what ſhall Expences of Jury, how to be paid.

ſhall have been offered by the ſaid Commiſſioners, before the ſummoning or returning the Jury, as a Recompence for any ſuch Right, Intereſt, or Property, that then and in ſuch Caſe the Coſts and Expences attending the deciding the ſame by ſuch Jury and Witneſſes ſhall be borne and paid by the ſaid Commiſſioners out of the Money to be raiſed by virtue of this Act; but if ſuch Jury ſhall give a Verdict for no more or for leſs Monies than ſhall have been offered by the ſaid Commiſſioners, before the ſummoning and returning the ſaid Jury, as a Recompence for any ſuch Right and Intereſt or Property as aforeſaid, that then the Coſts and Expences attending the deciding the ſame by ſuch Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons to whom ſuch Lands or Hereditaments ſhall belong.

Application of Compenſation Money when exceeding 200l.

XV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchaſed by virtue of the Powers and for the Purpoſes of this Act, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, or ſeiſed or poſſeſſed of only a particular or determinable Eſtate or Intereſt therein, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery in *Ireland*, to be placed to his Account *ex parte* the Commiſſioners for executing this Act, to the Intent that ſuch Money may be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands or Hereditaments, towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner, as the Lands or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery, upon Application thereto, be veſted by the ſaid Accountant General, in his Name, in the Purchaſe of ſome of the Public Funds or Annuities transferrable at the Bank of *Ireland*; and in the meantime, and until the ſaid Public Funds or Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Funds or Annuities ſhall from Time to Time be paid by Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

XVI. Pro-

XVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or Hereditaments purchaſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Incapacity or Diſability as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in ſuch Caſe the ſame ſhall (at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments taken or uſed, or of his, or her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands) be paid into the ſaid Bank of *Ireland*, in the Name and with the Privity of the ſaid Accountant General of the ſaid High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in the Manner hereinbefore directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by the Commiſſioners for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch principal Money and the Dividends ariſing therefrom may be applied in Manner hereinbefore directed, ſo far as the ſame may be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Application when Compenſation is leſs than 2col. and exceeds 20l.

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

Application when Money is leſs than 20l.

XVIII. And be it further enacted, That in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Commiſſioners, or ſhall refuſe to execute ſuch Conveyance or Conveyances, or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Commiſſioners to order the ſaid Sum or Sums of money ſo awarded to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments, deſcribing them, ſubject to the Order, Controul, and Diſpoſition of the ſaid Court; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, or to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate and

In caſe of not making out a good Title, the Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Chancery on Petition,

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

In caſe of diſputed Titles.

XIX. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in poſſeſſion of ſuch Lands or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Monies, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court may order reaſonable Expences to be paid.

XX. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of any Perſon or Perſons or Corporation entitled to any Lands or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands or Hereditaments to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sum of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Commiſſioners may diſpoſe of Lands, &c. not wanted.

XXI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners for the Execution of this Act, by and with the Advice and Conſent of the Lord Lieutenant or other Chief Governor or Governors for the Time being, to contract for the granting, leaſing, ſelling, or diſpoſing of, and to grant, leaſe, ſell, and diſpoſe of, any Part of any Lands, Tenements, and Hereditaments which ſhall or may from Time to Time be purchaſed under this Act, and which ſhall or may not be neceſſary for the Purpoſes thereof: Provided always, that every Contract and every Leaſe or Sale of any ſuch Lands, Tenements, and Hereditaments, or any Part of them, ſhall receive the ſeparate Approbation and Conſent of ſuch Lord Lieutenant or other Chief Governor or Governors,

and ſhall be made, after public Notice given of ſuch intended Contract, Leaſe, or Sale, in ſuch Manner and under ſuch Regulations as ſuch Lord Lieutenant or other Chief Governor or Governors ſhall from Time to Time order and direct; and all Money ariſing from the Sale thereof, and all Money ariſing from the Produce of the Rent of ſuch Lands, Tenements, and Hereditaments, ſhall be and the ſame are hereby veſted in the Commiſſioners for executing this Act; and all ſuch Money ariſing from the Sale of ſuch Lands, Tenements, and Hereditaments, ſhall and may be diſpoſed of and applied, under the Directions of the ſaid Commiſſioners, in and towards the Purpoſes of this Act, as the ſaid Commiſſioners ſhall think fit and expedient; and the ſaid Commiſſioners for the Execution of this Act, ſhall Four Times in every Year, that is to ſay, within One Calendar Month next after the Twenty-ninth Day of *September*, the Twenty-fifth Day of *December*, the Twenty-fifth Day of *March*, and the Twenty-fourth Day of *June* in every Year, or whenever thereto required by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or his or their Secretary, render and give an Account to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or to the Chief Secretary of ſuch Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, of the Amount of all Money received by the ſaid Commiſſioners for executing this Act, and of the Application thereof for the Purpoſes of this Act, up to each Quarter Day reſpectively, or to ſuch other Time as ſhall be required; and ſuch Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or the Chief Secretary of ſuch Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, ſhall and may examine every ſuch Account, and, in caſe they ſhall approve thereof, ſhall ſignify ſuch their Approbation thereof in Writing at the Foot of ſuch Account, ſigned by the ſaid Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or by ſuch Chief Secretary as aforeſaid, and ſhall tranſmit and return the ſame ſo approved to the Commiſſioners for executing this Act; and every Account ſo approved and ſigned as aforeſaid ſhall be a full and ſufficient Diſcharge to the ſaid Commiſſioners from or on account of all ſuch Sums of Money as ſhall be mentioned in any ſuch Account, and for the Expenditure and Application thereof; and the ſaid Commiſſioners for executing this Act ſhall not be compellable or compelled to give or render any further or other Account of any ſuch Money, or of the Expenditure or Application thereof; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Limits of the Harbour.

XXII. And be it further enacted, That the Limits of the ſaid Harbour of *Dunmore* ſhall be deemed and conſidered to be from *Shannoon Point*, otherwiſe called *Black Nob*, to *Ardnamult Point*.

Harbour Maſter to be appointed.

XXIII. And be it further enacted, That from and after the paſſing of this Act it ſhall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being from Time to Time to appoint a Perſon to act as Harbour Maſter within the ſaid Harbour, and to remove any Harbour Maſter ſo appointed, and to appoint another in his Room or Stead, as he or they ſhall ſee fitting; and that it ſhall and may be lawful for the ſaid Harbour Maſter as he ſhall think fitting and expedient, to lay down Moorings or Mooring Chains, and erect and

and ſet up Landmarks, Beacons, and Buoys, in any Place or Places in the ſaid Bay or Harbour of *Dunmore*, or adjoining Lands between *Shannoon Point*, otherwiſe *Black Nob*, and *Ardnamult Points*, for the Guidance and Safety of His Majeſty's Packets, and all other Ships and Veſſels entering ſaid Harbour.

Salary to Harbour Maſter, who ſhall not take any other Fees.

XXIV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners for the Purpoſes of this Act, out of the Duties of Tonnage made payable under this Act, to pay to the ſaid Harbour Maſter ſuch Salary and Allowance as to the ſaid Commiſſioners, by and with the Conſent and Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, ſhall appear competent and ſufficient for the Performance of his Duties under this Act; and if the ſaid Harbour Maſter ſhall directly or indirectly aſk or demand, or take or receive, any Fee, Gratuity, or Reward for the Performance of his Duty under this Act, or under Pretext or Pretence of any Act done by him in Execution of this Act, over or beyond ſuch Salary or Allowance as aforeſaid, ſuch Harbour Maſter ſhall for every ſuch Offence forfeit the Sum of Ten Pounds, together with Double the Amount of ſuch Fee, Gratuity, or Reward.

Power of Harbour Maſter.

XXV. And be it further enacted, That every ſuch Harbour Maſter ſhall have Power and Authority to direct the mooring, unmooring, moving or removing of all Ships or other Veſſels coming into, lying, or being in the ſaid Port or Harbour of *Dunmore*, or the Limits thereof as deſcribed in this Act, and to appoint and regulate the Time or Times and the Manner of their Entrance into, lying in, or going out of or from ſuch Harbour, and to regulate and determine the Poſition of ſuch Ships and other Veſſels; and in caſe any Owner, Maſter, or other Perſon having the Charge or Command of any Ship or other Veſſel, ſhall refuſe or neglect to moor, unmoor, place, move or remove his Ship or Veſſel according to ſuch Directions, upon Notice to him or them given or left with any Perſon or Perſons on board of ſuch Ship or Veſſel for that Purpoſe, every ſuch Owner, Maſter, or other Perſon ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Ten Pounds; and it ſhall and may be lawful to and for the ſaid Harbour Maſter and his Aſſiſtants, and he and his Aſſiſtants are hereby required, to moor, unmoor, place, move or remove ſuch Ship and Veſſel accordingly; and in caſe any Maſter, Commander, Mate, Pilot, or other Perſon or Perſons taking Charge or Command of any Ship or other Veſſel, or any other Perſon or Perſons whoſoever, ſhall obſtruct or hinder the mooring, unmooring, placing, moving or removing of any Ship or other Veſſel lying or being in the ſaid Harbour, or the Limits or any Part thereof as deſcribed in this Act, then and in every ſuch Caſe ſuch Perſon or Perſons ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

Perſons moleſting Officers or Workmen forfeit 10l.

XXVI. And be it further enacted, That if any Perſon ſhall wilfully obſtruct, moleſt, or hinder any Surveyor, Engineer, Workmen or Labourers employed by the ſaid Commiſſioners or their Secretary for the Purpoſes of this Act, in the Performance of his, her, or their Duty or Employment in the Execution of this Act, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Ten Pounds; and if any Perſon ſhall wilfully, and to the Prejudice of the ſaid Harbour,

Perſons breaking down or

break,

break, throw down, deſtroy, or in anywiſe damage or injure any Pier, Dock, Quay, Reſervoir, Erection, Machine, Building, Road-way, or other Work whatſoever, to be erected or made by virtue of this Act, or any Part thereof, or of any Works erected in purſuance of this Act, every ſuch Perſon ſo offending ſhall be adjudged guilty of Felony, and being lawfully convicted thereof ſhall be ſubject to the like Pains and Penalties as in Caſes of Felony; and the Court by or before whom ſuch Perſon ſhall be tried and convicted ſhall have Power and Authority to cauſe ſuch Perſon to be puniſhed as a Felon may be puniſhed by the Law of *Ireland*, or in Mitigation of ſuch Puniſhment ſuch Court may award ſuch leſſer Puniſhment as to ſuch Court ſhall ſeem proper.

damaging Works adjudged Felons.

XXVII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly hurt, cut, damage, or deſtroy any Ship, Wherry, Boat, or other Veſſel, lying within the preſent Harbour of *Dunmore*, or upon the Piers, Quays, Roads, or Way leading to or belonging to the ſaid Harbour, or either or any of them, any Rope, Cable, Anchor, Oar, Spear, or any Tackling, Neceſſary, or Material, belonging to any ſuch Ship, Wherry, Boat, or other Veſſel, or any of the Furniture, Cargo, or Property belonging to or on board ſuch Ships or Veſſels, or any Goods or Property of any Perſon or Perſons whatſoever, which may be lying at, upon, or along ſuch Piers, Quays, Roads, or Ways, or any of them, or any of the Tools, Implements, Materials, or other Goods, Chattels, or Property uſed or intended to be uſed in the ſaid Harbour, or the Works connected therewith or belonging thereto, or to the ſaid Commiſſioners, or to any other Perſon, for the Uſe of the ſaid Works, that then and in ſuch Caſe the Perſon or Perſons ſo offending ſhall upon Conviction forfeit and pay any Sum not leſs than Two Pounds, or more than Ten Pounds, in the Diſcretion of the Juſtice, before whom ſuch Offender ſhall be convicted of ſuch Offence.

Penalty on Perſons ſtealing Ropes and Cables, &c.

XXVIII. And be it further enacted, That from and after the paſſing of this Act there ſhall be raiſed, levied, collected, and paid, upon or in reſpect of Ships, Veſſels, or other Bottoms which ſhall come into the Port or Harbour of *Dunmore*, and upon and in reſpect of the ſeveral Matters and Things mentioned, ſpecified, and ſet forth in the Schedule marked B. to this Act annexed, the ſeveral Duties and Sums of Money mentioned, ſpecified, and ſet forth in Words and Figures in the ſaid Schedule, in addition to all other Duties of Cuſtoms payable on or in reſpect of ſuch Ships or Veſſels, or ſuch Matters or Things reſpectively, under any other Act or Acts in force in *Ireland*.

Duties in Schedule to this Act to be levied and paid.

XXIX. Provided always, and be it enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to the levying of any Duties from or in reſpect of any Veſſel or Veſſels belonging to His Majeſty, His Heirs or Succeſſors, or that ſhall or may be employed in His Majeſty's Service, or in the Service of the Poſt Office, Exciſe, or Cuſtoms, or from or in reſpect of any Fiſhing-veſſels or Pilot Boats, or from or in reſpect of any Boats employed in the Service of the Commiſſioners for the Harbour of *Waterford*.

All Ships or Veſſels belonging to His Majeſty, or in the Service of the Poſt Office or Exciſe or Cuſtoms, exempt from ſaid Duties.

XXX. And be it further enacted, That it ſhall and may be lawful for the ſaid Harbour Maſter of the ſaid Harbour of *Dunmore* for the Time being

Harbour Maſter ſhall receive and

account for Tonnage Duties.

being to collect and levy from the Masters and Owners of the several Ships and Vessels which shall come into the said Harbour, the several Duties granted by this Act and the Schedule marked B. thereto annexed; and that the said Duties shall be payable to the said Harbour Master over and above all other Duties whatever payable on such Ships and Vessels in respect of the Tonnage thereof, or otherwise howsoever; and that it shall and may be lawful for the said Harbour Master to seize and distrain any such Ship or Vessel, or the Tackle, Apparel, or Furniture thereof, or any Part thereof, and to detain the same until Payment of the said Duties, and to give a Receipt for such Duties when paid; and the said Harbour Master shall keep an Account of all Sum and Sums of Money received by him on account of the said Duties under this Act, and shall account for the same Weekly and every Week to the said Commissioners for the Purposes of this Act, and shall pay over the same at such Times and in such Manner, and under such Regulations, as the said Commissioners from Time to Time shall direct; and the same to be applied to the Purposes of this Act.

Duties under 56G.3.c.lxiv. shall not be paid for Vessels entering Dunmore Harbour.

XXXI. And whereas by an Act passed in the Fifty-sixth Year of His present Majesty's Reign, intituled *An Act for improving the Port and Harbour of* Waterford, *and for other Purposes relating thereto*, it is enacted, that all Vessels entering the Harbour of *Waterford* shall pay certain Duties by the said Act granted, on reporting at the Custom-house of *Waterford*; be it enacted and declared, That nothing in the said Act contained shall be construed to extend to Vessels entering the Harbour of *Dunmore*, or anchoring within the Limits thereof, as herein before mentioned, and not reporting and entering at the Custom-house at *Waterford*; any Thing in the said recited Act, or in any Schedule thereto annexed, to the contrary in anywise notwithstanding.

After Completion of the Harbour, the same shall be vested in the Commissioners, who may, with Consent of the Lord Lieutenant, reduce Duties, &c.

XXXII. And be it further enacted, That when the said Harbour and Port of *Dunmore* shall be completed, the same shall be and become vested in the Commissioners herein-before directed to be appointed; and that it shall and may be lawful for the said Commissioners, by and with the Approbation and Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being from Time to Time to reduce the Duties payable according to the Schedule marked B. to this Act annexed, and to raise the same again from Time to Time to the Amount of the Duties in the said Schedule specified, whenever it shall appear advantageous or expedient so to do.

Penalties and Forfeitures how recovered and applied.

XXXIII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, the Manner of levying and recovering whereof is not otherwise particularly directed, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, and by Warrant under the Hand and Seal or Hands and Seals of One or more Justices of the Peace for the County of *Waterford*, which Warrant or Warrants such Justice or Justices is and are hereby empowered and required to grant upon the Information of One or more credible Witness or Witnesses upon Oath, which Oath such Justice or Justices is and are hereby empowered to administer without Fee or Reward; and such Penalties and Forfeitures when recovered, after rendering the Overplus, if any be, when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold,

the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall be paid, if not otherwiſe directed to be applied by this Act, to the Harbour Maſter of the ſaid Harbour, to be by him accounted for to the Commiſſioners under this Act, in like Manner and for the ſame Uſes and Purpoſes as the Rates and Duties ſpecified in Schedule B. to this Act annexed are applicable; and if ſufficient Diſtreſs ſhall not be found, it ſhall be lawful for ſuch Juſtice or Juſtices to commit every ſuch Offender to the Common Gaol or Houſe of Correction within the ſaid County of *Waterford*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner paid.

Perſons aggrieved may appeal to the Quarter Seſſions.

XXXIV. Provided always, and be it further enacted, That in caſe any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it ſhall be lawful for ſuch Perſon to appeal to the Juſtices of Peace at their next General Quarter Seſſions of the Peace to be held in and for the ſaid County of *Waterford*; or in caſe the ſaid Cauſe of Complaint ſhall ariſe within Twenty Days next before ſuch General Quarter Seſſions of the Peace, then ſuch Appeal may be made to the ſaid Juſtices at the Second General Quarter Seſſions of the Peace to be held for the ſaid County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any ſuch Perſon in a ſummary Way, and, if they ſee Cauſe, may by Order of ſuch Seſſions mitigate at their Diſcretion all or any of the Penalties aforeſaid, or vacate or ſet aſide the Conviction, and ſet the Party at liberty, or otherwiſe may ratify and confirm the ſame, and award ſuch Coſts to the Parties appealing or appealed againſt as to them ſhall ſeem juſt and reaſonable, and to make ſuch Orders and Judgments in regard to the Premiſes as they ſhall think fit; but the Perſon ſo appealing ſhall give Notice in Writing to the ſaid Harbour Maſter of ſuch his or her Intention of bringing ſuch Appeal, and of the Cauſe or Matter thereof, Fourteen Days before the ſaid Quarter Seſſions.

Orders not to be quaſhed for want of Form.

XXXV. Provided alſo, and be it further enacted, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceeding to be had touching the Conviction of any Offender or Offenders againſt this preſent Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removable by *Certiorari* or any other Writ or Proceſs whatſoever into any of His Majeſty's Courts of Record at *Dublin*; any Law or Statute to the contrary notwithſtanding.

Conviction of Offenders.

XXXVI. And for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any Form of Words to the ſame Effect:

Form of Conviction.

'BE it remembered, That on the Day of in the Year of His Majeſty's Reign, *A. B.* is convicted before of His Majeſty's Juſtices of the Peace for the ſaid County of [*ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be.*] Given under our Hands and Seals, the Day and Year aforeſaid.'

XXXVII. And

Limitation of Actions.

XXXVII. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, the ſame ſhall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the County where the Cauſe of Action ſhall have ariſen, and not elſewhere; and the Defendant or Defendants in any ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear ſo to have been done, or that ſuch Action or Suit ſhall be commenced after the Time before limited for bringing the ſame, or ſhall be brought in any other County than as aforeſaid, that then the Jury ſhall find for the Defendant or Defendants; and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Double Coſts, and have the like Remedy for the ſame as any Defendant or Defendants hath or have in any other Caſes by Law.

General Iſſue.

Double Coſts.

Expences of Act.

XXXVIII. And be it further enacted, That all Coſts, Charges, and Expences incident to or attending the obtaining and paſſing of this Act, ſhall be reimburſed and paid out of the firſt Rates and Duties to be raiſed by virtue of this Act.

Public Act.

XXXIX. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

SCHEDULES

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Particulars of the Lands, Tenements, and Hereditaments which may be purchaſed under this Act.

Lands to be purchaſed under this Act from the Marquis of Waterford.

The Timber Yard Point, containing One Acre, One Rood, Eleven Perches; Little Iſland, containing Twenty Perches; from Timber Yard to the Railway, below the Middle of Road, containing Two Roods and Thirty-four Perches; and the Rocky Hill, between the Railway and the Sea, containing Four Acres, Three Roods, Twenty-five Perches; making in the whole Seven Acres and Ten Perches, all in the Townland of Dunmore, in the Pariſh of Killea, Barony of Gualtiere, and County of Waterford.

From Earl Forteſcue.

The Free Stone Quarry, containing One Acre, in the Townland of Coxtown, in ſaid Pariſh, Barony, and County.

SCHEDULE (B.)

	Per Ton. £	s.	d.
For every Veſſel anchoring between Blacknob and Ardnamult Point, if Britiſh-built - - -	0	0	0½
Every Britiſh Veſſel which ſhall make faſt to the Moorings in the Road - - -	0	0	1
Every Veſſel mooring within the Piers - -	0	0	2
For every Ton of Coals, Lime, or Stone landed or ſhipped at the Quays - - -	0	0	3
For every Ton of other Goods landed or ſhipped -	0	1	0
For all Foreign Ships, double the above Dues.			
	Per Head.		
For all Horſes, Oxen, Cows, and other Cattle, commonly called Black Cattle, landed, ſhipped, or exported from ſaid Harbour - - -	0	1	0
	Per Score.		
For all Calves, Sheep, and Pigs landed, ſhipped, or exported from ſaid Harbour - - -	0	0	10

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