

ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

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recited Act, in respect of Rights of Fishery and other Rights, and also in respect of the Lands, Tenements, and Hereditaments required to be taken for or likely to be injured by the said proposed Works, and have duly made and published their final Awards and Adjudications with respect to such Claims, and have also inquired into and determined the Benefit likely to accrue to the several Counties or Parts of Counties, and to individual Estates, by means of the said proposed Works, and made Awards fixing the Proportion of Contribution to be made respectively by such Counties or Parts of Counties and the Owners of such Estates towards the Repayment of the Sums to be advanced for the Execution of the proposed Works, and have also recommended certain Tolls and Rates to be taken and levied on the said Navigation: And whereas the said Maps and Plans are now deposited with and are in the Custody of the Commissioners of Her Majesty's Treasury; and it is expedient that the several Works mentioned and described in the Maps and Plans aforesaid should be carried into execution by Commissioners to be for that Purpose nominated, and that the Expence attendant upon the Execution of the said Works should be defrayed as hereinafter provided: Be it therefore 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 Works mentioned and described in the Maps and Plans aforesaid shall be carried into full and complete Execution, subject however to such Alterations, Additions, or Reductions as shall be made therein pursuant to the Power herein-after reserved.

Works described in the Plans aforesaid to be carried into effect.

II. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, to nominate by Warrant under their Hands Three or more Persons to be Commissioners for the Execution of this Act, One of whom only shall be entitled to any Salary for his Services under this Act; and all Powers and Authorities whatsoever given to or vested in the said Commissioners for the Execution of the said recited Act, or such of them as may be necessary for the due Execution of this Act, or for continuing any Proceeding commenced under the said recited Act, shall immediately on such Nomination be vested in and may be exercised from Time to Time by the Commissioners who shall be appointed for the Execution of this Act, and the Powers of the Commissioners heretofore appointed under the said recited Act for all such Purposes shall thenceforth cease.

Treasury to appoint Commissioners.

III. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, and they are hereby authorized and empowered, to remove from Time to Time any One or more of the said Commissioners, and in case of such Removal, or in case of the Death or Resignation of any One or more of the said Commissioners, to nominate and appoint by Warrant under their Hands any other Person or Persons to be a Commissioner or Commissioners for executing this Act in the Room of the Commissioner or Commissioners so removed, dying, or resigning as aforesaid.

Treasury may remove Commissioners, and may nominate others in case of Removal, Death, or Resignation.

IV. And

Treasury may issue Exchequer Bills, not exceeding 584,807*l.*

IV. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them for the Time being, by Warrant under their Hands, to cause or direct to be made out from Time to Time as may be necessary for the Purposes of this Act, at Her Majesty's Exchequer in *Great Britain*, any Number of Exchequer Bills not exceeding in the whole the Sum of Five hundred and eighty-four thousand eight hundred and seven Pounds, such Bills to be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions (except where other Directions for making out the same are contained and particularly expressed in this Act), as in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, are enacted and prescribed. 48 G. 3. c. 1.

Provisions of 48 G. 3. c. 1. to extend to this Act.

V. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Act of the Forty-eighth Year of the Reign of His Majesty King *George* the Third shall be applied and extend to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisions had been particularly repeated and re-enacted in the Body of this Act.

Exchequer Bills to bear Interest.

VI. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein; and the Principal Sum contained in such Exchequer Bills, and the Interest accruing thereon, shall be made payable at such Periods and at such Places as shall be fixed by the said Commissioners of Her Majesty's Treasury, or any Three or more of them, nevertheless so as that all such Bills as shall be made out for the Purposes of this Act shall be made payable within Three Years from the Date thereof, and that the Principal Sum contained in every such Bill, together with such Interest as aforesaid, computed from the Day upon which such Interest thereon shall have been already paid until the Time appointed for the Payment of the said Bills, shall be paid off and discharged upon the Days and Times respectively appointed for the Payment thereof.

Bills to be current at the Exchequer after the Times when they become due.

VII. And be it enacted, That all and every the Exchequer Bills to be issued forth by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled after the respective Days on which they shall become due and payable, shall and may from and after that Time pass and be current to all and every the Receivers and Collectors in *Great Britain* and *Ireland* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever already granted, due, or payable, or which shall or may hereafter be granted, due, or payable, to Her Majesty, Her Heirs and Successors, and also at the Banks of *England* and *Ireland* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever,

whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, for or upon any Account, Cause, or Occasion whatsoever, according to the Purport and true Meaning of this Act.

How Money shall be issued for the Purposes of this Act.

VIII. And be it enacted, That when and as often as any Money shall be required for the Purposes of this Act it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, upon the Application of the Commissioners for the Execution of this Act, to issue and advance, or cause to be issued and advanced, to the said Commissioners for the Execution of this Act, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, such Sum or Sums of Money as they shall think fit, not exceeding the said Sum of Five hundred and eighty-four thousand eight hundred and seven Pounds; or in case the said Commissioners of the Treasury shall so think fit, it shall be lawful for them, or any Three or more of them, to direct the Comptroller General of Her Majesty's Exchequer at *Westminster* for the Time being to issue and make out Exchequer Bills to such an Amount, not exceeding the said Sum of Five hundred and eighty-four thousand eight hundred and seven Pounds, as they shall think fit to direct for the Purposes aforesaid; and such Comptroller General shall, upon the Receipt of such Direction of the Commissioners of the Treasury, cause and direct the Exchequer Bill or Bills so ordered to be made out to be delivered to such Person as shall be named by the said Commissioners of the Treasury to receive the same, and such Bill or Bills shall be issued and delivered, upon the Warrant in Writing of the Commissioners for the Execution of this Act first had and obtained, to the Person or Persons in such Warrant named; and every such Exchequer Bill shall bear Date on the Day on which the said Commissioners of the Treasury shall appoint and direct: Provided always, that the whole Amount of the Money so to be advanced for the Purposes of this Act, either out of the said Consolidated Fund or by the Issue of Exchequer Bills, shall not exceed the said Sum of Five hundred and eighty-four thousand eight hundred and seven Pounds: Provided also, that the Sum of Two hundred and ninety thousand seven hundred and seventeen Pounds only may be issued by way of Grant, and the Sum of Two hundred and ninety-four thousand and ninety Pounds by way of Loan, to be repaid as herein-after provided.

Application of Monies issued.

IX. And be it enacted, That all Sums of Money so issued and advanced, and the Produce of all such Exchequer Bills, shall be applied by the Commissioners for the Execution of this Act, with the Consent of the Commissioners of Her Majesty's Treasury, in the Payment of the Sums mentioned in the respective Awards heretofore made or hereafter to be made, and of the Expences of the Works to be executed under this Act, and such other Expences as shall be incurred in carrying the Purposes of this Act into complete Execution.

Banks of England or Ireland may advance

X. And be it enacted, That it shall and may be lawful for the Governor and Company of the Banks of *England* or *Ireland* respectively to advance and lend to Her Majesty, at the respective Receipts of

of the Exchequer of *Great Britain* or *Ireland*, upon the Credit of the Exchequer Bills issued under this Act, any Sum or Sums of Money not exceeding in the whole the said Sum of Five hundred and eighty-four thousand eight hundred and seven Pounds, any thing in an Act made in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any other Act or Acts, to the contrary thereof in anywise notwithstanding.

Money on the Exchequer Bills.

5 & 6 W. & M. c. 20.

XI. And be it enacted, That it shall and may be lawful to and for the Commissioners for the Execution of this Act, by the Authority and under the Directions of the Commissioners of the Treasury, to sell the said Exchequer Bills from Time to Time, and to carry the Produce thereof to the Account to be kept by them under the Provisions of this Act.

Power to sell Exchequer Bills.

XII. And be it enacted, That on the several Days and Times on which any Exchequer Bills made pursuant to the Directions of this Act shall become payable, or within Ten Days thereafter, the said Commissioners of Her Majesty's Treasury shall cause a true and right Account to be taken and attested by the proper Officers of all such Exchequer Bills falling due and payable on such respective Days and Times, and of the Monies which shall then be in the Receipt of the Exchequer at *Westminster* applicable to the Payment and Discharge of the same; and the Deficiency shall and may be supplied and made good by and out of the Aids or Supplies which shall be or have been granted for the Service of the Year in which such Exchequer Bills shall become payable; and in case the Monies arising from such Aids or Supplies shall not at the Time be sufficient for that Purpose, then all the said Exchequer Bills remaining undischarged, with the Interest and Charges incident to or attending the same, shall be and are hereby charged and chargeable upon such Monies as at any Time or Times after any such Deficiencies shall happen shall be or remain in the Receipt of the said Exchequer of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, except such Monies of the said Consolidated Fund as may be or have been appropriated to any particular Use or Uses by any Act or Acts in that Behalf; and such Monies of the said Consolidated Fund shall and may be issued and applied from Time to Time, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging such remaining Exchequer Bills, Interest, and Charges, until the whole of them shall be paid off, cancelled, and discharged, or Money sufficient for that Purpose be kept and reserved in the Exchequer, to be payable, on Demand, to the respective Proprietors thereof: Provided always, that whatever Monies shall be so issued out of the Consolidated Fund shall from Time to Time be replaced by and out of the first Supplies to be thereafter

Treasury to cause Accounts to be taken of all Bills falling due and Money applicable thereto at the Time; and in case of Deficiency in the Exchequer for Payment thereof, the same to be supplied out of the Aids for the current Year or the Consolidated Fund.

Monies so advanced out of Aids or Consoli-

dated Fund to be replaced by other Monies.

thereafter granted in Parliament, any thing therein contained to the contrary notwithstanding; and whatever Monies shall thereafter arise in the said Receipt of the Exchequer, from or on account of the Payments, Remittances, and Transfers to be made by virtue of the Provisions herein-before contained, shall be applied towards replacing the Monies before issued out of the said Aids or Supplies or Consolidated Fund, as the Case may be, any thing herein contained to the contrary notwithstanding.

Proportions of Sums advanced to be repaid by Counties.

XIII. And be it enacted, That such Sums as shall from Time to Time be advanced by way of Loan as aforesaid by the said Commissioners of the Treasury to the said Commissioners for the Execution of this Act, by the Issue of Exchequer Bills, or by the Issue of Money out of the said Consolidated Fund, shall be repaid by Grand Jury Presentment (save and except in those Cases where, by any Award made or to be made under the Provisions of the said recited Act or this Act, it shall have been determined that any Proportion of the Sums so advanced for the Execution of any particular Work shall be so repayable by the Owner of any individual Estate, or in any other Manner); and all Monies so to be repaid by Grand Jury Presentment shall be repaid by Twelve half-yearly Instalments, to be presented and levied off the Counties or Portions of Counties declared respectively by such Awards to be liable to the Repayment thereof, with Interest on the Monies so from Time to Time advanced at the Rate of Four Pounds *per Centum per Annum;* and the Sums so from Time to Time proper to be presented by the Grand Jury of each County to be levied off the same, or any Portion thereof, shall be fixed and certified by the said Commissioners for the Execution of this Act in the Manner herein-after mentioned: Provided always, that it shall be lawful for the said Commissioners of the Treasury, if they shall in any Case so think fit, to enlarge the Time herein-before limited for the Repayment of the said Monies, so nevertheless that the whole shall be repaid within Ten Years from the Date of the Advances.

Declaration to be signed by Commissioners.

XIV. And be it enacted, That the Commissioners for the Execution of this Act shall each of them, previous to his acting as such Commissioner, sign a Declaration to the following Effect:

'I *A.B.* do declare, That I will faithfully and impartially, according to the best of my Judgment, execute the several Powers and Trusts vested in me by an Act intituled *An Act for promoting the Improvement of the Navigation of the River* Shannon.'

And that such Declaration shall be kept and entered with the other Proceedings of the said Commissioners.

Commissioners to hold Meetings, and employ Officers and others, with Approval of the Treasury.

XV. And be it enacted, That the said Commissioners may meet and sit from Time to Time in such Place or Places as they shall find most convenient, with or without Adjournment; and that all Acts, Matters, and Things which the said Commissioners are by this Act authorized to do or execute may be done or executed by any Two or more of them; and that they shall and may, with the Approbation of

the Commissioners of the Treasury, appoint and employ such Secretary, Engineers, Officers, and other Persons as they shall think necessary, and that all and every the Persons so employed may from Time to Time be dismissed at the Pleasure of the said Commissioners, and any other Person or Persons be appointed in his or their Stead; and it shall and may be lawful for the said Commissioners to allow to such Persons so employed by them as aforesaid such reasonable Salary and Salaries, Pay, or Reward as to such Commissioners may seem meet, with the Consent and Approbation of the said Commissioners of the Treasury.

Commissioners may make Contracts for Works.

XVI. And be it enacted, That it shall and may be lawful for the said Commissioners and they are hereby authorized and empowered from Time to Time to enter into and to make any Contract or Contracts with any Person or Persons for the Execution of any of the Works to be executed under this Act, or for any other Purpose which to the said Commissioners shall seem expedient for the Purpose of carrying this Act into complete Execution; and every Contractor with the said Commissioners for the Execution of any of the said Works, or for such other Purpose, shall give such Security in such Sum as shall be determined by the said Commissioners for the due Execution of such Work or Works or other Contract.

Works may be made though the Lands be omitted, misnamed, or misdescribed in the Maps or Plans.

XVII. And be it enacted, That it shall and may be lawful for the said Commissioners to make or cause to be made the several Works described in the Maps and Plans aforesaid, although any of the Lands, Tenements, or Hereditaments required for such Works may have been omitted, misnamed, or misdescribed in the said Plans, Maps, or Awards, if it shall appear to Two or more Justices of the Peace for the County, City, or Place wherein the Matter in question shall arise (in case of Dispute about the same), and be certified in Writing under their Hands, that such Omission, Misnomer, or erroneous Description proceeded from Mistake, and that Compensation had been duly awarded for such Lands, Tenements, or Hereditaments; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace of such County, City, or Place; and the Lands, Tenements, or Hereditaments which shall be named or described in such Certificate shall be deemed and taken for all the Purposes of this Act to have been inserted and truly named and described in the said Maps, Plans, or Awards; and it shall be lawful for said Commissioners, whenever it shall seem expedient to them so to do, to amend such Maps, Plans, or Awards by inserting therein such Lands, Tenements, or Hereditaments.

Accounts to be laid before Parliament.

XVIII. And be it enacted, That the said Commissioners shall cause detailed Accounts in Writing of their Proceedings under this Act, of the several Sums received by them as such Commissioners, and of the Sums expended by them, and the Mode of such Expenditure, and of the several Works made or in progress under this Act, to be made up to the Thirty-first Day of *December* in each Year, and such Accounts shall be laid before both Houses of Parliament within Thirty Days thereafter if Parliament be then sitting, or within Thirty Days after

after the first Meeting of Parliament subsequent to the Thirty-first Day of *December*; and the said Commissioners shall, as often as they shall be required so to do by such Commissioners of the Treasury, transmit to the said Commissioners of the Treasury like Accounts made up to such Period as the said Commissioners of the Treasury shall direct.

Corporations and incapacitated Persons may contract with Commissioners.

XIX. And be it enacted, That it shall be lawful for all Bodies Politic or Corporate or Collegiate whatsoever, whether Sole or Aggregate, all Tenants in Tail or for Life, or for any other partial or qualified Estates or Interests, Husbands, Guardians, Trustees, or Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs, Successors, Executors, and Administrators, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, and for the Queen's most Excellent Majesty, Her Heirs and Successors, and for all and every other Person or Persons whomsoever who is or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments or other Matters or Things, or shall have or enjoy any Powers, Rights, Privileges, or Franchises, which the said Commissioners shall require for the Purposes of this Act, or which shall be injured thereby, to contract for the Sale or Demise of and to sell or demise the same and every or any Part thereof unto the said Commissioners for the Execution of this Act, and to execute a Conveyance or Conveyances thereof if the same shall be required by the said Commissioners, or to agree with the said Commissioners for the Amount of Compensation which should be paid for any Injury thereto, and also to execute any Conveyance and enter into any Contract which the said Commissioners shall deem necessary for the due Execution of this Act; and all Contracts, Agreements, and Conveyances which shall be so made by such Persons as aforesaid shall be good and valid in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Companies, Corporations, and Persons whomsoever, so contracting, selling, demising, or conveying as aforesaid, are hereby indemnified for or in respect of any such Contract, Sale, Demise, or Conveyance which he, she, or any of them shall respectively make by virtue or in pursuance of this Act; and the said Commissioners are hereby authorized and empowered, with the Consent and Approbation of the said Commissioners of the Treasury, to contract with the Queen's most Excellent Majesty, Her Heirs and Successors, and all or any of such Companies, Corporations, or Persons as aforesaid, for the Purchase of the Premises aforesaid, or for the Amount of Compensation which should be paid for any Injury thereto or to any Part thereof, all which Contracts shall be in Writing, and shall, if it seem expedient to the Commissioners so to direct, be duly enrolled in the Rolls Office of Her Majesty's High Court of Chancery in *Ireland*.

XX. And

Commissioners to ascertain the Person interested in any Sums awarded, and the Proportions in which the same should be paid.

XX. And whereas the Awards made by the said Commissioners under the said recited Act fix and determine what Sums respectively should be paid for the Purchase of or as Compensation for the Injury to certain Lands, Tenements, and Hereditaments, and other Matters and Things, in the said Awards respectively named or described as of an Estate in Fee, without specifying the Person or Persons entitled thereto or interested therein, or the Value of their respective Shares or Interests, or the Amount of Compensation due to them severally, and it is expedient that Provision should be made for the more cheap and easy Determination of such Matters, and for the Adjustment of the Rights of the several Parties interested therein; be it therefore enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, and they are hereby authorized and empowered, to inquire and determine what Companies, Corporations, or Persons have any and what Estate, Right, Title, or Interest in or to any Lands, Tenements, or Hereditaments, or other Matters or Things, respectively named or described in any Award made as aforesaid, or in or to any Charge, Lien, or Incumbrance thereon respectively, and also in what Proportions the Sum or Sums of Money mentioned in such Award shall be paid to such Companies, Corporations, or Persons for such their respective Estates, Rights, Titles, and Interests, and what Abatements (if any) shall be made in the Rents payable out of the Lands, Tenements, or Hereditaments named or described in such Award, or any Lands, Tenements, or Hereditaments held in conjunction therewith; and the said Commissioners shall and may in each such Case give Judgment, and shall and may in each such Judgment name or describe the Companies, Corporations, or Persons (if known to the said Commissioners) to whom respectively the Sum or Sums mentioned in each such Award shall be paid, and in what Proportions the same shall be paid to such Companies, Corporations, or Persons, and the Lands, Tenements, or Hereditaments, or other Matters or Things, naming or describing the same, in respect of which such Sum or Sums have been awarded, and also what Abatements (if any) shall be made in the Rents payable out of the Lands, Tenements, or Hereditaments named or described in such Award, or any Lands, Tenements, or Hereditaments held in conjunction therewith: Provided always, that a Notice fixing the Time and Place of holding each such Inquiry shall be published in the *Dublin Gazette*, and in some Newspaper which shall be printed or circulated in the County in which such Lands, Tenements, or Hereditaments, wholly or in part, are situated, Ten Days at least previous to the Day fixed for holding such Inquiry.

Where Doubts are entertained as to the Legality of Mills, &c. Commissioners to apply to the Courts of Chancery or Exchequer to direct Pro-

XXI. And whereas Doubts are entertained whether certain Mills, Milldams, Weirs, Watercourses, or certain Parts thereof, and other Matters and Things, in and upon or near to the said River *Shannon*, for which or for the Injury to which respectively certain Sums have been awarded by the said Commissioners under the Provisions of the said recited Act, are public Nuisances or in other respects illegal, and Questions may arise whether the Persons, or any of them, who have preferred Claims under the said recited Act, or of any other Mills, Milldams, Weirs, and Watercourses, or any Part thereof, which shall be required to be taken for the Purpose of this Act, or shall be injured

ceedings to ascertain the Legality.

injured thereby, have a legal Title thereto, and it is expedient that Provision should be made for the cheap and easy Determination of such Questions; be it therefore enacted, That it shall and may be lawful for the said Commissioners for the Execution of this Act, if they shall deem it necessary and expedient so to do, for the Purpose of ascertaining whether any Mill, Milldam, Weir, Watercourse, or other Matter or Thing, or any Part thereof respectively, which shall be required to be taken for any of the Purposes of this Act, or shall be injured thereby, is a public Nuisance, or is in any other respect illegal, to make Application by Petition to the Courts of Chancery or Exchequer, stating the Facts, and praying the Decision of such Court thereon; and Notice of such Application shall be given to the Parties interested in the Matter of such Petition, and they shall be heard; and it shall be lawful for the Court to make an Order disposing of the Matter of such Petition, or referring the same to any Master or to the Chief or Second Remembrancer, with Liberty to the Parties to attend him, and with such other Directions as the Court shall think fit, or to direct such feigned Issue or other Proceeding as the Court may in its Discretion think proper with respect to any Matter contained in the said Petition; and the Decision of the Court upon the Matter of such Petition shall be final and conclusive of the Rights of the Parties and of their Title to Compensation under this Act; and in case such Court shall decide against the Right of the Party claiming such Compensation under any Award, then such Award, so far as it relates to such Compensation, shall be null and void to all Intents and Purposes.

Commissioners may abate Nuisances.

XXII. And be it enacted, That in case any such Mill, Milldam, Weir, Watercourse, or any Part thereof, or other Matter or Thing, shall be so decided as aforesaid to be a Nuisance, or in any other respect illegal, it shall be lawful for the said Commissioners, their Agents and Servants, without paying therefor any Sum of Money whatsoever, to enter upon, abate, pull down, destroy, or diminish the same, or use the same, in such Manner as to the said Commissioners shall seem most expedient for the due Execution of this Act; and they and each of them are hereby saved harmless and indemnified for any Matter or Thing which shall be done by them, or any of them, to or with respect to any such Mill, Milldam, Weir, Watercourse, or any other Matter or Thing as aforesaid.

Awards and Judgments to be enrolled.

XXIII. And whereas it is expedient that all Awards heretofore made by the said Commissioners appointed under the Provisions of the said recited Act of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, and all such Awards and Judgments as shall be made under the Provisions of this Act, should be made obligatory and conclusive; be it therefore enacted, That all Awards heretofore made as aforesaid, and all Awards and Judgments which shall be at any Time made or given by the said Commissioners to be appointed under this Act, shall, within Three Months after the passing of this Act, or after the same shall be respectively made or given, be enrolled in the Rolls Office of Her Majesty's High Court of Chancery in *Ireland*, and Copies thereof respectively shall be good and sufficient Evidence thereof respectively in any Court of

Law or Equity whatsoever; and the said Awards and Judgments respectively shall, immediately after the Enrolment thereof, save as by this Act otherwise provided, be binding and conclusive, to all Intents and Purposes whatsoever, upon the said Commissioners, and upon the Queen's most Excellent Majesty, Her Heirs and Successors, and all Bodies Politic or Corporate, Infants, Lunatics, Idiots, Femes Covert, Tenants for Life or in Tail, and all Persons under any legal Disability whatsoever, and all and every Person or Persons whomsoever, his, her, or their Heirs, Successors, Executors, and Administrators, having or claiming to have any Estate, Right, Trust, Use, or Interest in, to, or out of the said Lands, Tenements, or Hereditaments, or other Matters, or Things, included in or affected by the said Awards or Judgments, either in Possession or Reversion, Remainder or Expectancy, or in any Manner whatsoever, or in any Charge, Lien, or Incumbrance thereon respectively; and no Objection for Want of Form shall be allowed to any such Award or Judgment, nor shall the same be removeable by Certiorari or other Process into any of the Superior Courts or any other Court, any Law or Statute to the contrary thereof notwithstanding.

If Commissioners shall serve a Notice within Twelve Months that they will not require the Lands contained in any Award, the said Award, or a Part thereof, shall be void.

XXIV. Provided always, and be it enacted, That if it shall seem expedient to the said Commissioners, at any Time or Times within Twelve Months from the passing of this Act in Cases of Awards heretofore made, or within Twelve Months after any future Award, Judgment, or Contract shall be made, given, or entered into, not to take or injure the Whole or any Part of any Lands, Tenements, or Hereditaments, or other Matters or Things, named or described in any of the said Awards or in any such Judgment or Contract, it shall be lawful for the said Commissioners to serve a Notice upon or cause the same to be left at the usual Place or Places of Abode of the Person or Persons who are or appear by the said Awards, Judgments, or Contracts to be interested in such Lands, Tenements, or Hereditaments, or other Matters or Things, stating that the same, or some and what Part thereof, will not be taken for or injured by any thing to be done under this Act; and immediately from and after the Service of such Notice, or if it shall appear to the said Commissioners that the same cannot be conveniently served as aforesaid, immediately from and after the Publication of such Notice in the *Dublin Gazette*, and in some Newspaper which shall be printed or circulated in the County in which such Lands, Tenements, or Hereditaments, or other Matters or Things, shall be situated, the Award, Judgment, or Contract mentioned in the said Notice, or such Part thereof as shall relate to the Part not required to be taken or injured as aforesaid (at the Option of the said Commissioners), shall be utterly void and of no Effect, to all Intents and Purposes whatsoever; and in case a Part only of any Award, Judgment, or Contract shall become void as aforesaid, the said Commissioners shall fix and ascertain the Portion of the Sum mentioned in any such Judgment, Award, or Contract which should be deducted on account of the Part not required to be taken or injured, and, if necessary, apportion the Residue among the Persons entitled thereto; and the said Commissioners shall amend such Judgment, Award, or Contract accordingly, and enrol such amended

Judgment

Judgment or Award, and such amended Judgment, Award, or Contract shall have all the Force and Effect of any Judgment, Award, or Contract under this Act.

Application of Purchase Money of incapacitated Persons exceeding 200*l.*

XXV. And be it enacted, That any Money agreed, awarded, or adjudged to be paid for the Purchase of any Lands, Tenements, or Hereditaments, or as Compensation for any Injury thereto, or any Portion of such Money, (if the said Money or said Portion thereof shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity,) shall (in case the same exceed Two hundred Pounds) 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*, to be placed to his Account there *ex parte* the said Commissioners, to the Intent that such Money, or such Portion thereof, shall be applied, under the Direction and with the Approbation of the Senior Master of Chancery, 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 or Profits of the said Lands, Tenements, or Hereditaments, in the Discharge of any Debt or Debts, or Part thereof, affecting the same, or affecting the Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses or Purposes; or where such Money or such Portion thereof shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the Senior Master of Chancery, in the Purchase of Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such other like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be purchased or injured as aforesaid stood settled or limited, or such of them as shall be then existing and capable of taking effect; and in the meantime, until such Purchase shall be made, the said Money shall, on the Request of the Person or Persons who would for the Time being be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, (such Request to be in Writing signed by him, her, or them,) and without any Order of the said Master, be invested by the said Accountant General in his Name in the Purchase of any Stocks, Funds, or Annuities transferrable at the Bank of *Ireland*; and in the meantime, and until the said Stocks, Funds, or Annuities shall be ordered by the said Master of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased if such Purchase had been made.

Application of Purchase Money not exceeding 200*l.* and not less than 20*l.*

XXVI. And be it enacted, That if any Money so agreed, awarded, or adjudged to be paid for the Purchase of or as Compensation for the Injury to any Lands, Tenements, or Hereditaments required to be taken or used for the Purposes of this Act, or any Portion of such Money, shall belong to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, and shall not exceed the

the Sum of Two hundred Pounds or be less than Twenty Pounds, then and in all such Cases the said Money, or such Portion thereof, shall, at the Option of the Person or Persons entitled for the Time being to the Rents and Profits of the said Lands, Tenements, or Hereditaments, or of his or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified under their respective Hands, be paid into or lodged in the Bank of *Ireland* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and be placed to his, her, or their Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the said Money, or such Portion thereof, shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making Option, such Nomination to be signified in Writing under the Hands of the nominating Parties, in order that such Money, or such Portion thereof, may be applied in such Manner as herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain an Order of a Master of Chancery.

Application of Purchase Money less than 20*l.*

XXVII. And be it enacted, That when such Money so agreed or awarded or adjudged to be paid as next before mentioned, or such Portion thereof, shall be less than Twenty Pounds, then and in such Case the same shall be paid to the Person or Persons who would for the Time being have become entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, 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 so entitled respectively.

In case of not making out a good Title, &c. Money to be paid into Court.

XXVIII. And be it enacted, That in case any Person or Persons claiming to be entitled to or interested in any Lands, Tenements, or Hereditaments, or other Matters or Things, for which any Sum of Money has been or shall be awarded or contracted for, or in or to any Charge, Lien, or Incumbrance thereon, shall refuse to appear before the said Commissioners, or shall not be able to make out a good Title thereto, or to prove such Claim as he shall make, to the Satisfaction of the said Commissioners, or shall refuse to execute such Conveyance or Conveyances as herein-after mentioned, or be under any Incapacity, or in case the Person or Persons so entitled or interested be absent from *Ireland*, or cannot be discovered, or in any other Case in which it shall seem expedient to the said Commissioners so to do, it shall and may be lawful for the said Commissioners in every such Case to order the said Sum or Sums so awarded or contracted for, or any Part thereof, to be paid into or lodged in the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed to his Account there *ex parte* the said Commissioners, to the Intent that the same might be subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making such Claims to such Sum or Sums of Money, or any Part thereof, or on the Application of the said Commissioners if they shall be entitled to receive the same or any Part thereof, by Motion on Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order

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the same to be laid out or invested as to the said Court shall seem meet, or to order Payment or Distribution thereof, or Payment of the Dividends or Interest thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereto, and to make such other Order in the Premises as to the said Court shall seem meet, just, and reasonable; and the Cashier or Cashiers of the Bank of *Ireland* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying from whom and on whose Account the same were respectively received, to the Person or Persons from whom the same were received.

Court of Chancery may order Costs to be paid.

XXIX. And be it enacted, That when any Money shall be paid into the Bank of *Ireland*, and be subject to the Orders and Directions of the Court of Chancery as aforesaid, it shall be lawful for the said Court to order such Sum to be paid by the said Commissioners to the Persons interested in such Money, for their reasonable Costs, Charges, and Expences, as to the said Court shall seem just and proper.

Lien shall remain on Premises not conveyed in such Proportion as Commissioners shall direct.

XXX. And be it enacted, That when any Rent, or any such Charge, Incumbrance, or Lien as aforesaid, shall also be payable out of or extend over and be a Charge, Incumbrance, or Lien on any Lands, Tenements, or Hereditaments other than those which shall be taken or injured by or conveyed to or vested in the said Commissioners, then and in such Case neither this Act nor any Conveyance to be made as aforesaid shall in any respect discharge, affect, or alter the Force, Validity, or Effect of such Charge, Rent, Incumbrance, or Lien, so far as relates to such other Lands, Tenements, or Hereditaments, but that as to all such the same shall respectively continue to be good, valid, and subsisting for so much thereof as the said Commissioners shall determine, in the same Manner in all respects as if this Act, or any thing done under the same, had not existed, but not further or otherwise.

Commissioners may enter upon Lands on Payment of Money or Lodgment in Court.

XXXI. And be it enacted, That on Payment or Tender of the Purchase Money or Compensation determined by any Contract or any of the said Awards or Judgments for any Lands, Tenements, or Hereditaments, or other Matter or Thing, to or to the Use of the Queen's most Excellent Majesty, or the Person or Persons entitled to receive the same, or on lodging the same in the Bank of *Ireland* as hereinbefore directed, it shall and may be lawful for the said Commissioners, their Engineers, Agents, and all Persons employed or authorized by them, immediately to enter upon and into such Lands, Tenements, or Hereditaments, or other Matters or Things, for which such Purchase Money or Compensation was paid, tendered, or lodged; and the Fee Simple and Inheritance of those Lands, Tenements, or Hereditaments, and other Matters and Things, for the Purchase whereof any Sum or Sums of Money was or were paid, tendered, or lodged, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of the Queen's most Excellent Majesty, Her Heirs and Successors, or of any Company, Corporation, or Person, therein, shall, immediately from and after such Payment, Tender, or Lodgment as aforesaid, and without further Conveyance

Conveyance or Assurance whatsoever, be vested in the Commissioners for the Purposes of this Act, and be held by them freed and discharged from all Liens, Charges, and Incumbrances whatsoever; and such Payment, Tender, or Lodgment as aforesaid shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom or for whose Use such Payment, Tender, or Lodgment shall or ought to have been made, but shall extend to and be deemed, taken, and construed to bar the Dower of the Wife of every such Person, and all the Estates Tail and other Estates in Reversion and Remainder for his, her, or their Issue, and of any and every other Person or Persons whomsoever, also the Queen's most Excellent Majesty, Her Heirs and Successors, therein; and with respect to the Lands, Tenements, and Hereditaments for the Injury to which any Sum or Sums of Money was or were awarded or contracted for as the Amount of Compensation, it shall and may be lawful for the said Commissioners, their Engineers, Agents, Servants, or other Persons employed or authorized by them, immediately after such Payment, Tender, or Lodgment, to do all the Matters or Things in, to, or upon such Lands, Tenements, or Hereditaments for the doing of which such Sums were so awarded as Compensation: Provided always, that if it shall seem expedient to the Commissioners for the Execution of this Act to allow any Charge, Lien, or Incumbrance to remain a Charge, Lien, or Incumbrance on any Lands, Tenements, or Hereditaments which shall be vested in the said Commissioners under this Act, it shall be lawful for the said Commissioners to signify their Intention so to do, by a Warrant under their Hands and Seals, to be issued to the Person or Persons in whom the same shall be then vested, and such Charge, Lien, or Incumbrance shall thenceforward have all the same Force and Effect as if this Act had not been passed.

Commissioners empowered to require a Conveyance if they think fit

XXXII. Provided always, and be it enacted, That if the said Commissioners shall require that a Conveyance of any Lands, Tenements, or Hereditaments, or other Matters or Things, required by the said Commissioners for the Purposes of this Act shall be executed to them, it shall and may be lawful for the Person or Persons to whom the Purchase Money thereof was paid or tendered, and such Person or Persons is and are hereby required, immediately after such Payment or Tender, to execute to the said Commissioners a Conveyance thereof in the following Form, or as near thereto as the Nature of the Case will admit; (namely,)

Form of Conveyance.

'I of in consideration of the Sum of Pounds paid to the several Persons interested in the Premises hereby conveyed [*or* paid into the Bank of *Ireland, as the Case might be,*] by the Commissioners appointed under an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*], do hereby grant and release to the said Commissioners all [*describing the Premises*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all Estates, Rights, and Interests in the same and every Part thereof, to hold to the said Commissioners and their Successors for ever, according to the true Intent and Meaning of

'said

'said Act. In witness whereof I have hereunto set my Hand and 'Seal on this Day of in the Year of our 'Lord .'

If the Purchase Money be lodged in Bank, Court may appoint a Person to execute the Conveyance.

XXXIII. And be it enacted, That in case the Purchase Money of the Lands, Tenements, or Hereditaments required to be conveyed shall have been lodged in the Bank of *Ireland* as aforesaid, or in case any Person so required to execute such a Conveyance shall refuse to execute the same, or be incapable of executing the same, then and in every such Case it shall be lawful for the Court of Chancery of *Ireland*, on the Application of the said Commissioners by Motion or Petition, to direct any Person whom such Court may think fit to appoint for such Purpose to execute to the said Commissioners a Conveyance in the Form aforesaid, or as near thereto as the Circumstances of the Case will admit, of the Lands, Tenements, or Hereditaments the Purchase Money whereof shall have been lodged in the said Bank as aforesaid; and all Conveyances which shall be executed for the Purposes of this Act shall be duly enrolled in the Rolls Office of Her Majesty's High Court of Chancery in *Ireland* within Three Months from the Execution thereof respectively, and shall be good and valid and effectual in Law, to all Intents and Purposes, and shall operate and be good as a Merger of all outstanding Terms of Years, and be a complete and effectual Bar to all Estate Tail, and other Estates, Right, Title, Remainders, Reversions, Limitations, Trusts, Charges, and Incumbrances whatsoever, and shall be conclusive and binding against the Queen's most Excellent Majesty, Her Heirs and Successors, and against all Bodies Politic and Corporate, Trustees, and all other Persons whatsoever herein-before described, who claim any Estate or Interest in the Lands, Tenements, or Hereditaments, or other Matters or Things, thereby conveyed.

No Stamp Duty on any Deeds, &c. under this Act.

XXXIV. And be it enacted, That no Obligation, Contract, Agreement, Assignment, Deed, Conveyance, or other Instrument whatever taken or made to or by the Commissioners for the Execution of this Act, or any Affidavit, Deposition, Certificate, Order, or Receipt to be respectively taken or made under or by virtue of this Act, shall be liable to any Stamp Duty or Law or Chancery Fund whatever, any thing in any Act or Acts in force in *Ireland* to the contrary in anywise notwithstanding.

Commissioners may enter into Lands to make Surveys, and take temporary Possession thereof for depositing Materials, making Compensation.

XXXV. And whereas it is expedient that the said Commissioners, their Engineers, Agents, Workmen, and others employed by them, should be empowered to enter upon and take temporary Possession of all or any of the Lands herein-after described, for any of the Purposes herein-after mentioned, making Compensation as herein-after directed for such temporary Occupation or Damage; be it therefore enacted, That it shall and may be lawful for the said Commissioners, their Engineers and Workmen, and all others employed by them, and they and each of them are and is hereby empowered, at any Time or Times, if it shall seem expedient to the said Commissioners so to do, to enter into the Lands of the Queen's most Excellent Majesty, or of any Corporation or Person whatsoever, adjoining or lying near to the

said River *Shannon*, or adjoining or lying near to any Work or Works executed or to be executed under this Act, or which by this Act are vested in or placed under the Care of the said Commissioners, for the Purpose of making such Surveys, Examinations, and Admeasurements as to the said Commissioners shall seem expedient for the Purposes of this Act, and, if necessary, to dig and bore therein, and also to enter into and take temporary Possession of such Lands, or any Parts thereof, for the Purpose of depositing or manufacturing thereupon, or on any Part thereof respectively, any Soil, Gravel, Clay, Sand, Stone, or other Materials whatsoever which shall have been excavated, dug, or got in any of the said Works, or which may be taken or dug out of or from any Lands adjoining to the Place where the said Works or any of them shall be carried on, or which shall be necessary for carrying on, maintaining, or repairing such Works, or any of them, and to dig, cut, get, take, quarry, remove, and carry away, out of and from such Lands, any Soil, Gravel, Clay, Sand, Stone, or other Materials which can or may be got or found thereon or therein, and which may be requisite or convenient for making, maintaining, or repairing any of the said Works, and to use or make such Ways and Passages for any of the Purposes aforesaid over or across such Lands as to them shall seem expedient, they the said Commissioners, their Engineers, Agents, Workmen, and all others employed by them, doing as little Damage as may be in the Exercise of the Powers hereby granted to them, and making such Compensation as they shall think just for such temporary Occupation or Damage of the said Lands to the Owners or Occupiers thereof: Provided always, that no Compensation shall be given to any such Owner or Occupier in respect of the Value of any Stones, Gravel, or other Materials, but simply for the Waste committed by breaking the Surface and making a Passage through the Land, unless Quarries and Gravel Pits have been specifically demised to him in the Lease he holds of the Lands, with Liberty to sell and dispose thereof: Provided also, that before it shall be lawful for the said Commissioners to make such temporary Use as aforesaid of such Lands, the said Commissioners shall and they are hereby required to give at least Three Days Notice of such their Intentions to the Owners or Occupiers of such Lands, Tenements, or Hereditaments; and provided also, that the said Commissioners, or Persons acting under them, shall set apart, by sufficient Railings or Fences, if required by the Owners or Occupiers so to do, so much of the Lands, Tenements, or Hereditaments as shall be required to be so used as aforesaid, from the other Lands adjoining thereto, and shall, in case any Pit or Hole shall be made in any Lands wherein such Materials shall be found, if the same is not likely to be further useful, cause the same to be filled up and sloped down within Fifteen Days after sufficient Materials shall have been dug thereout.

No Compensation for the Value of Materials taken, but only for the Surface Damage.

Notice to be given, and Lands fenced.

XXXVI. And be it enacted and declared, That the said River *Shannon* is and for ever hereafter shall be, to all Intents and Purposes, a public navigable River; and that all the Queen's liege Subjects may have and lawfully enjoy their free Passage in, along, through, and upon the said River *Shannon*, with Boats, Barges, Lighters, and other Vessels, and also all necessary and convenient Liberties for

The Shannon shall be a public navigable River.

navigating the same, without Let, Hindrance, or Obstruction whatever, on paying such Rates, Tolls, and Duties as are by this Act appointed to be paid, and complying with such Rules, Orders, Regulations, and Bye Laws as shall be made by the said Commissioners under the Provisions of this Act: Provided always, that nothing herein contained shall be construed to exempt any Person or Thing from the Payment of any Tonnage, Quayage, Rateage, or other Dues payable under an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Erection of a Bridge across the River* Shannon, *and of a Floating Dock to accommodate sharp Vessels frequenting the Port of* Limerick, and of an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act passed in the Fourth Year of the Reign of His late Majesty King* George *the Fourth, intituled 'An Act for the Erection of a Bridge across the River* Shannon, *and of a Floating Dock to accommodate sharp Vessels frequenting the Port of* Limerick,' or from Compliance with any Rules or Regulations imposed or to be imposed by the Commissioners appointed under the said Two last-mentioned Acts.

4 G. 4. c. xciv.

4 & 5 W. 4. c. lxxxiv.

Care and Conservancy of the River Shannon vested in the Commissioners.

XXXVII. And be it enacted, That the Care and Conservancy of the said River *Shannon*, and of such of the Rivers which flow into it as shall from Time to Time be made navigable or improved by the Commissioners for the Execution of this Act, within such Limits as shall be defined under the Provision herein-after contained, and of the several Works which shall be vested in the said Commissioners, or shall be executed under this Act for the Improvement of any of the Rivers aforesaid, or for any other Purpose authorized by this Act, and also of all such Canals, Locks, Harbours, Wharfs, Landing Places, Piers, Quays, and other Matters as are or shall be vested in the said Commissioners, or shall be made by them for the Improvement of the Navigation of any of the Rivers aforesaid, or in connexion therewith, shall, from and after the Expiration of Three Months from the passing of this Act, and after Payment of the Sums respectively awarded for the Purchase of or as Compensation for any of the Matters aforesaid, (if the same be payable under the Provisions of this Act,) be vested exclusively in the Commissioners for the Execution of this Act; and that all Property, Estate, Right, Title, and Interest, Powers, Authorities, and Privileges in, over, or relating to the River *Shannon*, or any of the Canals or Rivers aforesaid, heretofore given to or vested in any Company, Corporation, or Person mentioned in any of the said Awards by any Act or Acts, or otherwise howsoever, shall thenceforth cease and be void.

No Weirs or other Obstructions shall be placed in the Navigation without the Consent of the Commissioners.

XXXVIII. And be it enacted, That it shall not be lawful for any Person whomsoever, from and after the passing of this Act, to make or erect, alter, raise or enlarge, any Weir, Dam, Watercourse, or other Matter or Thing in the said River *Shannon*, or in any of the Rivers aforesaid, within the Limits which shall be defined as herein-after directed, or to divert the Waters of any of the said Rivers, or to introduce into the same respectively any other Waters or Drainage which in the Opinion of the said Commissioners may prove injurious

to the Navigation thereof, or to the Drainage to be effected under this Act, or to fish upon or from any of the Weirs or any Dams or other Work or Works which shall be erected by the said Commissioners, without the Consent of the said Commissioners, which Consent shall be signified by Warrant under the Hands and Seals of Two or more of them, and which Consent shall continue in force for Three Years, and not for any longer Period; and every Person who shall offend against any of the Provisions aforesaid, being convicted thereof before any Justice or Justices of the Peace where such Offence shall be committed, by the Oath of One or more credible Witness or Witnesses, shall for each such Offence be fined by such Justice or Justices a Sum not exceeding Ten Pounds, to be levied in such Manner as is herein-after directed with respect to Fines to be imposed by any Justice or Justices.

Commissioners shall cause the Limits of the River to be defined.

XXXIX. And be it enacted, That the said Commissioners shall, within Six Months from the passing of this Act, or at such other Time or Times as shall seem to them most expedient, fix and determine the Limits of the said River *Shannon*, and such of the Rivers aforesaid, or Parts thereof, as shall be improved under this Act, as to them shall seem expedient, within which all the Powers and Authorities by this Act given to the said Commissioners for the Care and Conservancy of the said Rivers respectively shall and may be exercised; and a printed Notice giving such Description of the Limits so fixed, with such Map or Plan thereof as to the said Commissioners shall seem expedient, shall be posted on each Toll House on or near the said River *Shannon*, and such of the Rivers aforesaid as to them shall seem expedient, and at every Place where a Table of the Tolls or Rates to be taken on the said River respectively shall be posted, and at such other Places as to the said Commissioners shall seem expedient.

Commissioners shall cause Surveys and Maps of the Mills and all Weirs and Dams thereon to be made.

XL. And be it enacted, That the said Commissioners, at such Time and Times as to them shall seem expedient, and from Time to Time, shall cause Surveys to be made of the said River *Shannon*, or of any of the Rivers aforesaid, or of any Parts thereof respectively, and shall, if it seem expedient to them so to do, cause Maps or Plans to be made of the said River, or of any of the Rivers aforesaid, or of such Parts thereof as to them shall seem expedient, and shall in such Maps or Plans, or in the Maps or Plans heretofore made of such, accurately describe the several Weirs, Dams, Watercourses, and other Matters and Things which shall then be or stand or be placed or erected in the said River *Shannon*, or any of the Rivers aforesaid, or such Parts thereof as aforesaid; and the said Commissioners shall cause Copies of such Maps or Plans, or of the Maps or Plans heretofore made, or of such Plans thereof, as to them shall seem expedient, to be made and deposited in such and so many convenient Places in the Vicinity of such Rivers as they shall think proper, there to remain open to public Inspection at all reasonable Times for Three successive Weeks, and shall cause Notices of the Place or Places where the same may be deposited to be posted in the usual Places for posting Grand Jury Notices in each adjacent Barony or Half Barony, and a like Notice to be inserted once in each Week for

for Three successive Weeks in the *Dublin Gazette*; and the said Commissioners shall have Power during such Three Weeks to alter and amend such Maps, Plans, and Copies, according to any Evidence which shall be produced before them, or otherwise as to them shall seem expedient; and from and after the Expiration of such Three Weeks any such Map, Plan, or Copy as aforesaid, signed by the said Commissioners, shall be Evidence in any Court whatsoever that the Weirs, Dams, Watercourses, and other Matters or Things therein described existed, at the Time of the making such Maps, Plans, or Copies, in the respective Rivers therein named, and that the same were respectively of the Height, Extent, and Dimensions therein respectively described, and shall also be Evidence that no other Weirs, Dams, Watercourses, or other Matters or Things existed in any of such Rivers, or of such Parts thereof as aforesaid, save and except those contained or described in such Maps, Plans, or Copies thereof.

Beacons and Lighthouses may be erected.

XLI. And be it enacted, That it shall and may be lawful for the said Commissioners from Time to Time to erect and maintain any Beacons or Lighthouses, or other Matters or Things, which to them shall seem expedient for the Purposes of the said Navigation, upon any Lands adjoining or near to the said River *Shannon*, or any of the Rivers aforesaid, they the said Commissioners paying such Compensation for any Loss or Damage caused thereby to the Owners or Occupiers of such Lands, as to the said Commissioners, after due Examination and Inquiry, shall seem just and reasonable.

Commissioners to widen, deepen, &c. the Rivers, and remove all Obstructions; and to erect Weirs, Dams, &c.

XLII. And be it enacted, That the said Commissioners for the Execution of this Act shall have full Power to widen or deepen, cleanse, clear, scour, open, or straighten, and to remove all Obstructions, in the Opinion of the said Commissioners injurious to the Navigation thereof respectively, from the said River *Shannon*, or any of the Canals or Rivers aforesaid, by any Ways or Means which to them shall seem expedient, and to make and erect, in or on the said River *Shannon*, or in or on any of the Rivers aforesaid, or upon the Lands adjoining or contiguous to the same or to any of them, such and so many Weirs, Dams, or Engines, Landing Places or other Matters or Things, for the Purpose of improving the Navigation of the said River *Shannon*, or any of the Rivers aforesaid, or for the Drainage to be effected under this Act, or for any of the other Purposes of this Act, as to the said Commissioners shall seem expedient.

Power to weigh and draw up sunk Boats at the Expence of the Owners.

XLIII. And be it enacted, That if any Boat or other Vessel shall happen to be sunk in the said River *Shannon*, or in any of its Lakes or Canals, or in any of the Rivers aforesaid, and the Owner or Person having the Care thereof shall not without Loss of Time weigh or draw up the same, any Agent or Servant of the said Commissioners may cause such Boat or Vessel to be weighed or drawn up, and detain the same until Payment be made of all Expences occasioned thereby; and if such Payment be not made in Twenty-one Days after a Notice demanding Payment shall have been served upon such Owner or Person having the Care thereof, or posted on such Boat or Vessel, the

the said Commissioners shall cause Sale to be made thereof for reimbursing the said Expence or incident Charges, and shall return the Overplus (if any) to the Owner of such Boat or Vessel.

Commissioners to sell or demise Lands, Mill Sites, &c.

XLIV. And be it enacted, That it shall and may be lawful for the said Commissioners from Time to Time to sell and dispose of, or to demise for such Term as to them shall seem expedient, all or any Part of the Lands, Tenements, or Hereditaments which shall be vested in them as such Commissioners, and all or any of the Mills, Buildings, or Erections which are now or shall hereafter be built or erected thereon, and all such Weirs, Milldams, and Watercourses in or near the said River *Shannon*, or any of the Rivers aforesaid, and all such Mill Sites as shall be vested in the said Commissioners, together with such Water Power for the Use thereof respectively, as to them shall seem expedient, and also to let or sell all such redundant Water in the said River *Shannon*, or so much thereof as they shall judge expedient, for Bleach Green, Mills, or Manufactures or other Use whatsoever, and also all Fisheries and Rights of fishing which are or shall under the Provisions of this Act, or otherwise, be vested in them: Provided always, that it shall be lawful for any Person or Persons whatsoever in whom any Right of fishing in the said River *Shannon*, or in any of the Rivers aforesaid, now is or hereafter shall be vested, to exercise such Right by any Ways or Means which the said Commissioners shall deem not injurious to the Navigation of any of the said Rivers, or to the Drainage to be effected under this Act, as long as such Right shall continue to be legally vested in such Person or Persons.

Power to Commissioners to take Tolls, &c.

XLV. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time and at all Times hereafter to demand, receive, levy, and take, upon or along the said River *Shannon*, or any of its Canals, or any Part of the Navigation thereof, or upon any of the Rivers which shall be improved by the said Commissioners under the Provisions of this Act, the Rates or Tolls herein-after mentioned, and to compound with any Person or Persons whatsoever for any Sum or Sums whatsoever in lieu of the Tolls or Rates payable under this Act; and it shall be lawful for the said Commissioners to fix the Time or Times respectively from and after which such Tolls, Rates, or Compositions shall be payable.

Tolls.

XLVI. And be it enacted, That the Sums which shall be payable for such Rates or Tolls shall not exceed the Sums following; (that is to say,)

For and in respect of every Ton Weight of Slates, Tiles, Bricks, Coal, Pig Iron, Bar, Rod, Hoop, Sheet, and all other Descriptions of Wrought Iron not made into Articles of Merchandize, Charcoal and Clay, with which any Boat or Vessel navigating the said River *Shannon*, or any Canals or Waters within the Limits of the said Commissioners Authority, shall be laden, for every Statute Mile navigated by such Boat or Vessel, a Sum not exceeding One Halfpenny:

For and in respect of every Ton Weight of Articles or Merchandize of any other Description (other than those next herein-after mentioned)

tioned) with which any Boat or Vessel so navigating as aforesaid the River *Shannon*, or any Canals or Waters within the Limits of the Authority of the said Commissioners, shall be laden, for every Statute Mile navigated by such Boat or Vessel, a Sum not exceeding One Penny:

For and in respect of every Boat or Vessel laden with Lime to be used as Manure, Dung, Compost, or other Manure, Lime to be used otherwise than as Manure, Limestone, Building Stone, Turf, Sand, Gravel, or Materials for the Repair of public or private Roads, which shall navigate the said River *Shannon* or any such Canals or Waters as aforesaid, for every Ten Statute Miles navigated by such Boat or Vessel, a Sum not exceeding Two Shillings and Sixpence:

For and in respect of every Boat or Vessel not laden, in whole or in part, with Merchandize or other Articles as aforesaid, which shall navigate the said River *Shannon* or any such Canals or Waters as aforesaid, for every Time which such Boat or Vessel shall pass through a Lock, a Sum not exceeding One Shilling:

And for every Time such Boat or Vessel last aforesaid shall require a Swivel Bridge to be opened, a Sum not exceeding Two Shillings and Sixpence.

Limitation of Tolls.

XLVII. And be it enacted, That every Boat or Vessel herein-before charged with a Tonnage Rate shall not in any Event be liable to pay in respect of any One Voyage a greater Amount of Toll than Two Shillings and Sixpence *per* Ton, and that every Boat or Vessel herein-before charged with a Rate *per* Boatload shall not in any Event be liable to pay in respect of any One Voyage a greater Amount of Toll than Four Shillings: Provided always, that no Toll or Rate whatsoever shall be rated, levied, or imposed by the said Commissioners under this Act upon Steam Vessels employed in towing Boats or Barges, and not carrying at the same Time Goods, or upon any Boat or Vessel, whether laden or unladen, for or in respect of any Distance navigated by such Boat or Vessel in or upon *Lough Derg*, *Lough Ree*, and *Lough Allen*, or any of them, or any Part of the said River *Shannon* from the Canal at *Limerick* to the Sea.

Commissioners to fix Rates of Wharfage and Quayage.

XLVIII. And be it enacted, That it shall be lawful to and for the said Commissioners to demand, receive, levy, and take such Rates for Wharfage and Quayage at all Piers, Harbours, Landing Places, Quays, or Wharfs vested in them, or to be built or erected under the Provisions of this Act, as they shall from Time to Time fix and appoint, with the Consent and Approbation of the Commissioners of the Treasury.

Tolls may be raised or lowered.

XLIX. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time as they shall think fit, with the Approbation of the said Commissioners of the Treasury, to reduce all or any of the Rates or Tolls by this Act authorized to be taken, and afterwards from Time to Time to raise the same or any of them, and then to take such higher Rates, provided the same respectively shall not at

any Time exceed the Amount by this Act authorized: Provided also, that if any such Rates or Tolls shall have been let or demised by the said Commissioners, no Alteration shall be made in the Sums payable for the same during the Continuance of such Lease or Demise, unless with the Consent in Writing of such Tenant or Lessee.

If Disputes should arise about the Amount of Tolls, the Collectors may weigh the Goods.

L. And be it enacted, That if any Dispute or Difference shall arise between the Collectors of the Rates and Tolls made payable by this Act, and the Owner, Master, or Person having charge of any Ship, Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, and Merchandize or other Things chargeable with or liable to the Payment of any of the said Rates or Tolls, concerning the Weight and Quantity of the same, it shall and may be lawful for such Collector to stop and detain any such Ship, Boat, Barge, or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, and Merchandize or other Things as shall be in any Vessel or Vessels, where and when any Dispute shall arise; and in case such Goods, Wares, and Merchandize or other Things shall, upon such weighing, measuring, or gauging, appear to be as much Weight, Measure, or Quantity as or of greater Quantity than such Collector did insist and affirm the same to be before the weighing, measuring, or gauging thereof, so as to make the same chargeable with or liable to the Payment of as much Money as or more Money than was demanded by the Collector before the weighing, measuring, or gauging of such Goods, Wares, and Merchandize or other Things, then and in such Case the Master or Owner of such Ship, Boat, Barge, or other Vessel, or the Owners of such Goods, Wares, and Merchandize so weighed, measured, or gauged, shall pay the Costs and Charges of such weighing, measuring, or gauging thereof; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered as the Rates and Tolls made payable in and by this Act are appointed to be recovered; but in case such Goods, Wares, and Merchandize or other Things shall, upon such weighing, measuring, or gauging, appear to be of no greater Weight or Quantity than the Master or Owner declared the same to be before the weighing, measuring, or gauging thereof, then and in such Case such Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay the Master or Person having the Charge of such Ship, Boat, Barge, or other Vessel, or to the Owner or Owners of such Goods, Wares, and Merchandize, One Shilling for every Hour that such Ship, Boat, Barge, or other Vessel shall be detained by occasion of such weighing, measuring, or gauging, and so in proportion for any greater or less Time than an Hour; and in default of immediate Payment thereof the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, or of any Lessee of such Rates or Tolls by whom such Collector may have been employed, by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the County, Liberty, or Place where such Collector shall reside, rendering the Overplus to the Owner or Owners thereof, after such Distress and Sale made, if any be.

A List of the Rates, Tolls, &c. to be affixed in conspicuous Places.

LI. And be it enacted, That the said Commissioners shall cause to be painted on Boards, and to be affixed, and continued and renewed as often as the same shall be obliterated or defaced, to or upon every Toll House or Building at which any of the Rates or Tolls by this Act authorized shall be collected or received, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates and Tolls which the said Commissioners shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act.

Enforcing the Payment of Rates and Tolls.

LII. And be it enacted, That it shall and may be lawful for the said Commissioners to appoint sufficient Collectors and Agents for the Purpose of receiving the Tolls and Rates payable under this Act; and in case of Refusal or Neglect, on Demand, to pay such Rates or Tolls as have accrued due unto the respective Persons appointed to receive the same as aforesaid, the said Commissioners may, in case such Tolls shall amount to or exceed the Sum of Twenty Pounds, sue for and recover the same, by an Action of Debt or on the Case, in any of Her Majesty's Courts of Record, or by Civil Bill; or the Person to whom such Rates or Tolls ought to have been paid may and he is hereby empowered, whether such Rates or Tolls shall amount to Twenty Pounds or not, to seize the Goods, Articles, or other Things for or in respect whereof any such Rates or Tolls ought to be or ought to have been paid, or any Part thereof, and the Vessel laden therewith, or any other Goods, Articles, or Things belonging to the Person liable to pay such Rates or Tolls, and detain the same until such Payments shall be made, together with all reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within Twenty-one Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent, and such Rates, Tolls, and Charges satisfied thereout.

Leasing the Rates and Tolls.

LIII. And be it enacted, That it shall be lawful for the said Commissioners (if they shall think fit), by public Bidding, from Time to Time to let all or any of the Tolls or Rates payable under the Provisions of this Act for Terms not exceeding Three Years, on such Conditions, and with such Security for the Payment of the Rent reserved on such Lease, as the said Commissioners, with the Consent and Approval of the said Commissioners of the Treasury, shall deem expedient; and every such Lease shall be valid; and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates or Tolls so let, shall have the same Powers and Authorities for collecting and recovering the same as are herein-before by this Act given to the said Commissioners and the Person or Persons appointed by them to collect such Tolls and Rates.

Power of Re-entry in case of Non-performance of the Conditions of Leases, &c.

LIV. And be it enacted, That in case any of the Rates or Tolls by this Act authorized to be taken shall be demised or let, and the Lessee thereof shall refuse or neglect to perform the Terms and Conditions on which the same shall be so demised or let, or any of them; or in case all or any Part of any Rent agreed to be paid by any such Lessee shall be in arrear or unpaid for the Space of Twenty Days next after any of the Days on which the same ought to be paid pursuant

pursuant to the Lease or Demise of such Rates or Tolls; or in case any Collector of any of the said Rates or Tolls appointed by the said Commissioners as aforesaid shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family or any Representative of any such Collector, or any other Person, being in Possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Office, or other Building, with the Appurtenances thereto respectively belonging, to be erected or provided under the Powers or used for the Purposes of this Act, within the Space of Seven Days next after a Demand thereof in Writing, signed by any Two of the said Commissioners, shall be given to him, or affixed to such Toll House, Office, or Building; or in case any such Lease or Demise shall in any Manner become void or voidable; then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace acting within their Jurisdiction, upon any Application made by the said Commissioners, by Warrant under the Hands and Seals of the said Justices, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any such Toll House, Office, or other Building, with the Appurtenances, and to remove and put such Lessee, Collector, or other Person as shall be found therein, together with his Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates or Tolls, and to put the said Commissioners, their Agent or their new Lessee or Collector, into the Possession thereof; and thereupon it shall be lawful for the said Commissioners to vacate and determine the Lease and Demise or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements unperformed by the said Lessees); and it shall be lawful for the said Commissioners in every such Case, either during such Proceedings or on the Termination thereof, again to demise or let the said Tolls or Rates in such and the same Manner as if no former Demise or Agreement had been made with respect thereto.

In what Manner the Income received by the Commissioners shall be disposed of.

LV. And be it enacted, That all Sums received by the Commissioners for the Execution of this Act on account of such Rates and Tolls as aforesaid, and all Rents or other Monies received by the said Commissioners for or in respect of any Lands, Tenements, or Hereditaments, or otherwise, under the Provisions of this Act, shall be paid into the Bank of *Ireland* to the Credit of the said Commissioners, and shall be applied in the first instance towards keeping, maintaining, and repairing the Navigation of the said River *Shannon*, or any of the Rivers which shall be improved under the Provisions of this Act, and the Wharfs, Piers, Landing Places, Quays, Harbours, and other Works connected therewith, and all Expences attendant thereon; and the Surplus, after such Expenditure, shall be applied in such Manner as Parliament shall direct.

Commissioners to make Bye Laws.

LVI. And be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to make such

Rules, Orders, Regulations, and Bye Laws as to them shall seem meet and proper for regulating the Conduct of all Officers, Workmen, and Servants employed by them, and for the well and orderly using and preserving the said River *Shannon*, and such of the Rivers or Parts thereof as shall be improved by them as aforesaid, and the several Canals and Navigations and Off-branches thereof respectively which shall be at any Time vested in them, and the Banks, Basins, Reservoirs, Tunnels, Locks, Sluices, and all other Works thereto respectively belonging, and for regulating the passing and repassing of all Ships, Boats, Lighters, Barges, and other Vessels, and the carrying of all Goods, Wares, Merchandize, and Commodities, which shall be navigated or conveyed thereon respectively, and for the orderly Behaviour of all Seamen, Boatmen, Watermen, Bargemen, and others who shall navigate such Ships, Boats, Barges, Lighters, and other Vessels upon the said River *Shannon*, or any of such Rivers or Parts thereof as aforesaid, or upon any of the said Canals or Navigations or Off-branches thereof, or who shall be employed in carrying or conveying any Goods, Wares, Merchandize, or Commodities thereon, and for the Superintendence, Management, and Conservation of the said River *Shannon*, and of such of the Rivers or Parts thereof as aforesaid, and of the said Canals and Navigations and Off-branches thereof respectively, in all other respects whatever, and from Time to Time to alter or repeal all or any of such Rules, Orders, Regulations, or Bye Laws, and to make others, and to impose such Fines and Penalties upon all Persons offending against any of such Rules, Orders, Regulations, or Bye Laws as to the said Commissioners shall seem reasonable, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Penalties to be levied and recovered, in the Manner herein-after directed by this Act with respect to any other Offences, upon the Warrant of One or more Justices of the Peace for the County where any such Offence shall have been committed, or for any adjoining County; which said Bye Laws, Rules, Orders, and Regulations shall be reduced into Writing, and signed by the said Commissioners, or any Two or more of them, and printed and published; and such of the Bye Laws, Rules, and Orders as shall subject any Person not being an Officer or Servant of the said Commissioners to any Fine or Penalty shall be painted on Boards, and hung up and affixed and continued on the Front or other conspicuous Part of the several Toll Houses to be erected on or near to the said River, and other Buildings or Places at which any Rates or Tolls shall be collected under this Act, and in such Places as to the said Commissioners shall seem fit, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Bye Laws, Rules, and Orders shall be binding upon and shall be observed by all Persons whatsoever, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same; provided that such Bye Laws, Rules, and Orders be approved of by any Two Judges of any of Her Majesty's Superior Courts of Record in *Dublin*.

Copy of Bye Laws to be Evidence.

LVII. Provided always, and be it enacted, That in all Cases of Prosecution for any Offence or Offences against any of the Bye Laws, Rules, and Orders of the said Commissioners, the Production of

of a written or printed Paper purporting to be the Bye Laws, Rules, or Orders of the said Commissioners, and authenticated by the Signatures of any Two or more of the said Commissioners, shall be Evidence of the Existence of such Bye Laws, Rules, or Orders; and it shall be sufficient to prove that a painted Board purporting to be a Copy of such Bye Laws, Rules, or Orders hath been affixed and published in manner by this Act directed, and, in case of its having been afterwards displaced or damaged, that it hath been replaced by another such Board in convenient Time after, unless Proof shall be adduced by the Defendants that such Board is not a Copy of such Bye Laws, Rules, or Orders, or hath not been duly affixed or generally continued in manner by this Act directed.

Penalty on Persons depositing Gravel, &c. so as to obstruct the River.

LVIII. And be it enacted, That if any Person shall throw or deposit any Ballast, Gravel, or other Matter or Thing, so as to interrupt or obstruct the free Passage of Water through the same or the Navigation thereof, into or in the said River *Shannon*, or any of the Cuts, Sluices, or Canals aforesaid, or any of the Rivers aforesaid, which shall have been improved by the said Commissioners under this Act, or shall, without the Consent of the said Commissioners, lay any Ballast, Gravel, Stones, Dirt, Rubbish, Lime, Timbers, or Clay on any of the Banks, Locks, or Trackways of any of the Rivers aforesaid, or if any Person shall maliciously open any Lock, Sluice, Dam, Gate, or Watercourse belonging to the said Navigation, or shall so leave any of the same open after any Boat has passed, or otherwise maliciously mis-spend or waste the Water of the said Navigation, every such Person, being convicted of any of the Offences aforesaid before any Justice or Justices of the Peace of the County where such Offence shall be committed, or of any adjoining County, by the Oath of One or more credible Witness or Witnesses, shall be fined by such Justice or Justices a Sum not exceeding Five Pounds, to be levied in such Manner as is herein-after directed with respect to the levying any Fine imposed by any Justice or Justices.

If any Nuisance be continued after Notice, it shall be considered a new Offence.

LIX. And be it enacted, That if any Nuisance or Impediment to the Navigation aforesaid, or any other Offence against or Breach of any Rule, Order, Regulation, or Bye Law which shall be made as aforesaid, or any of the Provisions of this Act, shall be continued, or shall not be abated, removed, or discontinued, within Seven Days after Notice in Writing signed by the said Commissioners, or by any Person acting under them, shall have been served on or left at the usual Place of Abode of the Person or Persons so continuing such Nuisance, Impediment, Offence, or Breach, requiring him or them to discontinue the same, every such Continuation shall be deemed and taken to be a separate and distinct Offence within the Meaning of this Act; and it shall and may be lawful for such Justice or Justices as aforesaid to impose a Fine or Penalty not exceeding Five Pounds for each and every such Continuation.

Penalty on Persons assaulting Officers and others en-

LX. And be it enacted, That if any Person or Persons shall wilfully prevent, assault, or threaten to assault any of the Commissioners for the Execution of this Act, or any Engineer or other Officer, Servant, or Workman acting in aid or under the Orders of any such Commissioner

gaged in the Works, &c.

sioner in the Execution of any of the Powers given by this Act, or shall wilfully destroy or injure any of the Instruments, Tools, or Implements of the said Commissioners, or of any of them, or of any Person or Persons employed by them or any of them in the Execution of any of the Works under this Act, or shall injure, damage, or destroy any of the Piers, Quays, Landing Places, Wharfs, Beacons, or Lighthouses, or any Work or Works, or any Part thereof, executed or in progress or which shall have been executed under this Act, or any of the Materials for the Execution thereof, or shall persist in doing, after having been required by the said Commissioners or any of them, or any Person acting under them, not to do or continue to do, any Matter or Thing injurious to any of the Works erected or in progress under this Act, or shall do any other Matter or Thing prohibited by any of the Provisions of this Act, any Person so offending shall forfeit and pay for every such Offence, upon Conviction thereof by the Oaths of One or more credible Witness or Witnesses before any Justice or Justices of the Peace for the County wherein such Offence shall have been committed, such Sum, not exceeding Five Pounds, as such Justice or Justices shall think fit.

Mode of levying Fines by Justices.

LXI. And be it enacted, That in all Cases in which any Fine or Fines shall be imposed by any Justice or Justices under this Act it shall and may be lawful for such Justice or Justices by whom the same shall be imposed, and he or they are hereby required, except in the Cases herein-after mentioned, from Time to Time to issue his or their Warrant or Warrants under his or their Hands and Seals, and Renewals thereof, until the full Amount of such Fine or Fines shall be levied, (directed to any Constable or Constables appointed under an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, and intituled *An Act to consolidate the Laws relating to the Constabulary Force in* Ireland, or to any Bailiff or Bailiffs to be appointed by the Commissioners for the Execution of this Act,) commanding him or them to levy such Fine and Fines by Distress and Sale of the Offender's Goods, together with the reasonable Charges of every such Distress and Sale, returning the Overplus (if any) to the Owner; and all such Constables and Bailiffs are hereby empowered and required to execute the same.

6 & 7 W. 4. c. 13.

Mode of levying Fines imposed by the Bye Laws.

LXII. And be it enacted, That in case any Fine, Penalty, or Forfeiture which shall be imposed or incurred under this Act shall not be forthwith paid, it shall be lawful for the Justice of the Peace by whom the same shall be imposed to order the Offender or Offenders on whom the same shall be imposed to be detained in safe Custody until Return can be conveniently made to their Warrant or Warrants of Distress which shall be issued for the levying thereof, unless such Offender shall give sufficient Security, to the Satisfaction of such Justices or other Persons, by Recognizance or otherwise, for his Appearance before such Justice, or before some other Justice of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant or Warrants of Distress, such Time not being more than Forty-eight Hours from the making of such Security; but if upon Return of such Warrant

or Warrants it shall appear that no sufficient Distress could be had whereupon to levy the said Fines, Penalties, or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be paid forthwith, or in case it shall appear to the Satisfaction of such Justice, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justice shall not be required to issue such Warrant of Distress, but he is hereby authorized and empowered, by Warrant under his Hand and Seal, to commit such Offender to some Common Gaol or House of Correction for the County or Place within which such Offence shall be committed, there to remain for any Time not exceeding One Calendar Month, or until such Penalty or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or until such Offender shall be otherwise discharged by Law.

In case no sufficient Distress, Offender to be imprisoned.

LXIII. And be it enacted, That all Justices of the Peace before whom any Person shall be convicted in respect of any Offence against this Act shall cause the Conviction to be drawn up in the following Form, or in any other Form to the same Effect, as the Case may require:

Form of Conviction.

'County of } BE it remembered, That on the
'to wit. } Day of in the Year of our Lord
'*A. B.* is convicted before me *C. D.*, One of Her Majesty's Justices
'of the Peace for [*specifying the Offence, and the Time*
'*and Place when and where the same was committed*], contrary to
'an Act passed in the Year of the Reign of Queen *Victoria*,
'intituled [*state the Title of this Act*]. Given under my Hand and
'Seal the Day and Year first above written.'

And no Objection for Want of Form shall be allowed to any such Conviction, nor shall the same be removeable by Certiorari or otherwise into any other Court.

LXIV. And be it enacted, That the said Commissioners for the Execution of this Act shall, in sufficient Time before each Assizes in each Year, cause an Account to be taken of all Monies which shall have been issued to them by the said Commissioners of the Treasury, in Exchequer Bills or Cash, for the Purposes of this Act, up to the Day on which such Account shall be so taken from the Commencement of this Act, or from the last preceding Account, and shall, having regard to the Awards made or to be made by them as hereinbefore mentioned, and to the Provisions of this Act, ascertain the Amount of such Monies repayable by any of the Counties or Parts thereof named in the said Awards, and having ascertained the Amount so to be repaid on each such Occasion as aforesaid the said Commissioners shall cause a Certificate under the Hands of any Two or more of them, specifying the Sum to be presented at the next ensuing Assizes by the Grand Jury of any such County, to be transmitted to the Secretary of the Grand Jury of such County; and it shall be lawful for the said Commissioners to specify what Part, if any, of such Sum shall be raised or levied upon any Barony or Baronies, Half

The Commissioners shall ascertain the Sums repayable by the Counties, and shall issue their Certificates to the Grand Juries, in order that the same may be levied.

Barony or Half Baronies, District or Districts, in such County, or upon such County at large; and each such Secretary is hereby respectively required to lay such Certificate before the Grand Jury for the County of which he shall be Secretary at the next ensuing Assizes.

Grand Jury required to present the Sum in Certificate.

LXV. And be it enacted, That the Grand Jury of each such County shall, upon such Certificate being laid before them by such their Secretary, and without Application to Presentment Sessions, and they are hereby required to present the Sum or Sums mentioned in such Certificate to be levied and raised off such County at large, Barony or Baronies, or Half Barony or Half Baronies, or District or Districts, in such County, pursuant to such Certificate; and in case any Grand Jury shall at any Time or Times neglect or refuse to present the Sum mentioned in any such Certificate, then and in every such Case the Court shall and may at such Assizes make an Order directing that the Treasurer for such County shall insert such Sum in his Warrant for levying the Money presented at such Assizes, and such Order shall have the Force and Effect of a Presentment, and the Treasurer shall, without further Authority or Presentment in that Behalf, insert the same in his Warrant accordingly; and the Sum inserted in such Warrant by Order of the Court as aforesaid shall be raised and levied from and off the County at large, or from and off the Barony or Baronies, Half Barony or Half Baronies, District or Districts, named in such Certificate and Order, as if the same had been duly presented by the Grand Jury.

Treasurer shall pay the Instalment into the Bank of Ireland to the Credit of the Commissioners.

LXVI. And be it enacted, That each such Treasurer shall pay the Sum mentioned in each such Certificate, when and as the same shall be levied and received by him, to such Bank or Person and in such Manner as the said Commissioners of the Treasury shall direct and appoint, for the Purpose of being transferred and remitted to the Receipt of Her Majesty's Exchequer at *Westminster*; and that there shall be provided and kept in the Office of the Auditor of the Receipt of the said Exchequer at *Westminster*, a Book or Books in which all the Monies so remitted and transferred as aforesaid shall be entered separate and apart from all other Monies paid into the said Receipt upon any other Account whatever; and that all Monies so transmitted and transferred as aforesaid shall be subject and liable to pay off and discharge, so far as the same will extend, all the Exchequer Bills to be made out and issued by virtue of this Act, with such Interest as shall be payable thereon, at the respective Days and Times and in the Order and Course in which the same may be directed to be discharged; and all such Exchequer Bills and Interest as aforesaid shall be and are hereby charged and chargeable upon and shall be repaid and borne by and out of the first Monies that shall be so transferred and remitted, and also to repay and replace all such Sums, if any, as shall be advanced out of the Consolidated Fund for the Purposes of this Act.

The Commissioners may make Arrangements with

LXVII. And whereas by certain Awards made under the Provisions of the said recited Act it has been determined that the Expence of certain Works therein mentioned shall be in part repaid by the Owners of individual Estates particularly benefited thereby, and

it is expedient to make Provision for the Payment of the Contributions so to be made by the Owners of individual Estates towards the repaying the Expences of such Works, and to enable Tenants for Life and others having only particular Estates, or under Incapacity, to raise Money for such Purpose; be it therefore enacted, That in the Case of each and every Work towards repaying the Expence whereof it shall have been determined by any Award made under the Provisions of the said recited Act, or to be made under the Provisions of this Act, that the Owner or Owners of any individual Lands, Tenements, or Hereditaments shall be charged with any particular Contribution, it shall be lawful for the said Commissioners to enter into such Contracts as they shall think proper with the Owners of such Estates for the Payment, with Interest at such Rate as they shall fix, with the Consent of the said Commissioners of the Treasury, by Instalments or otherwise, of the Proportion of the Expence by such Awards appointed to be contributed by the Owners of such Estates; and the Commissioners for the Execution of this Act shall have all such Powers for enforcing the due Performance of such Contracts, and for the Recovery of any Sums agreed to be paid by such Owners of Estates, as are given to and vested in the Commissioners appointed under an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, and intituled *An Act for the Extension and Promotion of Public Works in* Ireland, enabling them to recover any Sums lent by them under the Provisions of the said Act.

the Owners of Estates with respect to the Mode in which they shall repay Advances for particular Works.

1 & 2 W. 4. c. 33.

LXVIII. And be it enacted, That it shall and may be lawful for any Corporation, Lay or Ecclesiastical, Sole or Aggregate, and for the Husbands, Guardians, Trustees, Committees, or Attornies of or acting for the Owners or Proprietors of, or any Company or Companies, or Directors thereof for the Time being, interested in any Lands, Tenements, or Hereditaments through, upon, or adjoining to which any of the Works last aforesaid shall be executed under the Powers of this Act, being under Coverture, Minors, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and to and for the Owners and Proprietors of all such Lands, Tenements, or Hereditaments, being Tenants in Tail or for Life, or Tenants in Tail after Possibility of Issue extinct, or Tenants in Dower, and to and for every of them for the Time being, with the Sanction and Consent of the Commissioners for the Execution of this Act first had and obtained, by Indenture or Indentures under their respective Hands and Seals (and to which Indenture or Indentures One of the said Commissioners shall be an executing Party for the Purpose of signifying such Sanction and Consent as aforesaid), from Time to Time to charge the Inheritance of the said Lands, Tenements, or Hereditaments, and of all or any other Lands, Tenements, or Hereditaments in *Ireland* standing settled therewith to the same Uses, Intents, and Purposes, with any Sum or Sums of Money which shall be advanced or applied by him, her, or them respectively in or towards Payment of his, her, or their Contribution to the Execution of such Work or Works as aforesaid, together with Interest at any Rate not exceeding Six Pounds *per Centum per Annum*, and for securing the Repayment

Tenants for Life and incapacitated Persons may charge the Inheritance with Money to be advanced for any of the Works.

Repayment of such Sum or Sums of Money, with Interest as aforesaid, to grant, mortgage, lease, or demise, or otherwise subject the said Lands, or any other Lands, Tenements, or Hereditaments in *Ireland* standing settled therewith to the same Uses, Intents, and Purposes, or any Part thereof respectively, to any Person or Persons who shall advance such Sum or Sums of Money respectively in Fee or for any Term of Years; and every such Charge, Grant, Mortgage, Lease, or Demise as aforesaid shall be good, valid, and effectual in Law for the Purposes hereby intended, and shall take Priority of all Charges and Incumbrances whatsoever or wheresoever made: Provided always, that the Person or Persons entitled in Reversion or Remainder to the Lands, Tenements, or Hereditaments comprised in such Indenture or Indentures shall not be liable, upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest than for Six Months preceding the Time that his, her, or their Title to such Possession shall have commenced.

No Action to be brought against Commissioners without Twenty Days previous Notice.

LXIX. And be it enacted, That no Action or Suit shall be commenced against the Commissioners for the Execution of this Act, or any of them, or against any Person or Persons whatsoever acting under them, for any thing done by virtue of or in pursuance of this Act, until Twenty Days Notice thereof in Writing shall have been given to the Solicitor for the Time being of the said Commissioners, nor after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Months next after the Fact committed; and the Venue in such Action shall be laid and such Suit shall be brought in the City of *Dublin*, and not elsewhere; and the Defendant or Defendants in 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 held thereupon, and that the same was done in pursuance and by the Authority of this Act; and if any Replevin shall be brought for any Cattle, Goods, or Chattels seized or taken by virtue or in pursuance of this Act, it shall and may be lawful and sufficient to and for any Person or Persons who shall be a Defendant or Defendants or Avowant or Avowants in any such Replevin to avow, plead, or make cognizance generally that he or they took the same Cattle, Goods, or Chattels as a Distress by force of the Statute in that Case made and provided, without more particularly setting forth this Act, or the Cause of making or detaining the said Distress, or making any other more special Plea, Avowry, or Cognizance, any thing herein contained to the contrary notwithstanding; and if it shall appear that the Matter on which the Cause of Action arose was done or that the Distress replevied was made in pursuance and by Authority of this Act, or if such Action or Suit shall be brought without Twenty Days Notice thereof, or shall be brought in any other County or Place, or after a sufficient Satisfaction made or tendered as aforesaid, that then the Jury shall find for the Defendant or Defendants or Avowant or Avowants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his or her or their Action, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants, Avowant or Avowants, shall have Treble Costs, and shall have such Remedy for Recovery of the same as

as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

No Cause of Action to be given in Evidence not in Notice.

LXX. And be it enacted, That no Evidence shall be permitted to be given by such Plaintiff or Plaintiffs, on the Trial of any such Action as aforesaid, of any Cause of Action except such as is contained in the Notice hereby directed to be given.

Power to sue and be sued in the Name of the Secretary.

LXXI. And be it enacted, That it shall and may be lawful for the said Commissioners for the Execution of this Act, in any Case in which it may become necessary, to sue and be sued in the Name of their Secretary for the Time being; and that no Action or Suit at Law or Equity to be brought or commenced by or against the said Commissioners, or any of them, on account of this Act, in the Name of their Secretary for the Time being, shall abate or be discontinued by the Death or Removal of such Secretary, or by the Act of such Secretary without the Consent of the said Commissioners; and the Secretary for the Time being shall always be deemed the Plaintiff or Plaintiffs in such Action or Suit, as the Case may be.

Treasury may require the Commissioners under this Act to transmit Certificates of the Progress of the Works.

LXXII. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to require the Commissioners for the Execution of this Act to certify to them, in Writing under their Hands, whether the Works intended to be executed under this Act have been fully and completely executed; and the said Commissioners for the Execution of this Act are hereby required, on every such Requisition, to transmit to the said Commissioners of the Treasury a Certificate stating whether the Works intended to be executed under this Act have been fully and completely executed, or the Part or Parts of the said Works (specifying same) which still remain to be executed; and whenever it shall appear by the Certificate of the Commissioners for the Execution of this Act that the Works intended to be executed under this Act have been fully and completely executed, it shall and may be lawful for the said Commissioners of the Treasury to issue a Warrant, signed by any Three or more of them, directing that from thenceforth the Powers and Authorities of the Commissioners for the Execution of this Act shall cease and determine.

When the Works are completed the Treasury may suspend Powers of the Commissioners under this Act; and their Powers to be handed over to the Commissioners for the Execution of Public Works in Ireland.

LXXIII. And be it enacted, That from and after such Publication of the said Warrant all the Powers and Authorities hereby given to the said Commissioners for the Execution of this Act, and all the Estates, Rights, Titles, and Interests of the said Commissioners for the Execution of this Act in or to any Lands, Tenements, or Hereditaments, or any other Matter or Thing, which shall be then vested in them under and by virtue of the Powers of this Act, shall be thenceforward given to and vested in the said Commissioners for the Execution of Public Works in *Ireland*, and the Care and Conservancy of the Navigation of the said River or Rivers, and of all the Works so executed, with all the Powers and Authorities with respect thereto, shall be thenceforward solely vested in the said Commissioners for the Execution of Public Works in *Ireland*.

LXXIV. And

Construction of Terms.

LXXIV. And be it enacted, That in the Construction of this Act the Words "the said Commissioners" shall mean any Two or more Commissioners for the Execution of this Act, unless when the Nature of the Provision or the Context shall otherwise require; and the Words "Commissioners of Her Majesty's Treasury," or "of the Treasury," shall mean any Three or more of such Commissioners, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* whenever there shall be such Officer; and the Word "Hereditaments" shall extend to and include all Weirs, Dams, Mill-courses, Watercourses, Canals, Trackways, Locks, Cuts, Sluices, Piers, Harbours, Quays, Wharfs, Fisheries and Rights of fishing, Tolls, and Rates; and the Word "Person" shall extend to and include every Body Politic, Corporate, and Collegiate, and any Number of Persons associated together as a Company or Partnership; and the Word "County" shall extend to and include any County of a City and County of a Town; and every Word importing the Singular Number shall extend and be applied to several Persons or Things, as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing, as well as several Persons or Things; and every Word importing the Masculine Gender shall extend to a Female as well as a Male.

Act may be altered this Session.

LXXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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