

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

***

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever any Persons shall be desirous of undertaking the Execution of the Works provided for by this Act, and shall in manner and upon and after the Observance and Performance of the Preliminaries herein-after directed, make Application to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, if he or they shall so think fit, to issue a Commission authorizing and constituting such Persons Undertakers for the Execution of such of the Works provided for by this Act as may be included in such Application, or any of them; and such Persons, and their several and respective Successors, Executors, Administrators, and Assigns, and all and every other Person and Persons, Body and Bodies Politic or Corporate, Corporations Aggregate or Sole, who shall, according to the Conditions herein-after set forth, be or at any Time become possessed of any Part of the Joint Stock herein-after mentioned, and their several and respective Executors, Administrators, Successors, and Assigns, (so long as they respectively, or their respective Executors, Administrators, Successors, or Assigns, shall hold Shares in the said Joint Stock, and no longer,) shall be and are hereby declared, by virtue and force of such Commission as aforesaid, to be and become, from the Date of the issuing thereof, Undertakers for making, completing, and executing the Works authorized to be made, completed, and executed by the said Commission, and shall have, use, and exercise all such Powers and Authorities as herein-after appointed to be used and exercised by such Undertakers, as fully and effectually as if particularly named in this Act, and shall for those Purposes be a Joint Stock Company by the Name of "The Company of Under- "takers under an Act [*herein setting out the Title of this Act*], within "the District of [*herein setting out the Name of the District within "which the Jurisdiction of the said Undertakers is to be exercised, or "any one principal Denomination of Land lying therein*]."

Persons desirous of undertaking any Works provided for by this Act to make Application to the Lord Lieutenant, who may issue a Commission authorising the same, and constituting the Persons a Joint Stock Company.

II. And be it enacted, That it shall and may be lawful for such Persons or Bodies so constituted such Company of Undertakers as aforesaid to raise and contribute among themselves, in such Proportions as they may have severally subscribed for and agreed to advance in manner herein-after directed, such Sum or Sums of Money as shall, according to the Estimate herein-after directed to be made, be necessary for the Execution of the Works mentioned in the said Commission, and authorized to be performed thereunder; and the Money so subscribed, or such Part thereof as shall be necessary and required, shall, when paid in, be considered as a Capital or Joint Stock, and the same is hereby vested in the aforesaid Subscribers, their Executors, Administrators, Successors, and Assigns, holding for the Time being Shares in the said Stock, in proportion to the Sum he, she, or they and each of them shall have severally subscribed and contributed thereto; and the Capital Sum so raised and contributed shall be divided into such Number of Parts or Shares as may have been agreed upon in the original Agreement or Subscription herein-after directed to be made and entered into; and a sufficient Part thereof

Company may raise Subscriptions, which are to form their Capital or Joint Stock.

thereof shall be laid out and applied, in the first place, in Payment, Satisfaction, and Discharge of the Costs, Charges, and Expences attending the obtaining such Commission, and the making of the proper Surveys, Maps, Plans, Specifications, and Estimates, and the doing and providing all such Matters and Things as by this Act directed and required preparatory and previous thereto; and all the Residue of such Money, or so much thereof as shall be necessary, shall be applied and disposed of for or towards the making or completing and maintaining the Work or Works for which such Money shall have been subscribed, and the other Purposes specified in this Act.

Not to incorporate any Company of Undertakers.

III. Provided always, and be it enacted, That nothing herein contained shall extend, or be deemed, construed, or taken to extend, to render or make any Company of Undertakers constituted under any Commission as aforesaid a Body Politic or Corporate.

Company may sue and be sued in the Name of their Chairman or of any Three Members.

IV. And be it further enacted, That all Actions, Suits, and Proceedings, whether at Law or in Equity, or otherwise, to be commenced, instituted, and prosecuted or carried on by or on behalf of the said Company of Undertakers against any Person or Persons, Body or Bodies Politic or Corporate, whether such Person or Persons, Body or Bodies Politic or Corporate, is or are or shall then be a Member or Members of the said Company of Undertakers, or not, shall and lawfully may be commenced, instituted, and prosecuted, or carried on in the Name of the Person who shall be for the Time being the Chairman of the Committee of Management of the said Company of Undertakers, or in the Name of any Three Members for the Time being of the said Company of Undertakers, as the nominal Plaintiff or Party proceeding for and on behalf of the said Company of Undertakers; and that all Actions, Suits, and Proceedings, whether at Law or in Equity, or otherwise, to be commenced, instituted, and prosecuted or carried on against the said Company of Undertakers by or on behalf of any Person or Persons, Body or Bodies Politic or Corporate, whether such Person or Persons, Body or Bodies Politic or Corporate, is or are or shall then be a Member or Members of the said Company of Undertakers, or not, shall and lawfully may be commenced, instituted, and prosecuted or carried on against the Person who shall be for the Time being such Chairman of the said Committee of Management of the said Company of Undertakers, or against Three Members for the Time being of the said Company of Undertakers, as the nominal Defendant or Party proceeded against, for and on behalf of the said Company of Undertakers; and that all Prosecutions to be commenced, instituted, or carried on by or in behalf of the said Company of Undertakers against any Person or Persons for Embezzlement, Robbery, or stealing of the Monies, Goods, Effects, or Property of the said Company of Undertakers, or for Fraud upon or against the said Company of Undertakers, or for any other Crime or Offence committed against or with Intent to injure or defraud the said Company of Undertakers, shall and lawfully may be so commenced or instituted and carried on in the Name of such Chairman of the said Committee of Management of the said Company of Undertakers, or any such Three Members

Members for the Time being of the said Company of Undertakers; and in all Indictments and Informations to be had or preferred by or on the Part of the said Company of Undertakers, it shall be lawful to state the Monies, Goods, Effects, or Property of the said Company of Undertakers to be the Monies, Goods, Effects, or Property of such Chairman of the Committee of Management of the said Company of Undertakers for the Time being; and any Crime or Offence committed against or with Intent to injure or defraud the said Company of Undertakers shall and lawfully may in such Indictments or Informations be laid or stated to have been committed against or with Intent to injure or defraud such Chairman of the Committee of Management for the Time being of the said Company of Undertakers; and any Offender or Offenders may thereupon be lawfully convicted of any such Crime or Offence; and in all other Indictments, Informations, Allegations, or other Proceedings, at Law or in Equity, or otherwise, in which it would otherwise have been necessary to state the Names of the Persons composing the said Company of Undertakers, it shall and may be lawful and sufficient to state the Name of such Chairman of the Committee of Management of the said Company; and no Action, Suit, or other Proceeding to be commenced, instituted, and prosecuted or carried on by or against the said Company of Undertakers by virtue of this Act, in the Name of such Chairman of the Committee of Management of the said Company of Undertakers, shall abate or be discontinued or prejudiced by the Death, Resignation, Removal, or Disqualification of such Chairman of the Committee of Management of the said Company of Undertakers, or by any Act of such Chairman of the Committee of Management of the said Company; but the Chairman of the Committee of Management for the Time being of the said Company of Undertakers, or any Three Members for the Time being as aforesaid, shall always be deemed the Plaintiff or Party proceeding, or (as the Case may be) the Defendant or Party proceeding against, for or on behalf of the said Company of Undertakers in such Action, Suit, or Proceeding.

Company to have Power to hold and sell Lands.

V. And be it enacted, That it shall be lawful for the said Company of Undertakers and they are hereby empowered to treat and agree for the Purchase of, and to hold to them, their Successors and Assigns, for the Use of the said Undertaking, any Houses, Buildings, Lands, Tenements, and Hereditaments which may be, in the Opinion of the Engineer or Engineers employed by such Company, deemed useful or necessary for the said Undertaking, and any subsisting Leases, Terms, Estates, and Interests therein and Charges thereon, or such of them or such Part or Parts thereof respectively as the said Company of Undertakers shall think proper, and to procure Renewals of any Lease or Leases, Licence, or Liberty, and to sell and dispose of any such Lands, Tenements, or Hereditaments which such Company may be or become interested in or seised of.

Description of proposed Works, and Map, &c. to be lodged

VI. And be it enacted, That in Cases where Application is intended to be made for the Purpose of obtaining any Commission under this Act, a Description and Specification of the Work or Works intended to be undertaken thereunder, together with a Map,

Plan, and Section of the Grounds and Lands within which it is proposed to execute such Work or Works, shall be deposited for public Inspection at the Office of the Clerk of the Peace of the County or Counties and each and every of them in which such Grounds or Lands shall lie, at least Thirty Days before such Application shall be made; and such Map and Plan shall describe the Line, Course, and Situation of all Streams, Watercourses, Drains, Rivers, and Lakes which it is proposed to clear, scour, or embank, and of any and every intended Variation, Abridgment, or Enlargement of the same, and the Lands in and through which the same is intended to be made, and the Parishes, Townlands, and Baronies or Half Baronies in which the same may lie; and there shall also, in like Time and Place, be deposited a Book of Reference, containing a List or Lists of the Names of the Owners or reputed Owners and Occupiers of all such Lands respectively; and such Map and Plan shall also mark and describe the Streams, Watercourses, Drains, and Rivers which it is proposed to clear, scour, or embank; and such Section shall specify the Levels, and describe the same by Feet and Inches; and the respective Clerks of the Peace, or their Deputies, are hereby required to make a Memorial in Writing upon the Plan, Map, and Book of Reference and Section deposited with them as aforesaid, denoting the Time at which the same was and were lodged in their respective Offices, and at all seasonable Hours of the Day permit any Person to view and examine the same, and to make Copies or Extracts therefrom, such Person paying for the same the usual and accustomed Fees paid to such Clerks of the Peace for the Inspection and copying of or making Extracts from Records in their respective Offices.

with the Clerk of the Peace for Inspection 30 Days before Application made.

VII. And be it enacted, That in Cases where any such Application as aforesaid is intended to be made, a Notice of such intended Application, specifying the Names of every County, Barony, Half Barony, Townland, and Parish in which it may be proposed to exercise the Authority of the Commission to be applied for in manner aforesaid, shall be inserted Three Times, Forty Days at least before making such Application, in some one and the same Newspaper of every County in or through which any such Streams, Watercourses, Drains, Rivers, or Lakes as shall be proposed to be cleared, scoured, or embanked, or to be varied, extended, or enlarged, may run or flow, or if there is no such Newspaper printed therein respectively, then in the Newspaper of some County adjoining or near thereto; and that Notices to the like Purport and Effect, printed or written on Paper, shall be affixed on the Door of the Sessions House where the General Quarter Sessions of the Peace shall be holden for every County, Riding, or Division in or through which any such Streams, Watercourses, Drains, Rivers, or Lakes as shall be so proposed to be cleared, scoured, or embanked, varied, extended, or enlarged, shall run or flow, at least Forty Days before such Application shall be made.

Notice of intended Application to be inserted 3 Times in County Newspaper 40 Days before Application, and affixed to Doors of Sessions Houses.

VIII. And be it enacted, That the Persons or Bodies Corporate and Politic desirous of obtaining such Commission as aforesaid shall, in the first place, cause an Estimate to be made of the probable Cost and Expence of making and performing all such Work or Works as they may be desirous of undertaking, and shall enter into a Sub-

Conditions to be observed by Persons desirous of obtaining a Commission.

a Subscription, and agree to raise, if necessary, the Amount of such Estimate among themselves, in such Proportions and by such Number of Shares as they shall think convenient; and the Sum so subscribed shall constitute the Capital Stock of the Company of Undertakers created by such Commission; and such Shares so subscribed for and agreed upon shall be numbered in regular numerical Progression, and every Share for ever afterwards distinguished by the Number assigned to the same; and the said Shares shall be and they are hereby vested in the several Persons, Bodies Politic and Corporate, subscribing for and undertaking to raise and contribute the same, and their respective Executors, Administrators, and Assigns, to and for their respective Use and Benefit, according and proportionably to the Number of Shares which they shall respectively subscribe for and undertake to raise and contribute; and all Persons, Bodies Politic and Corporate, and their respective Executors, Administrators, Successors, and Assigns, who shall subscribe for any Share or Shares in the said Undertaking, and pay such Sum or Sums of Money as shall be demanded on account thereof, not exceeding in the whole their proportionable Part of the said Sum so by them subscribed towards carrying on and completing the Work or Works authorized by the said Commission to be made, shall be entitled to and receive, after the said Drainage and Embankment and other Work or Works shall be completed, a due and just Proportion, according to their respective Number of Shares, of the clear Profits and Advantages, subject to such Provisions as herein-after contained determining the same, as shall or may arise or accrue by or from the Assessment, Rates, Tolls, Duties, and other Monies to be raised, recovered, or received by virtue of this Act, according to the true Intent and Meaning thereof, and shall also from Time to Time bear and pay a like due and just Proportion of the Money required for carrying on the Drainage and Embankment and Undertaking in the Manner herein-after directed: Provided always, that nothing herein contained shall extend to charge or make liable any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be Proprietor or Proprietors of the Stock of the said Company, or Contributor or Contributors thereto, or his, her, or their Real or Personal Estate, with or for any Debt or Demand due or to become due from or by the said Company of Undertakers, or in anywise relating to the said Undertaking or any of the Matters or Things authorized by this Act to be made, done, or completed, beyond the Extent of his, her, or their Stock or Share of the Capital Stock of the said Company of Undertakers, any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Shares of Company to be Personal Property.

IX. And be it enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person and Persons, of and in the said Undertaking or the Joint Stock or Fund of the said Company of Undertakers, shall be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

Lists of assenting, dissenting, and

X. And be it enacted, That before any Application to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall

shall be made for such Commission as aforesaid, Application shall be previously made to the Owners or reputed Owners or Occupiers of all the Lands lying within the District to the Extent of which it is by such Application sought to exercise the Powers of such Commission; and that separate Lists be made of the Names of such Owners and Occupiers, distinguishing which of them, upon such Application, have assented to or dissented therefrom, or are neuter in respect thereto, and in case of Assent and Dissent, whether the same be to or from the Application for such Commission *in toto*, or the Execution of some and which of the Works proposed to be executed thereunder.

Neutral Owners and Occupiers to be made out before Application for a Commission.

XI. And be it enacted, That upon receiving the Application in Form by this Act directed, accompanied by Duplicates of the Maps, Plans, Specifications, Sections, and Lists herein-before directed to be lodged with the Clerk of the Peace, together with the Estimate herein directed to be made, and an Account of the Money subscribed for the Purpose of raising the Amount thereof, together with the Names of the Subscribers and the Sums by them subscribed respectively, the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Under Secretary, shall cause Notice of such Application to be inserted in the *Dublin Gazette*, and shall appoint some skilful Engineer to survey the Lands and Grounds in or on which it is proposed to perform the Work or Works described in such Application, and to form an Estimate of the probable Costs and Expence of executing the same, and to report the same, as well as his Opinion of the Utility of the said proposed Work or Works and each and every of them; and if such Report shall recommend such Work or Works or any of them, and shall approve the Estimate of the Cost of making and executing the same, it shall and may be lawful for the said Commission to issue, and the same shall be issued accordingly: Provided always, that no such Commission shall issue unless the Owners or reputed Owners of at least Two Thirds of the Extent of the Lands comprised in the District within which the Powers sought by such Application are to be exercised shall have assented thereto; and that for the Purpose of such Assent or Dissent, the Person or Persons in actual Occupation of such Lands or Tenements, either personally or by his or her Under-tenants, and having therein either an Estate for Life or a Term of Years whereof Twenty-one Years shall be then unexpired, shall be deemed and taken to be the Owner or Owners thereof, and have and enjoy the sole Right of expressing Assent or Dissent in respect of the same; and in default of any Expression of Assent or Dissent on the Part of such Person or Persons, then and in such Case that the Person having the first Estate of Inheritance in such Lands shall be deemed the Owner or Owners thereof, and have and enjoy the Right of assenting or dissenting as aforesaid; and in default of any Expression of Assent or Dissent on the Part of any such Persons as aforesaid, then and in such Case the actual Occupier, whether as Tenant for Years under any Lease or Demise, or as Tenant from Year to Year, shall have and be entitled to and exercise the Right of assenting or dissenting as aforesaid.

Lord Lieutenant empowered to issue Commission under certain Conditions.

XII. And

Manner of proceeding in doubtful Cases.

XII. And be it enacted, That if any Owner or Occupier of Land within the proposed Limits of such Commission shall apply by Memorial to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, against the issuing of the said Commission, and that any Doubt or Question shall arise as to the Compliance of the Parties applying for the same with the Requisitions of this Act, or as to the Assent or Dissent of the Owner or Occupier aforesaid, it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, if the Matter of such Memorial shall seem to him or them to render further Investigation proper or necessary, to refer the same to the Assistant Barrister of any County to which any Part of the District within which it may be proposed to execute the Jurisdiction of the said Commission may belong; and such Assistant Barrister is hereby authorized and required, at the next ensuing Quarter Sessions, to hear all Parties interested, and to report his Opinion to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, who shall have Power to issue or withhold such Commission, according to his or their Discretion; and the reasonable Costs of such Reference to the said Assistant Barrister, and Hearing thereon, shall be paid by the said Company, or by the said Owners or Occupiers applying by Memorial as aforesaid, as the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall direct, and in default of Payment may be raised and levied by Distress and Sale of the Goods or Chattels of the Person or Persons who ought to pay the same, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the same County; and any such Justice is hereby authorized and required to issue such Warrant when so directed by the Chief Secretary of the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Meeting of Landowners and Occupiers to be summoned upon issuing of Commission.

XIII. And be it enacted, That immediately upon the issuing of the Commission creating any Company of Undertakers under the Provisions of this Act, the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall summon a Meeting of all Owners and Occupiers of Lands or Grounds within the District to which the Jurisdiction of such Commission shall extend, and that Notice of the Time and Place appointed for such Meeting shall be inserted in the *Dublin Gazette* Seven Days at least previous thereto, and shall also be inserted Three several Times in some One Newspaper published in the County wherein such Meeting shall be appointed to be held, and if none be therein published, then in a Newspaper published in some adjacent County, Seven Days at least previous thereto, and that like Notice thereof shall also be fixed upon the Door of each and every Sessions House where the General Quarter Sessions shall be held for every County, Riding, or Division, any Portion of which shall lie within the Limits of the Jurisdiction of such Commission, and also on the Doors of all and every the Houses of Worship situate within the Parish or Parishes to which the Lands comprised within such Jurisdiction as aforesaid belong, at least Seven Days before such Meeting; and the Persons assembled at such Meeting summoned as aforesaid shall proceed to nominate and appoint, by Majority of Votes to be taken in manner herein-after provided, One Person to act for and in behalf of the Owners

Owners and Occupiers of Lands and Grounds within the Limits of the Jurisdiction aforesaid in making the Survey and Valuation herein-after directed to be made.

Regulations with respect to Votes of Occupiers at such Meetings.

XIV. And be it enacted, That at such Meeting of Owners and Occupiers, summoned as aforesaid, it shall not be lawful for more than One Person to vote for or in respect of the same Lands or Tenements entitling any Person to vote at such Meeting; and that the Party in actual Occupation of such Lands or Tenement, either personally or by his or her Under-tenants, and having therein either an Estate for Life or a Term of Years whereof Seven Years shall be then unexpired, shall have and enjoy the Right of voting at such Meeting to the Exclusion of all other Persons having any other Estate or Interest in the said Lands or Tenement; and in the Absence of any Person occupying as aforesaid, and having such Estate for Life or Term whereof so many Years shall be unexpired, then and in such Case the Person having the first vested Estate of Inheritance in such Lands or Tenement shall have, exercise, and enjoy the Right of voting at such Meeting in respect of such Lands; and in the Absence of any Person having such Estate for Life, or such Term of Years, or such Estate of Inheritance in such Lands or Tenement, then and in such Case it shall be lawful for the actual Occupier thereof, whether as Tenant for Years under any Lease or Demise, or as Tenant from Year to Year, to have, exercise, and enjoy the Right of voting at such Meeting in respect of such Lands; and that in case of Equality of Votes, the Chairman of such Meeting shall have one casting Vote in addition to the Vote or Votes to which under the Provisions herein-after following he may be entitled.

As to voting by Joint Tenants, &c.

XV. And be it enacted, That any Number of Persons interested in any Lands or Tenement as Joint Tenants, Tenants in Common, Coparceners, Coheirs, or Coheiresses, shall be entitled to vote only as One Person; and if such Persons cannot agree, then and in such Case they shall have no Vote; and that Corporations Aggregate shall vote by their Attorney lawfully constituted in such Manner as Attornies for Corporations ought to be constituted; and that Infants and Lunatics shall vote by their respective Guardians or Committees.

Right of voting by Landowners.

XVI. And be it enacted, That every Person having a Right to vote at such Meeting as aforesaid shall be entitled to One Vote for every Twenty Acres of Land which he may have or hold respectively, and so in progession of One Vote for every complete Quantity of Twenty Acres in the Seisin or Possession of such Person, not exceeding Six Votes in the whole, whatever be the Number of Acres which may be in the Seisin or Possession of such Person: Provided always, that no Person shall be entitled to be present or vote at such Meeting for or in respect of any smaller Quantity than Twenty Acres of Land.

Company of Undertakers to appoint

XVII. And be it enacted, That the Company of Undertakers created by the said Commission as aforesaid shall elect and nominate,

some Person to act for them in the Survey and Valuation.

nate, under the Hand of the Chairman of their Committee of Management to be appointed in manner herein-after provided, some One fit and judicious Person to act for and in behalf of such Company of Undertakers in making the Survey and Valuation herein-after directed to be made.

Lands liable to be affected by the Drainage to be surveyed and valued by Persons appointed as herein mentioned.

XVIII. And be it enacted, That the Person so appointed by the Owners and Occupiers of the Lands aforesaid, and the Person so nominated and appointed by the said Company of Undertakers as herein-before directed, shall, with a fit and skilful Engineer or Surveyor to be appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, who is hereby authorized and required to nominate and appoint such Engineer or Surveyor, proceed to make a full and complete Survey and Valuation of all the Lands and Tenements which, according to the Map, Plan, and Specification herein-before required to be made and delivered, are liable in anywise to be affected by the Drainage, Scouring, Embankment, or other Works therein specified and proposed to be made and carried on within the District of the Jurisdiction of such Commission; and such Two Persons, with the said Engineer or Surveyor, shall likewise inquire and ascertain the average annual Value for Seven Years last past of such Lands and Tenements, and how far the same may in anywise have been affected by the overflowing or Encroachment of any Water, and the Amount of Damage (if any) sustained thereby, and shall for such Purpose have Power and they are hereby authorized to enter in and upon the Grounds and Lands of all Persons whomsoever, and to survey and take Levels of the same or any Part thereof, and to call any Person or Persons whom they shall see fit before them, and examine such Persons on Oath, or in the Case of a Quaker on solemn Affirmation, (which Oath or Affirmation they are hereby authorized and empowered to administer,) touching any Circumstances or Particulars of the State or Condition of the said Lands or Grounds, and for the Purpose of obtaining such Information as may be necessary for the Completion of such Survey and Valuation, as hereby required to be made.

Company to determine the Amount of Remuneration to Engineer, Surveyor, &c.

XIX. And be it enacted, That the said Company of Undertakers shall fix and determine the Amount of Remuneration to be allowed to the said Engineer or Surveyor, and other Persons appointed to make such Survey and Valuation, either by assigning a gross Sum or a certain Rate *per* Diem to be paid to them for their Trouble and Labour therein, together with an Allowance for their Outlay and Disbursements in and about such Survey and Valuation; and such Remuneration and Allowance shall be paid by the said Company of Undertakers out of the first Monies which shall come to their Hands.

Surveyor and other Persons to take an Oath.

XX. And be it enacted, That the Engineer or Surveyor, and other Persons appointed for the Purpose of making such Survey and Valuation aforesaid under the Provisions of this Act, shall, before proceeding upon such Valuation and Survey, take the following Oath; that is to say,

'I *A.B.*

'I *A. B.* do swear, That I will faithfully and honestly, according to the best of my Skill and Ability, execute and perform the Powers and Authorities vested and reposed in me by and under the Provisions of an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], according to the Directions of the said Act, and according to Equity and good Conscience, and without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.' Form of Oath.

And that such Oath shall and may be administered by any of His Majesty's Justices of the Peace, sitting in Petty Sessions, of the County in which the Lands or any of them so to be surveyed and valued shall be situate; and if the said Engineer or Surveyor or other Person shall proceed to make such Survey or Valuation, in execution of this Act, without having first taken and subscribed the said Oath, every such Engineer or Surveyor or other Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Dublin*.

XXI. And be it enacted, That so soon as the said Survey and Valuation shall be completed, a Copy thereof shall be deposited, by the Surveyor or Engineer and other Two Persons making the same, at some convenient Place within or near to the District whereof such Survey and Valuation shall have been made, and that Notices shall be affixed on the Door of each and every Sessions House and Parish Church within the District aforesaid, and also inserted in some Newspaper in like Manner as has been herein-before appointed in respect of Notices of the Meeting of Land Owners and Occupiers summoned as aforesaid, specifying at what Place and in whose Hands such Survey and Valuation may have been deposited, and fixing and appointing a Place within the District of the Jurisdiction aforesaid, where, upon a Day to be named in such Notice, being not less than Twenty-one Days from the Date of such Notice, the said Engineer or Surveyor with the other Two Persons aforesaid will attend to hear any Objections which may be made to such Survey and Valuation by any Member of the said Company of Undertakers, or Land Owner or Occupier or other Person interested in any Lands or Tenements included in such Survey and Valuation; and that it shall be lawful for such Surveyor or Engineer and other Two Persons to hear and determine any such Objections as may be then and there made to such Survey and Valuation, or to adjourn the further hearing of such Objections, if they shall so think fit, to a future Time, giving due Notice to the Parties making such Objections of such Adjournment; and it shall and may be lawful for such Surveyor or Engineer and other Two Persons to examine any Person or Persons on Oath, or in the Case of Quaker or Quakers on solemn Affirmation, touching any such Objections, (which Oath or Affirmation they or any of them are and is hereby authorized and empowered to administer,) and on such Hearing and Examination to cause the Survey and Valuation so made as aforesaid to be amended or altered as may to them appear A Copy of the Survey and Valuation to be deposited in some Place within the Limits of the Commission.

appear proper and reasonable, and finally to adjust and settle the same.

Survey and Valuation to be transmitted to Chief or Under Secretary of Lord Lieutenant.

XXII. And be it enacted, That so soon as the Survey and Valuation herein-before directed to be made shall have been finally settled and determined, the Surveyor or Engineer and other Two Persons making such Survey and Valuation shall transmit the same, authenticated by the Signatures of each and every of them, to the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland;* and that every Person being a Member of the said Company of Undertakers, or being an Owner or Occupier of any Grounds or Lands included in such Survey and Valuation, shall be entitled to demand and receive, of and from the said Engineer or Surveyor and other Two Persons, a Copy of such Survey and Valuation, paying the reasonable Costs of preparing the same.

Members or Owners may demand a Copy.

Any former Survey may be used.

XXIII. Provided always, and be it enacted, That if the Engineer or Surveyor and other Two Persons appointed as herein-before directed to make such Survey and Valuation as aforesaid shall be satisfied of the Authenticity and Accuracy of any Survey theretofore made of any Lands or Grounds required to be surveyed and valued for the Purposes herein-before mentioned, it shall and may be lawful for such Surveyor or Engineer and other Two Persons to make use of such former Survey for the Purposes of this Act, instead of making a new Survey of any Grounds or Lands included in such former Survey.

Company to meet at some convenient Place within the District of the Commission.

XXIV. And be it further enacted, That the said Company of Undertakers shall meet at some convenient Place situate within or near to the Limits of their Jurisdiction, upon some Day not more than One Calendar Month next after the Date of the Commission whereby they may be constituted such Company of Undertakers as aforesaid; and in default of their Meeting within such Period, the said Commission shall be and become utterly void, and it shall not be lawful or competent for them to take any Proceeding thereunder.

Company to proceed in execution of this Act, with Power of Adjournment.

XXV. And be it enacted, That the said Company, meeting as aforesaid, shall thereupon proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time, and from Place to Place within the Limits of the Jurisdiction of the said Commission, as they shall think fit; and from and after the first General Meeting of the said Company of Undertakers there shall be a General Meeting of the said Company of Undertakers on the first *Monday* in every Month, and also such and so many Special General Meetings of the said Company of Undertakers as the Committee of Management herein-after directed to be appointed shall think fit and appoint; which said General Meetings and Special General Meetings shall be called by Summons, delivered at least Three Days previous to such Meeting, to each and every Member of the said Company of Undertakers, or left at his usual Place of Abode, or otherwise, as may be deemed expedient by the said Company; and in the Case of each Special General Meeting, the Notices delivered or left as aforesaid shall specify the Purpose for which any such Special

General Meeting is called; and all Meetings of the said Company shall be held at such Places within the Limits of the Jurisdiction of the said Commission as the said Committee of Management for the Time being shall appoint, and the same may be adjourned from Time to Time, and from Place to Place within the Limits aforesaid, as shall be found expedient, and be agreed upon thereat.

Special General Meetings.

XXVI. And be it enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called; and no Business shall be transacted at any adjourned Special or General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Chairman of first and subsequent General Meetings.

XXVII. And be it enacted, That at the first General Meeting of the said Company of Undertakers, or Adjournment thereof, the Proprietor present holding the greatest Number of Shares in the said Undertaking, or if Two or more Persons present shall hold the same Number of Shares, then and in such Case of those Persons the Person whose Name stands first on the Subscription List shall be Chairman of such Meeting; and at all subsequent Meetings of the said Company the Chairman of the Committee of Management, to be chosen as herein-after mentioned, or in his Absence the Deputy Chairman of the said Committee of Management, or in his Absence some One of the said Committee of Management to be chosen at such Meeting, or in the Absence of all the said Committee any Proprietor to be chosen at such Meeting, shall preside as Chairman; and every such Chairman as aforesaid shall, in addition to his Vote or Votes as a Proprietor or Proxy, have, in case of an Equality of Votes, the decisive or casting Vote.

Chairman to have casting Vote.

Committee of Management to be chosen at first General Meeting.

XXVIII. And be it enacted, That the said Company of Undertakers, at their first General Meeting to be held as herein-before mentioned, or at some Meeting or Meetings to be held by Adjournment from such General Meeting, shall choose and elect such Number of Persons, not exceeding Twelve, as the said Meeting shall think fit, to be called the Committee of Management, to manage the Affairs of the said Company of Undertakers; and that the Persons so to be elected Members of the said Committee shall be Proprietors respectively possessed in their own Right of Six Shares at the least in the said Undertaking; and that of the Number of Persons so elected Members of such Committee as aforesaid, Two Thirds shall be competent to act, and do and perform all such Matters and Things as by the Provisions of this Act the said Committee of Management may be authorized and empowered to do and perform.

For filling up Vacancies in case of Resignation, &c.

XXIX. And be it enacted, That when and so often as any Person who may have been elected a Member of the said Committee of Management as aforesaid shall die, or shall resign, or shall cease to hold such Number of Shares in the said Company as it has been herein-before provided that each Member of the said Committee shall hold, and in all Cases of Vacancies in the said Committee, any how happening, it shall be lawful for the said Company of Under-

takers at their next General Meeting, whereat One Half at least of the Proprietors of the Shares in such Undertaking shall attend, to elect One or more Persons, as may be necessary, duly qualified as aforesaid, to fill up such Vacancy or Vacancies arising or having arisen in manner aforesaid; provided that it shall and may be competent for the surviving or remaining Members of the said Committee of Management, if not less than Two Thirds of the whole original Number, notwithstanding any such Vacancy or Vacancies, to do all such Acts and Things as the said Committee might have done if such Vacancy or Vacancies had not happened.

Powers of Committee of Management.

XXX. And be it enacted, That so soon as the Committee of Management of the said Company of Undertakers shall have been elected as aforesaid, it shall and may be lawful for them and they are hereby empowered to nominate and elect from their own Body One Person to be Chairman of such Committee, and another Person to be Deputy Chairman thereof; and the said Committee of Management shall also have Power, when they think fit, to convene Special General Meetings in the Manner herein-before directed; and such Committee shall carry into effect the Resolutions and Directions of such General and Special General Meetings in execution of the Powers given to the said Company of Undertakers under and by virtue of their Commission and this Act, and shall superintend all Works which may be undertaken by the said Company; and the said Committee of Management shall keep or cause to be kept a Book or Books wherein shall be entered the Minutes of the Proceedings of the said Committee, and shall also keep an Account or Accounts of all Disbursements by them made, and all Money by them received, and such Books and Accounts shall be open to the Inspection at all convenient Times of all Persons holding any Share or Shares in the said Undertaking; and all Questions on which any Difference of Opinion may arise in the said Committee shall be determined by Majority of Votes of the Members thereof, and the Chairman shall not vote except in case of Equality of Votes, and shall in such Case have a casting Vote: Provided always, that in such Committee it shall not be lawful for any Member thereof to have more than One Vote, nor to vote by Proxy: And provided further, that it shall not be lawful for the said Committee of Management, except with the Concurrence and Sanction of such General or Special General Meeting as aforesaid, to enter into or make any Contract or Contracts, nor to sell or purchase any Lands, Grounds, or Premises, any thing herein contained to the contrary in anywise notwithstanding.

Company, at a General Meeting whereat One Half shall be present, to elect Treasurer and Clerk, and take Security from them.

XXXI. And be it enacted, That the said Company of Undertakers shall, at some General Meeting whereat the Proprietors of not less than One Half of the whole Number of Shares in the Stock of the said Company shall attend, elect, and choose a Treasurer and Clerk for transacting the Business of the said Company of Undertakers; and it shall be lawful for the said Company, at any subsequent General or Special General Meeting to be holden as herein-before directed, from Time to Time to remove and displace such Treasurer and Clerk, or either of them, or any Person who shall be hereafter elected and appointed to their respective Offices; and shall also from

Time to Time elect and choose, in manner aforesaid, any other Person to act as Clerk or Treasurer of the said Company of Undertakers, in room of such of the said Officers as shall die or resign, or be removed from their respective Offices; and it shall be lawful for the said Company of Undertakers to allow such Salaries or other Emoluments to the said Officers, or either of them, as they shall from Time to Time fix and determine upon: Provided always, that the said Company shall and they are hereby required to take sufficient Security from any Person who shall be appointed Treasurer of the said Company of Undertakers, and from every Receiver, Collector, or other Officer having the Custody or Controul of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall have entered thereupon.

Clerk and Treasurer not to be the same Person.

XXXII. Provided always, and be it enacted, That it shall not be lawful for the said Company of Undertakers to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk or of the Partner of any such Clerk, to be the Treasurer of the said Company, nor to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, to be the Clerk to the said Company of Undertakers; and if any such Person shall act in both the Capacities of Clerk and Treasurer, or if any Person, being the Partner of any such Clerk or the Clerk of or other Person in the Service or Employ of such Clerk or of the Partner of such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, shall act or in any Manner officiate as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place or Office of Profit or Trust under the said Company of Undertakers other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Company may make Bye Laws.

XXXIII. And be it enacted, That the said Company of Undertakers shall have Power and Authority from Time to Time, at any such General or Special General Meeting as aforesaid, to make such Rules, Orders, and Bye Laws as shall seem right and proper for the good Government of the Officers and Servants of the said Company of Undertakers, and for regulating the Proceedings of the said Committee, and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Regulations, or any of them, and to make and impose and inflict reasonable Fines and Forfeitures upon all such Persons offending against the same, not exceeding the Sum of Five Pounds for any Offence, such Fines and Forfeitures

feitures to be levied and recovered by such Ways and Means as are herein-after mentioned; and such Rules, Bye Laws, and Orders shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons, being Members or Servants of the said Company, who shall act under the same; provided that such Rules, Bye Laws, and Orders shall not be repugnant to the Provisions of this Act, nor to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*.

Persons interested not to be on the Committee.

XXXIV. Provided always, and be it enacted, That no Person holding any Office, Place, or Employment, other than that of Chairman or Deputy Chairman as aforesaid, or being concerned in or interested in any Contract or Contracts under the said Company of Undertakers, shall be capable of being elected or acting as a Member of the Committee of Management of the said Company.

Names of Subscribers and the Numbers of their Shares to be registered.

XXXV. And, for the better securing to the several Subscribers towards the said Drainage and Embankment and Undertaking their respective Shares therein, be it enacted, That the said Company of Undertakers, or their Committee of Management, shall, as soon as the same can or may be done, cause the Names and Additions of the several Persons who shall be entitled to any Share or Shares in the said Drainage, Embankment, and Undertaking, and the Number of Shares to which they shall be respectively entitled, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Register Book to be kept by the Clerk to the said Company of Undertakers, and after such Entry to cause to be subscribed and attested by the Chairman or Deputy Chairman appointed as aforesaid with his Hand and Seal, which said Book shall from Time to Time be altered and corrected, and new Books from Time to Time subscribed and attested in manner aforesaid, as the Change of Proprietors and Transfer of Shares shall render necessary or expedient; and the said Clerk shall also cause as many Tickets or Instruments to be prepared as there shall be Shares in the said Drainage, Embankment, or Undertaking, bearing respectively the same Numbers as in the said Books, and the said Tickets or Instruments shall be signed and sealed by the Chairman or Deputy Chairman as aforesaid; and every Subscriber towards the said Drainage, Embankment, or Undertaking shall be entitled to have or receive upon Demand a Ticket or Tickets specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking; and every such Subscriber shall pay to the Clerk to the said Company Two Shillings and Sixpence and no more for every such Ticket or Instrument; and every such Ticket or Instrument shall be admitted as Evidence, in all Courts whatsoever, of the Title of such Subscriber, his, her, or their Executors, Administrators, Successors or Assigns, to the Share therein specified; but the Want of any such Ticket or Instrument shall not prevent or hinder the Owner or Owners of any Share from selling or disposing thereof, or from receiving, as herein-after provided, his, her, or their Share of the Profits of the said Drainage, Embankment, or Undertaking, in respect thereof; and if any Subscriber having any Share in the said Undertaking shall lose or destroy his Ticket or Instrument bearing the Number of the Share of which he

he may be possessed in the said Undertaking, it shall and may be lawful for the Clerk of the said Company of Undertakers to give such Person applying for the same another Ticket, similar to that which was so lost or destroyed, but with the Word "Duplicate" endorsed thereon, and bearing the same Number thereon, and for which Ticket or Instrument such Person shall pay to the said Clerk the Sum of Two Shillings and Sixpence.

Persons holding Shares in the Undertaking to have One Vote for every Share, and may vote by Proxy.

XXXVI. And be it further enacted, That every Body and Bodies Politic, Corporate, or Collegiate, or Person or Persons, who shall, pursuant to the Provisions of this Act, have subscribed for or shall become entitled to and be in the actual Possession of any Share or Shares in the said Undertaking, and their, his, or her respective Successors, Executors, Administrators, and Assigns, shall have One Vote for each and every such Share which they, he, or she shall have subscribed for or shall become entitled to in the said Undertaking; and that the Votes of the Members of the said Company of Undertakers shall and may be given either by the respective Parties having or entitled to Shares therein in Person, or by their respective Attornies, Agents, or Proxies, constituted, in the Case of any Body Politic or Corporate, under the Seal of such Body Politic or Corporate, and in the Case of other Proprietors under their respective Hands and Seals; and every Vote by Attorney, Agent, or Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed, discussed, or considered in any General or Special General Meeting of the said Company of Undertakers, shall be determined by the Majority of Votes and Proxies then present; and at every Meeting thereof the Chairman thereof shall and may not only vote as a Principal and Proxy, but in case of an Equality of Votes shall and may also have the decisive or casting Vote; and the Appointment of every such Proxy shall be made according to the following Form, or as near thereto as the Quality, Nature, and Number of the Appointer or Appointers of the Proxy thereby substituted, and other Circumstances, will admit of; (that is to say,)

Questions to be determined by Majority of Votes, and Chairman to have the casting Vote.

Form of Proxy.

'*A. B.*, being the Proprietor of a Share or Shares in the Company of Undertakers for the District of [*here set out the Title of the said Company*], doth hereby appoint of to be the Proxy of the said in [his] Name, or otherwise, and in his Absence to vote or give his Assent to or Dissent from any Business, Matter, or Thing relating to the said Undertaking which shall be mentioned or proposed at any General or Special General Assembly of the said Company of Undertakers, in such Manner as he the said shall think proper, according to his Opinion and Judgment, for the Benefit of such Undertaking or any thing appertaining thereto. In witness whereof the said hath hereunto set Hand and Seal [*or* Common Seal] the Day of '

Lunatics may vote by Committees, and Minors by Guardians.

XXXVII. And be it enacted, That in case any Proprietor entitled to vote at such Meetings as aforesaid shall be a Lunatic or a Minor, such Lunatic shall or may vote at such Meeting or Meetings by his or

or her Committee, or any One of such Committees, the other or others not dissenting; and such Minor shall or may vote by his or her Guardians, or by One of such Guardians, the other or others not dissenting; provided that such Committee or Guardian may also vote in right of his, her, or their own Share or Shares, as well as in the Character of Committee for any Lunatic, or of Guardian for any Minor, on the same Occasion.

Regulations as to Votes for joint Shares.

XXXVIII. And be it enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name shall stand first on the Books of the said Company of Undertakers as the Proprietor of such Share shall for the Purposes of this Act be deemed and taken to be the Owner or Proprietor of such Share; and such Owners or Proprietors shall be entitled to give their Votes in respect thereof by the Person whose Name shall stand first on the Books of the said Company of Undertakers as joint Proprietor of such Share or Shares; and the Vote given either in Person or by Proxy of such Proprietor shall on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share or Shares; and all Notices by this Act directed to be given to the Owners or Proprietors of any Share in the said Undertaking shall or may be given or sent to the Person whose Name shall so stand first on the Books of the said Company of Undertakers, or be left at the last or usual Place of Residence of such Person, and such Notice to such Person shall be deemed and taken to be a sufficient Notice to all the Owners or Proprietors of such Share or Shares for all the Purposes for which such Notice is intended to be given.

Persons may sell Shares, provided all Calls are paid up.

XXXIX. And be it enacted, That it shall be lawful for the several Proprietors of any Share or Shares in the said Undertaking to sell or dispose of his, her, or their Share or Shares therein, subject to the Rules and Conditions herein mentioned; and an Entry of every Transfer shall be made in a Book or Books to be kept for that Purpose by the Clerk to the said Company, for which Entry no more than Two Shillings and Sixpence shall be paid, and the said Clerk is hereby required to make such Entry accordingly; and until the Entry of such Transfer shall be made with the Clerk to the said Company, and entered as aforesaid, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Vote as a Proprietor or Proprietors: Provided always, that no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, after any Call shall have been made as aforesaid for any Sum or Sums of Money in respect of such Share or Shares, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid or discharged to the Treasurer of the said Company, or to such Person or Persons as the said Company shall appoint to receive the same, the whole and entire Sum of Money which shall have been called for in respect of each Share so sold or transferred.

XL. And

XL. And be it enacted, That every Transfer to be made of any Share or Shares in the said Undertaking shall be in the Form or to the Effect following; (that is to say,) Form of Transfer.

'I of in the Consideration of the Sum of Pounds paid to me by do hereby bargain, sell, and transfer to the said my [*or* our] Share, being Number [*here set out the Number of the Share*], in the Company of Undertakers for the District of [*here set forth the Name of the Company*], to hold to the said his Executors, Administrators, and Assigns, subject to the same Rules and Orders and on the same Conditions on which I held the same immediately before the Execution hereof; and I the said do hereby agree to accept the said Share, subject to the same Rules, Orders, and Conditions. Witness our Hands and Seals the Day of .'

XLI. And be it enacted, That it shall and may be lawful for the said Company of Undertakers, at any General or Special General Meetings, to make Calls upon the Shareholders or Subscribers in the said Company for such Part of their Subscription or Sum or Sums of Money as may be required for the Purpose of proceeding with the said Undertaking; and the Sum or several Sums of Money so to be called for shall be paid into the Hands of the Treasurer to the said Company for the Time being; and the said several Sums of Money so to be called for shall be paid at such Time and Place as shall be directed and appointed by the said Company in that Behalf; and if any Person or Persons shall neglect or refuse to pay his, her, or their Proportion of the Money so to be called for, during the Space of Twenty-one Days next after the Time appointed for Payment thereof, then and in such Case such Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, and Interest in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money thereto advanced by him, her, or them on account thereof; and all Shares which shall or may be so forfeited shall or may be sold at a public Sale for the most Money that can be gotten for the same, and the Produce thereof shall be applied and disposed of in manner by this Act directed; and the said Company shall have Power and Authority to assign and transfer such Shares to such Person or Persons as shall become the Purchaser or Purchasers thereof; and every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors, or his, her, or their Executors, Administrators, Successors, and Assigns, so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, and Assigns, and the said Company, with regard to the carrying on and Management of the said Undertaking: Provided always, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking until Notice in Writing under the Hand of the Clerk or Treasurer of the said Company shall have been given or sent by the Post

General and Special General Meetings may make Calls.

If Subscribers do not pay them in Twenty-one Days after, Shares to be forfeited.

Post to or left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, nor until the same Share or Shares shall have been declared to be forfeited at some General or Special General Meeting of the said Company which shall be held after the End of Three Calendar Months from the Day on which such Notice of Forfeiture shall have been given.

Shareholders not entitled to vote in respect of Shares unless they are standing in their Names, and all Calls are paid.

XLII. And be it enacted, That no Proprietor of any Shares in the said Undertaking, either in Person or by Proxy, shall be entitled to vote at any Meeting of the said Company of Undertakers in respect of any Share unless the same shall be standing in the Name of such Proprietor in the Register Book herein-after directed to be made and kept at and immediately before such Meeting, nor unless the Sums of Money from Time to Time to be called for as herein-after directed, and due and payable at or before any such Meeting, in respect of all and every the Shares of such Proprietor, and all Arrears thereof, shall have been duly paid to the Treasurer of the said Company of Undertakers.

Company empowered to borrow Money on Assignment.

XLIII. And be it enacted, That in case the said Company of Undertakers shall be desirous to raise Money for the completing or carrying on the Works by them undertaken or proposed, it shall and may be lawful for the said Company of Undertakers to borrow and take up at Interest, of and from any Person or Persons who shall be willing to advance and lend the same, upon the Credit of the said Undertaking, any such Sum or Sums of Money, not exceeding the Amount of the Estimate of the Cost of executing the said Undertaking or Works which it has been herein-before provided the said Company shall first make or cause to be made, as to them shall seem meet and convenient; and they are hereby authorized and empowered, if they shall so think fit, to assign and charge their Interest in the Monies to arise or accrue from the Assessment which the said Company of Undertakers are authorized to make and levy by virtue of this Act, or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Writing under the Hands and Seals of the Chairman of the Committee of Management for the Time being, and of any Three other Members of the Committee of Management of the said Company, according to the Form or Effect following; (that is to say,)

Form of Assignment.

'WE being the Chairman
'and Three Members of the Committee of Management of the
'Company of Undertakers constituted by virtue of a Commission
'issued pursuant to an Act passed in the Second Year of the Reign
'of His Majesty King *William* the Fourth, intituled [*here set forth*
'*the Title of this Act*], for the District of [*here set forth the Name of*
'*the District*], do hereby, in consideration of the Sum of
'lent and advanced by *A.B.* of
'in the County of on the Credit and for the Purposes
'of the said Act, grant, convey, assign, and set over to the said *A.B.*,
'his [*or* her] Heirs, Executors, Administrators, and Assigns, so
'much and such Proportion of the Monies to be levied, raised, and

'collected

collected by virtue of the Assessment which, under the Provisions of the said Act, the said Company of Undertakers are authorized and empowered to make and levy, as may be necessary to repay the said Sum of together with Simple Interest for such Sum while the same shall remain unpaid, at and after the
'Rate of *per Centum per Annum.* In witness
'whereof we the said have hereunto set our Hands
'and Seals the Day of
'in the Year .'

And every such Grant, Charge, and Assignment shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; and every such Grant, Charge, and Assignment so to be made as aforesaid shall be and is hereby charged upon, and shall be payable and paid by the Treasurer to the said Company out of, the first Monies which shall come to his Hands under and from the Assessment aforesaid; and all Persons to whom such Grants, Charges, and Assignments shall be made shall be equally entitled (one with the other) to the Monies accruing by and under the said Assessment, and thereby granted, charged, and assigned, according and in proportion to the Sums by them respectively lent and advanced on the Credit thereof as aforesaid, without any Preference by reason of the Priority of Date of such Assignment, Grant, or Charge, or upon any other Account whatsoever: Provided always, that nothing herein contained shall be deemed, construed, or taken to extend to make the Chairman and other Members of the Committee of Management who shall sign, execute, or give any of the said Charges, Grants, or Assignments so hereby authorized or directed to be given, personally, or their respective Estates, Lands, or Tenements, Goods and Chattels, liable to the Payment of any of the Monies to be borrowed or secured to be repaid in pursuance of this Act, by reason of their giving or executing any such Charges, Grants, or Assignments as aforesaid.

Assignments payable by Treasurer.

No Priority in respect of Dates.

Persons signing the Security not personally liable.

XLIV. And be it enacted, That it shall be lawful for the several Persons entitled to any of the Grants, Charges, or Assignments for the Money to be borrowed, secured, or raised as aforesaid, and their respective Executors, Administrators, or Assigns, (as the Case may be,) at any Time by Writing under their Hands and Seals to assign and transfer such Grants, Charges, or Assignments, and all Benefit and Advantage thereof, to any Person or Persons whomsoever; and every such Assignment or Transfer may be in the Words or to the Effect following; (that is to say,)

Assignments may be transferred.

'I *A. B.*, being entitled to the Sum of Form of Transfer.
'secured to and his or her Assigns [*or* his or her
'Executors, Administrators, and Assigns, *as the Case may be*], by
'virtue of a Grant, Charge, or Assignment bearing Date the
'Day of under the Hands and Seals of the
'Chairman and Members of the Committee of Management of the Company of Undertakers constituted by virtue of a
'Commission issued pursuant to an Act passed in the Second Year
'of the Reign of His Majesty King *William* the Fourth, intituled
'[*here set forth the Title of this Act*], for the District of [*here set forth*

'*the Name of the District*], upon the Credit of the Assessment which 'the Company are authorized to make and levy by virtue of the said 'Act, do hereby transfer all my Right and Interest in and to the 'same Sum, and all Interest and other Money now due and arising 'thereon, unto his or her Executors, Administrators, 'and Assigns. Dated the Day of .'

Assignments and Transfers to be entered in a Book.

And a Copy or Extract of every such Grant, Charge, or Assignment as aforesaid, and of every such Transfer as aforesaid, together with the Number or Numbers thereof, made in pursuance of this Act, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Company, which Extract or Memorial shall specify and contain the Dates, Names of the Parties, and Sums of Money thereby secured or transferred; to which Books any Person interested shall at all seasonable Hours have Access, and shall have free Liberty to inspect the same, without Fee or Reward; and every such Transfer, after the entering thereof as aforesaid, shall entitle the Person to whom such Transfer shall be made, and his or her Executors, Administrators, or Assigns, to the Benefit of the Security thereby transferred, without any Registry or Enrolment thereof.

Company may borrow Money from Commissioners acting under Authority of Parliament for promoting Works of a public Nature.

XLV. And be it further enacted, That it shall be lawful for the said Company of Undertakers to borrow of and from any Commissioners appointed or to be appointed by Authority of Parliament, or under any Authority derived from or created by any Act or Acts made or to be made for the Purpose of promoting Public Works by the Loan or Advance of Exchequer Bills or Money, or such other like Purpose, such Sum or Sums of Money as the said Company of Undertakers may deem expedient for the Purposes of this Act, and to grant, give, and execute under the Hands and Seals of the Chairman and Three Members of the Committee of Management, in manner aforesaid, such Mortgage, Charge, or Assignment of the said Undertaking, and of all Monies accruing or arising from the Assessment by this Act authorized to be levied and made, or such other Security or Securities subject to and containing such Restrictions, Regulations, and Conditions, and with such Priority or Preference for the Securities granted to such Commissioners, as in the Exercise of the Powers on them conferred by any Act or Acts made or to be made the said Commissioners shall think fit to direct or appoint, enjoin or require.

Principal and Interest of Money borrowed to be paid in preference to Dividends.

XLVI. And be it further enacted, That the Principal and Interest of all such Sums of Money as shall be so borrowed on any of the Securities herein-before mentioned, or otherwise, shall be paid to the several Persons entitled thereto in preference of any Dividend, Profit, Share, or Interest which may be or become due or payable to any Shareholder or Member of the said Company of Undertakers; and it shall not be lawful to make or declare any such Dividend or Division of Profit until all such Sums so borrowed as aforesaid, with the Interest thereon, shall be fully paid and satisfied.

Company or their Agents, &c. may

XLVII. And be it enacted, That for the Purposes of this Act the said Company of Undertakers shall and they are hereby empowered,

by themselves, or their Agents, Surveyors, Workmen, and all such other Persons as by them shall be employed and authorized, at all such Times as to the said Undertakers or Committee, or a Majority of them, may seem convenient, to enter into and upon any Lands or Grounds whatsoever lying and being within the District or Limits of the Jurisdiction of the said Commission, and to view and survey such Lands, and to widen, straighten, cleanse, scour, divert, deepen, or otherwise alter the Course or Direction of any Rivers, Streams, or Watercourses running through the same Lands or Grounds, and to make, open, and cut in or upon such Lands or Grounds, or any Parts thereof, any new Banks, Reservoirs, Aqueducts, Tunnels, Rivers, Roads, Ditches, Cuts, and maintain, repair, cleanse, scour, deepen, or widen all such Rivers, Aqueducts, Reservoirs, Roads, Ditches, Cuts, Banks, or Trenches as are now or hereafter shall be made, opened, or cut therein, and to alter, remove, rebuild, raise, or repair any Banks, Sluices, Floodgates, Drains, Bridges, Tunnels, Roads, and other Works already made and erected, and also to erect and build, and from Time to Time to alter, any new Banks, Sluices, Floodgates, Locks, Drains, Bridges, and other Works, or any of the said Rivers, Streams, Watercourses, or Lakes, and also to dam, bay, and stop up any ancient Brooks, Pills, Streams, or Watercourses, and also to make any Embankment or Embankments against any Lands adjoining any of the said Rivers, Streams, or Watercourses, in and upon and through the Grounds aforesaid, and to put and place thereon any Piles, Stones, Earth, Soil, or other Materials for the more effectually carrying the Purposes of this Act into execution, and for the better conveying the Waters from the said Lands and Grounds into any of the said Rivers, Streams, or Watercourses, as shall be thought fit, necessary, and convenient by the said Undertakers, and also to erect any Hatches or Locks in any of the said Rivers, Streams, or Watercourses, for the Purpose of keeping back a Sufficiency of Water in dry Seasons for the Use of Cattle, and for enabling the Irrigation of Lands in the Autumn or Winter Seasons, where such Irrigation shall be deemed a beneficial Manurance of such Lands, and also to do all such Things, and erect and execute such Works, as may be necessary or convenient for the Purposes aforesaid.

enter Lands, and survey them, and cleanse, &c. Drains and erect Works thereon.

XLVIII. Provided always, and be it enacted, That the Mearings or Boundaries of any County, Barony, Townland, Parish, Place, or other Civil or Ecclesiastical Division or Subdivision of Land, or of any Estate, shall not be changed or altered by the Diversion of any Stream, River, or Watercourse under the Provisions of this Act, but that the Course of the same shall be distinctly marked and described by the said Company of Undertakers; and after such Course shall be so marked and described, the same shall be fenced by the said Company, and such Fence shall be from Time to Time maintained and repaired by the Trustees to be appointed in manner herein-after mentioned; and the same shall be for ever thereafter deemed to be the Boundary of such County, Barony, Townland, Parish, or Place, or Estate, instead of such River, Stream, or Watercourse so diverted as aforesaid.

Boundaries of Counties, &c. not to be changed.

XLIX. And

Company may enter Lands, and purchase such as they may deem necessary to carry on Works.

XLIX. And be it enacted, That it shall and may be lawful for the Company of Undertakers, their Surveyors, Agents, or any other Persons by them authorized and employed, to enter in and upon any Lands, Grounds, or Premises, belonging to any Person or Persons whomsoever, lying or being within the District or Limits of the said Commission, for the Purpose of surveying and taking Levels of the same, or any other the Purposes of this Act, making Satisfaction to the Owners or Occupiers thereof as herein-after provided; and the said Company are hereby authorized and empowered to contract for the absolute Purchase in Fee Simple or otherwise of any Lands, Grounds, or Premises lying and being within the District of the said Commission which may appear to them proper and convenient for the Purposes of carrying into execution and effect the Powers in them vested by their Commission as aforesaid.

Where Land cut through shall leave less than One Acre on either Side, Company to purchase the same, if required by the Owner.

L. And be it enacted, That if, in the Execution of any of the Works authorized by this Act, any Field, Close, or Parcel of Land shall be cut through or divided, so that what shall be left on each or either Side of the said Works or any of them shall be less than One Statute Acre in Quantity, then and in every such Case the said Company of Undertakers shall, if thereunto required by the Owner or Owners or Person or Persons entitled to the Possession or to the Rents and Profits of such Field, Close, or other Land so cut through or divided, but not otherwise, also take and purchase such Piece or Parcel or Pieces or Parcels of such Field, Close, or Land so to be left as aforesaid, and shall pay for the same after the Rate and in the same Manner as for the Land or Ground cut off therefrom and taken for the Purposes of this Act; and all Conveyances made thereof shall be alike valid, binding, and effectual.

Company may sell such Parcels of Land, making first Offer to Owners of adjoining Lands.

LI. And be it enacted, That it shall and may be lawful for the said Company, and they are hereby authorized and empowered, to sell any such Parcels of Land as they may be so required to take and purchase as aforesaid, and convey and assure the same to any Person or Persons who shall be willing to purchase the same: Provided always, that the said Company shall and they are hereby required, in the first place, to offer the same for Sale to the Owner or Owners of the Lands adjoining such Parcel or Parcels of Lands.

Incapacitated Persons and others having partial Estates may sell and convey Lands required for Execution of this Act.

LII. And be it enacted, That after any Lands, Grounds, or Hereditaments lying and being within the District of the said Commission shall have been set out and ascertained for the making of any Cut, Drain, Channel, River, Stream, or Watercourses, or for providing and constructing the Works and Conveniences hereby authorized to be made, or any of them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and 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 and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or

or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in the same, and for all and every other Person and Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company, and shall be made according to the following Form, or as near thereto as the Number of the Parties and Circumstances of the Case will admit; (that is to say,)

Forms of Conveyance.

'I *A. B.* of in consideration of the Sum of to me paid by the Company of Undertakers established by an Act passed in the Second Year of the Reign of His present Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], do hereby grant and release and convey to the said Company of Undertakers all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold to the said Company of Undertakers and their Successors for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord'

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete and effectual Bar to all Estates Tail, and other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever.

Application of Purchase Money or Compensation for Damages belonging to incapacitated Persons, if above 200*l.*

LIII. And be it enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands or Hereditaments purchased or taken and used by virtue of the Powers of this Act, or for any Damages done to such Lands or Hereditaments, as herein-before particularly mentioned, and the said Money shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity whatsoever, such Money, in case the same exceed the Sum of Two hundred Pounds, shall be with all convenient Speed 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 Company, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the senior Master in that Court, to be signified by an Order made upon Petition preferred in a summary Manner by the Person or Persons entitled to the Rents and Profits of the said Lands and Hereditaments, in the

Discharge of any Debt or Debts, or Part thereof, affecting the same Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the senior Master of Chancery, in the Purchase of other Messuages, Lands, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, and Hereditaments which shall be so purchased, taken, used, or damaged as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, on the Request of the Person or Persons entitled for the Time being to the Rents and Profits of the Lands and Hereditaments so hereby directed to be purchased, (such Request to be made in Writing signed by him, her, or them,) and without any Order of the Master in Chancery, be invested by the said Accountant General in his Name in Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Master in Chancery to be sold for the Purposes aforesaid, the Dividends and annual Profits 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 and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where less than 200*l.* and exceeding 20*l.*

LIV. And be it enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used, or damaged as aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall not exceed the Sum of Two hundred Pounds, nor be less than Twenty Pounds, then and in such Case the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, used, or damaged, 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 the said Bank of *Ireland* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and to be placed to his or their Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, such Nomination to be signified in Writing under the Hands of the nominating Parties, in order that such Money may be applied in such Manner as herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Master in Chancery.

Where under 20*l.*

LV. And be it enacted, That where such Money so agreed or awarded to be paid as herein-before mentioned 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 entitled to the Rents and Profits of the Lands or Hereditaments so purchased, used, or taken for the Purpose of this Act; and 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.

Where Paths are interrupted, and Cuts made so as to require Bridges, Company to make new Ways and build Bridges, and keep the same in repair.

LVI. And be it enacted, That if by any Cut, Drain, or other Work made in exercise of the Powers created by the Provisions of this Act, any Roads, Ways, Paths, or Passages, whether the same be public or private Foot, Cattle, or Carriage Ways, shall be disturbed or interrupted, or any Lands intersected, in such Manner as to render the future Occupation thereof inconvenient or unprofitable, the said Company of Undertakers shall and they are hereby required, with all convenient Speed after such Works shall be completed, to cause other convenient Ways to be made and opened, and any Bridges which may be required to be properly built, for the convenient Use and Passage of any Person or Persons entitled to use such Ways either on Foot or with Cattle or Carriages, or for the Convenience of the Public, or of the Parties entitled to the Use and Occupation of any Lands intersected in manner aforesaid, as the Case may be, and to defray the Expence of making such Ways and erecting such Bridges, and keeping the same in repair, out of the Monies to be raised by virtue of the Provisions of this Act herein-after following.

In case new Bridges are built where old ones formerly stood, Persons liable to Repair of the old ones shall repair the new.

LVII. Provided always, and be it enacted, That in the Case of any Road, Way, Bridge, Drain, Channel, or Watercourse which may have heretofore been usually kept in repair or ought to have been kept in repair by the Owner or Owners of any Lands *ratione tenuræ*, or by any Body Corporate, or Grand Jury, Person or Persons, liable to the Maintenance and Repairs thereof by Prescription or otherwise, and which shall or may have been diverted, taken down, rebuilt, or altered under the Powers of this Act, such new, diverted, substituted, altered, or rebuilt Road, Way, Bridge, Drain, Channel, or Watercourse shall after the Completion thereof be thenceforth maintained and kept in repair by such Owners, Body Corporate, or Grand Jury, or other Person respectively, in the same Manner as such Owners, Body Corporate, Grand Jury, or Persons maintained and repaired or ought to have maintained and repaired as aforesaid such Road, Way, Bridge, Drain, Channel, or Watercourse in respect of which such Diversion, Substitution, Rebuilding, or Alteration as aforesaid may have been made.

Company may enter Lands, and dig for Materials, after Notice given to appear, and shew cause, making Compensation.

LVIII. And be it further enacted, That it shall be lawful for the said Company of Undertakers, or any Person or Persons authorized by them respectively, to search for, dig, gather, take, and carry away any Materials out of any Lands or Premises lying within or contiguous to the District of the said Commission, for making, executing, preserving, or protecting any of the Works executed or to be executed under the Provisions of this Act, making or tendering such Satisfaction for such Materials and for the Damage done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried,

carried, as to the said Company of Undertakers shall seem fit and reasonable; but it shall not be lawful for the Company of Undertakers, or any Person by them authorized, to dig, gather, get, or take or carry away any Materials, for the Purposes aforesaid, out of or from any inclosed Land or Ground, until Notice in Writing signed by One of the Company of Undertakers respectively shall have been given to the Owner or Owners or Occupier or Occupiers of the Lands or Grounds from which the same is intended to be taken and carried away, to appear before any Two or more Justices of the Peace, sitting in Petty Sessions, acting for the County or Place from whence such Materials intended to be taken away shall lie, to show Cause why such Materials should not be taken therefrom; and in case such Owner or Occupier or his Agent shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize the said Company, or any Person by them authorized or employed, to get, dig, gather, and carry away such Materials at such Time or Times as such Justices shall deem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may, upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer, make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agents, had attended; and in case of any Difference between such Company of Undertakers or Trustees, or Person authorized and employed by them as aforesaid, and the Owners or Occupiers of such Lands or any of them from which such Materials shall be taken or through which they may be carried, concerning the Payments and Compensation for Damages as aforesaid, it shall be lawful for any Two or more Justices of the Peace for the County or Place from whence such Materials shall have been taken shall be situate, on Ten Days Notice thereof being given in Writing by either Party to the other, to hear, settle, and determine the Matter and Amount of such Payments and Damages, and of the Costs of attending the hearing and determining the same.

If Party is dissatisfied with Compensation, any Justice of the County may settle the same.

Company to fill up Holes and Pits not further useful, and fence off those that may be further useful.

LIX. And be it further enacted, That if the said Company of Undertakers, or any Person or Persons authorized by them respectively, shall, by reason of the searching for, digging, or getting any Materials as aforesaid for making, protecting, maintaining, or preserving any of the Works hereby authorized to be executed, make or cause to be made any Pit or Hole in any Common or other Lands or Grounds wherein such Materials shall be found, the said Company, or Persons authorized by them, shall forthwith cause the same to be sufficiently fenced off during such Time as the said Pit or Hole shall continue open, and shall, within Four Days after such Pit or Hole shall be opened or made, where no Materials shall be found, cause the same forthwith to be filled, levelled, and covered with the Turf or Clod which was dug out of the same, and where such Materials shall be found, within Six Days after having dug up sufficient Materials in such Pit or Hole, if the same is not likely to be further useful, cause the same to be filled up, sloped down, or fenced off, and so continued; and if the same is likely to be further useful, the said

said Company, or Persons authorized by them, shall sufficiently secure the same by Posts and Rails or other Fences, to prevent Accidents to Cattle or Persons; and if the Company or Trustees, or Persons authorized by them, shall neglect so to do in either Case, shall forfeit any Sum not less than Forty Shillings nor more than Five Pounds, to be recovered in a summary Manner before any of His Majesty's Justices of the Peace for the County in which the Lands from which such Materials were taken, or in which such Holes or Pits were made, shall lie. Penalty.

LX. And for settling all Differences which may arise between the said Company of Undertakers and the several Owners of or Persons interested in any Lands and Grounds, Messuages, Buildings, Tenements, Hereditaments, Streams, Brooks, Canals, Wells and Springs, Waters, or Watercourses which shall or may be purchased, taken, used, damaged, stopped up, affected, or prejudiced by the Execution of any of the Powers hereby granted; be it enacted, That if any Body Politic, Corporate, or Collegiate, Trustee, or any other Person or Persons so interested, entitled, or capacitated to sell under the Provisions of this Act, shall differ or shall not agree with the said Company of Undertakers as to the Amount of any Purchase Money, Recompence, or other Compensation, and that such Amount cannot be adjusted, settled, and agreed for by and between such Parties and the said Company of Undertakers, or if any such Parties shall refuse to accept any such Purchase Money as shall be offered by the said Company of Undertakers, and shall give Notice thereof in Writing to the said Company of Undertakers within Six Days next after such Offer shall have been made, then and in every such Case the said Company of Undertakers may and shall and they are hereby empowered and required from Time to Time to appoint, under the Hands and Seals of the Chairman and Members of the Committee of Management some one proper and skilful Person, and the Person or Persons or Party or Parties to whom such Compensation or Purchase Money shall have been offered shall and they are hereby empowered and required from Time to Time to nominate and appoint under his or their Hand and Seal or Hands and Seals some one other proper and skilful Person; and the Two Persons so appointed shall proceed to settle and adjust any Disputes or Differences in respect of such Compensation or such Purchase Money, and shall have Power and Authority to summon before them all and every Person or Persons who may be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and shall view the Place or Places or Matter or Matters in controversy; and such Persons shall upon their Oath, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmation, (and which Oaths and Affirmations, as well as the Oaths and Affirmations of such Person or Persons as shall be called upon to give Evidence, the Chairman of the Committee of Management of the said Company of Undertakers is hereby empowered and required to administer,) inquire of and ascertain and adjudge the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, and Hereditaments, and also the separate and distinct Sum or Sums of Money to be paid by way of Recompence or Compensation, either for the Damages which shall or may before that Period have been done or sustained

If Parties cannot agree as to Purchase or Compensation Money, each to nominate a Person as Arbitrator.

sustained as aforesaid, or for the future temporary or perpetual or any recurring Damages which shall have been or may thereafter be so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only removed by the said Company of Undertakers, and which cannot or will not be further obviated, remedied, or repaired by them, and shall accordingly give Judgment for any such Purchase Money, Recompence, or Compensation as shall be assessed by such Persons; which said Judgment thereupon to be pronounced aforesaid shall, unless Appeal thereupon be made within the Time and in the Manner herein-after provided, and in default of such Appeal, be binding and conclusive to all Intents and Purposes upon all Bodies Politic, Corporate, or Collegiate, and all other Persons whatsoever, and upon such Company of Undertakers respectively.

Appointment of Umpire.

LXI. Provided always, and be it enacted, That in case Two Persons cannot agree in the Amount of the Purchase or Compensation Money to be awarded as aforesaid, it shall and may be lawful for each of such Persons to name some one other Person to be an Umpire, and the Names of the Two Persons so to be appointed by each of the said original Arbitrators shall be put into a Glass or closed Box, and some indifferent Person shall take therefrom one of the said Names, and the Person whose Name shall be so taken out of such Glass or Box shall be the Person who shall be such Umpire, and act as such between such original Arbitrators not agreeing as aforesaid; and such Umpire shall pronounce Judgment accordingly; and his Judgment shall have the like Force and Effect as the Judgment of the said original Arbitrators would have had in case they had agreed in making the same.

If Parties are dissatisfied with the Award of Arbitrators and Umpire, they may require the Sheriff to summon a Jury, whose Judgment shall be final.

LXII. Provided always, and be it enacted, That if any Party or the said Company of Undertakers shall feel dissatisfied with the Judgment of such Arbitrators or Umpire, it shall and may be lawful for the said Company of Undertakers or for the said Party, within Seven Days next after such Judgment shall have been made, to give Notice in Writing to that Effect, and of his or their Desire to appeal against the same to the Sheriff or Under Sheriff of the County in which the Lands in respect of which, or any Work or Thing connected with which, such Arbitration or Umpirage may have been made shall lie, or in case such Lands shall extend to Two or more Counties, then to the Sheriff or Under Sheriff of either of any such Counties, and if such Sheriff or his Under Sheriff shall happen to be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to one of the Coroners of the same County not interested as aforesaid, or if all the Coroners shall be so interested as aforesaid, then to the last Person then in being who filled the Office of Sheriff of the said County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner or other Person to impannel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby authorized and required to impannel, summon, and return accordingly, a Jury of at least Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trial of Issues joined in His Majesty's Courts

of Record, to appear before the Justices of the Peace for the said County at some Court of General or Quarter Sessions of the Peace to be holden in and for the said County, or at some Adjournment thereof, as in such Warrant shall be directed or appointed; and if a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the Sheriff or Coroner or other Person shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Persons shall and may have lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace of the said County, or his Deputy, is hereby empowered and required to summon and call before the said Justices all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter in controversy; and such Jury upon their Oaths, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmation, (which Oaths or solemn Affirmations, as well as the necessary Oaths or Affirmations to any Person or Persons who shall be called upon to give Evidence before them as aforesaid, the said Justices are hereby required and empowered to administer,) shall inquire, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, or Premises, and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence, either for the Damages which shall or may before that Time have been sustained, or for the future temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been only in part obviated or repaired by the said Company, and which cannot or will be no further obviated by them; and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes against the said Company of Undertakers, and all Bodies Politic, Corporate, or Collegiate, and all other Person and Persons whomsoever.

Where Judgment is given for more Money than was awarded, Company to pay the Cost of summoning Jury, &c.; but if otherwise the Person interested to pay the Costs.

LXIII. And be it enacted, That in all Cases where a Judgment or Verdict shall be given for more Monies as Purchase Money for any Lands or Hereditaments of any Person or Persons whomsoever, or Compensation for any Damage done or to be done to any Lands or Hereditaments of any Person or Persons, than had been previously awarded upon the said Arbitration or Umpirage as aforesaid, then all the Expences of taking such Inquest, together with all such Charges as shall be incurred by the Person or Persons entitled to such Purchase Money or Compensation in ascertaining the Amount of the same, shall be settled by the said Justices, and be defrayed by the said Company out of the Capital Stock of the said Company; but if any Verdict shall be given or made for the same or a less Sum than had been awarded upon such Arbitration or Umpirage as aforesaid, or in case no Damages shall be given by the Verdict where the Dispute is for

for the Damages only, then and in every such Case the Costs and Expences of taking such Inquest shall be settled in like Manner by the said Justices, and be borne and paid by the Owner or Owners, Proprietor or Proprietors of or other Person or Persons interested in the Lands or Hereditaments in question; which Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and Expences, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged; or otherwise, such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Company in and by such Ways and Means as are herein-after provided for the Recovery of the Rates and Assessments herein-after mentioned.

Upon Payment or Tender of Money agreed or awarded to be paid as the Purchase Money, &c. Company may enter Lands, and take possession.

LXIV. And be it enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or awarded by the Arbitrators or Umpire, or assessed by a Jury as aforesaid, for the Purchase of any Buildings, Lands, Tenements, or other Hereditaments, to the Person or Persons entitled to receive such Purchase Money respectively, or his, her, or their Agent or Agents, or within the Space of Fourteen Days after the same shall have been actually so agreed for, determined, or assessed, on the same being deposited as herein-before directed, it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Buildings, Lands, Tenements, or other Hereditaments respectively, and then and thereupon such Lands, Buildings, or other Tenements or Hereditaments, together with the yearly Profits thereof, and all the Estate, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in the said Commissioners for the Purposes of this Act; and such Tender, Payment, or Deposit shall not only bar all Right, Title, Claim, Interest, or Demand of the Person or Persons to whom the same shall or ought to have been made, but shall also extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion, Remainder, Expectancy, or otherwise, of his, her, or their Issue, and of all and every other Person or Persons interested therein, and to vest an absolute Estate of Inheritance in Fee Simple, free from all Incumbrances, in the said Company of Undertakers and Trustees respectively: Provided always, that nothing in this Act contained shall authorize and empower, or be construed to authorize and empower, the said Company of Undertakers, or their Agents, Workmen, or Servants, or any of them, to enter into and upon the Lands, Buildings, Tenements, and Hereditaments so to be purchased by virtue of this Act as aforesaid, (save for the Purpose of surveying or levelling the same,) without having first paid or otherwise legally tendered for the same such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or awarded by the Arbitrators or Umpire, or assessed by a Jury, in manner herein-before directed.

LXV. And

LXV. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Right, Title, or Interest in or to any Lands or Premises hereby authorized to be taken by the said Company of Undertakers, or embanked, drained, or in any way affected by any of the Works to be undertaken by virtue of this Act, such Suit or Suits shall not impede, delay, or hinder the said Company from proceeding to the Execution of the Powers vested in them by this Act, but that the said Lands or Premises may be taken and used, and the Embankment and Drainage and other Works hereby authorized proceeded with, notwithstanding such Suit or Suits, and pending the same.

Suits or Actions not to hinder Company from proceeding with Works.

LXVI. And be it enacted, That the said Company of Undertakers may and they are hereby authorized to take, have, hold, and possess, by themselves or their Officers, or such Persons as they shall employ and appoint, all Flood-gates, Sluices, Locks, Stop-gates, Weirs, or Stops, or such other Works or Buildings, erected, made, set up, or being in or on any and every River, Stream, Drain, or Watercourse within the Limits of the District of the said Commission creating such Company; and each and every of the Person and Persons, Bodies Politic or Corporate, having the previous Management, Possession, or Controul of the said Flood-gates, Sluices, Locks, Stop-gates, Weirs, or Stops, or such other Works or Buildings as aforesaid, shall, as soon as they shall be thereunto required by the said Company of Undertakers, surrender and give up to the said Company, or their Agents lawfully authorized, the said Flood-gates, Locks, Sluices, Stop-gates, Weirs, or Stops, or such other Works or Buildings, and all Property connected therewith or relating thereto, in their Custody, Possession, or Power, relating to the same; and if any such Person or Persons, Bodies Politic and Corporate, shall refuse or neglect to surrender and give up to the said Company any of the said Flood-gates, Sluices, Locks, Stop-gates, Weirs, or Stops, Works, Buildings, Property, Goods, Materials, Utensils, Implements, and Things, hereby directed to be surrendered and given up, or Materials collected in his or their Possession relating to the said Flood-gates, Sluices, Locks, Stop-gates, or Stops, Works, Buildings, Property, Goods, Materials, Utensils, and Implements, or any of them, for the Space of Fourteen Days after the same shall be demanded by the said Company of Undertakers, or any Person by them duly authorized to make Demand, then and in every such Case the Person or Persons, Body Politic or Corporate, so offending, shall for every such Neglect or Refusal forfeit and pay a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of any Justice or Justices of the Peace, sitting in Petty Sessions, before whom Complaint of such Offence shall be made; and such Penalty shall be recovered in manner herein-after provided.

Company to possess themselves of Flood-gates, &c.

Persons refusing to deliver up the same, to forfeit not less than 5*l.* nor more than 10*l.*

LXVII. Provided always, and be it enacted, That nothing herein contained shall authorize or enable any Company or any Trustees constituted or elected under this Act to make or construct any Work injurious to the Navigation of any River or Canal, nor to interfere with any ornamental Water in any private Demesne or Park, without the previous Consent in Writing of the Proprietor thereof, nor to curtail

Company not to injure any navigable River or ornamental Water, nor the Supply of Water to Towns.

curtail or cut off the Supply of Water to any Town, without previously making adequate Provision in lieu thereof.

Encroachments not authorized.

LXVIII. Provided always, and be it enacted, That nothing herein contained shall authorize or enable any Company or any Trustees constituted or elected under this Act to encroach, by their Works or otherwise, upon any inclosed Park, inclosed Garden, or inclosed Demesne, without the Consent in Writing of the Proprietor thereof.

Penalty on Persons injuring or destroying Flood-gates, &c.

LXIX. And be it enacted, That if any Person shall wilfully or maliciously draw, pluck up, or open any Flood-gates, Sluices, Locks, Stop-gates, or Stops, or any or either of them, fixed, erected, or made, or hereafter to be fixed, erected, or made, for the Security, Use, or Benefit of any Marsh or other Lands, by or by the Order or Direction of the said Company of Undertakers, or surrendered to such Company under the Provisions of this Act, such Person or Persons so offending, and being thereof lawfully convicted upon the Oath of One or more credible Witness or Witnesses before Two or more Justices of the Peace sitting in Petty Sessions for the County, Riding, or Division wherein such Offence may be committed, shall forfeit for every such Offence a Sum not exceeding Ten Pounds nor less than Five Pounds, to be recovered and applied in manner herein-after directed; provided that the levying the said Penalty shall be no Bar to any Action at the Suit of the said Company of Undertakers.

Officers of Company or Trustees may apprehend transient Offenders.

LXX. And whereas Persons guilty of Offences against this Act may be transient Persons and Strangers, or Persons unknown to the Officers and other Persons acting under the said Company or Trustees; be it therefore enacted, That it shall and may be lawful for any Officers or other Persons acting under the said Company or Trustees respectively, with such Aid as shall be necessary, and without any other Warrant or Authority than this Act, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them before any Justice of the Peace of the County wherein such Offences shall be committed, who is hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions herein-before contained.

Survey and Report of Works after Completion.

LXXI. And be it enacted, That so soon as the Scouring, Embankment, Drainage, and other Works authorized to be executed under the said Commission to be issued as aforesaid shall be finally completed and executed by any Company of Undertakers, the said Company of Undertakers shall and they are hereby authorized and required to apply, by Petition to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to appoint, and he or they is and are hereby required thereupon to appoint, some skilful Engineer or Surveyor, the same if possible, unless good Reason there be to the contrary, who assisted in the Survey and Valuation herein-before first directed to be made before proceeding to the Execution of any Works authorized to be executed under the Provisions of this Act; and such Engineer or Surveyor, together with the same Two Per-

sons appointed respectively on Part of the Landholders and Landowners and on the Part of the said Company of Undertakers to make the aforesaid first Valuation and Survey, if both or either of such Two Persons shall be capable and willing again to act, and if not, then with One or Two other Persons, as may be necessary, to be chosen in the Place of such Person or Persons incapable or unwilling to act by the said Landholders and Landowners and Undertakers, or either of them respectively, in the same Manner as is herein-before directed and provided with regard to the Survey and Valuation herein-before directed to be first taken, shall proceed to survey all and every the Work or Works executed and finished by the said Company of Undertakers, so as to be able to ascertain the Completeness, Stability, and Sufficiency of all and every such Works; and it shall and may be lawful for the said Engineer or Surveyor and other Two Persons aforesaid, if they shall so think fit, to order and direct that any Addition or Alteration be made therein or thereof, such Addition or Alteration being within the Terms and Designs of the original Plan, Specification, and Estimate; and so soon as all the said Works, with the Additions or Alterations (if any) required by such Engineer or Surveyor and other Two Persons aforesaid, shall be fully completed and finished to the Satisfaction of such Engineer or Surveyor and other Two Persons, they shall thereupon proceed to examine the Title Deeds, Conveyances, Books, and Papers of the said Company of Undertakers, and all necessary Vouchers and Documents, and call before them and examine, on Oath or Affirmation, (which Oath or Affirmation they or any of them are hereby authorized to administer,) the Clerk, Treasurer, and all other Servants of the said Company, as they shall think necessary, and hear all Objections against such Accounts, Books, and Papers, or any thing contained therein, which may be made by any Person or Persons in any way interested in the same; and such Engineer or Surveyor and the said other Two Persons shall, upon some Day to be by them publicly notified in the same Manner as it has been herein-before provided that Notice of the Adjustment of the first Survey and Valuation made under this Act shall be given, finally determine and declare the gross Amount of all Sums expended by the said Company, with Interest upon the same at the Rate of Six Pounds *per Centum per Annum*, to be computed upon each Item thereof exceeding Twenty Pounds from the Outlay thereof, in and about the Execution of the said Works, and in the Purchase of any Lands or Premises for the Purposes of this Act, and in compensation of any Damage occasioned by any Works executed by such Company, together with all incidental Costs and Charges which may have been anywise incurred by the said Company of Undertakers therein, including such reasonable Allowance for the Time and Labour of the said Engineer or Surveyor and other Two Persons, and that of any Clerks they may find it necessary to employ, as the Chief or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall think fit to direct and appoint; and the Amount so ascertained shall be reported to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

LXXII. And

Survey and Valuation of Lands benefited by such Works.

LXXII. And be it enacted, That the said Engineer or Surveyor and other Two Persons directed to be appointed as herein last aforesaid, after having so inspected the Works and Accounts, and determined the Amount expended thereon, as herein-before directed, shall next proceed to survey all the Lands and Grounds within the Limits of the Commission of the said Company which shall in their Judgment have received any Benefit from or be anywise enhanced in Value by any of the Works done and executed by the said Company of Undertakers under the Authority of their said Commission; and the said Engineer or Surveyor and other Two Persons shall refer to the former Survey and Valuation herein-before directed to be made, and shall determine, to the best of their Skill and Judgment, how much each and every Portion of such Lands and Grounds, Acre by Acre, Rood by Rood, Perch by Perch, or by what other Portions or Subdivisions they may deem just and convenient to distinguish the said Lands, have been or may be benefited or improved by, from, or in consequence of any Drainage, Embankment, or other Works executed by the said Company of Undertakers under their said Commission; and the Amount of such Benefit or Improvement shall be denoted and expressed by a Sum of Money assigning an increased annual Rent or Value to such Lands or Grounds and each Portion and Subdivision thereof; and the said Engineer or Surveyor and other Two Persons so appointed as last aforesaid shall make out a distinct Schedule and Return of such respective Benefits and Improvements so surveyed, valued, and estimated by them, and denoted by such increased annual Rent or Value as aforesaid, with the Name or Names of the Owners and Occupiers of each Subdivision of Land which may be so separately estimated as aforesaid, and the commonly known or received Denomination by which such Grounds or Lands may be distinguished, and shall cause the same to be lodged for Inspection in some public Place within the District whereunto such Schedule and Return shall refer; and Notice of the Lodgment of such Returns and Schedules for Inspection as aforesaid, together with a Notice of a Time and Place, not less than Twenty-one Days from the Lodgment of such Returns and Schedules, whereat the said Engineer or Surveyor with the other Two Persons mean to proceed finally to adjust the same, shall be given by Advertisement affixed and published in the same Manner as it has been herein-before provided that Notice of the Lodgment of the Survey and Valuation herein-before first directed to be taken, and of the Adjustment thereof, shall be given; and such Engineer or Surveyor and other Two Persons shall also give or cause to be delivered to the Tenant or Occupier, or to be left at his or her usual Place of Abode, of any and every Subdivision of Land separately estimated as aforesaid, a written Copy of such Portion or Part of the Schedule or Return as may include or refer to the Grounds, Lands, or Premises belonging to or in the Occupation of such Tenant or Occupier; and at the Time and Place appointed pursuant to such Notice as aforesaid, the said Engineer or Surveyor and other Two Persons shall proceed to hear and determine all Objections that may be made to the aforesaid Schedules and Returns by any Person interested in the same; and it shall and may be lawful for the said Engineer or Surveyor and other Two Persons to alter and amend such

such Schedules and Returns, and finally to adjust and determine the same; and the said Schedules and Returns so adjusted and determined shall be binding and conclusive against all and every Person or Persons whatsoever; and a Copy of all such Schedules and Returns shall be delivered to the said Company of Undertakers; and the Originals shall be transmitted by such Engineer or Surveyor and other Two Persons to the Clerk of the Peace of any County whereof Part may lie within the Limits of the Commission of the said Company, to be by him recorded amongst the Records of such County.

Assessment of Lands benefited by Works.

LXXIII. And be it enacted, That it shall and may be lawful for the said Company of Undertakers, and they are hereby authorized and empowered, to assess all Lands, Grounds, and Premises benefited or improved by the Drainage, Embankment, or other Works executed by the said Company under the Authority of their said Commission, at and after the Rate of One hundred Pounds for every Ten Pounds of Increase in the annual Rent or Value thereof, as denoted and expressed in the Return and Schedule herein-before directed to be made by the said Engineer and other Two Persons, and that such Assessment shall be made and levied in manner herein-after provided.

Company not to have more than 15 per Cent. Profit on Sums expended (with Interest and Costs and Expences) in executing such Works.

LXXIV. Provided always, and be it enacted, That if such Assessment, calculated at the Rate aforesaid, should exceed the Amount ascertained and declared to have been expended in manner aforesaid by the said Company in and about the Works by them executed, including the Interest thereon, with all Costs and Charges in anywise relating thereto, by a Sum exceeding Fifteen Pounds *per Centum* on the Amount of such Expenditure, with Interest, Costs, and Charges aforesaid, then and in such Case it shall not be lawful for the said Company to make such Assessment at the Rate aforesaid, but the same shall be made and calculated at such lower Rate as to reduce such Assessment to an Amount equal to the said Amount of Expenditure, including the Interest, Costs, and Charges aforesaid, together with such further Sum of Fifteen Pounds *per Centum* on the Amount thereof.

Engineer, &c. to estimate and declare the Amount of Assessment to be levied.

LXXV. And be it enacted, That the said Engineer or Surveyor and other Two Persons appointed as last aforesaid shall estimate, ascertain, and determine, according to the Provisions herein contained, the Amount of such Assessment to be made and levied as aforesaid, and shall declare the same in Writing under their Hands and Seals; and that such Declaration in Writing shall be good, valid, and effectual to authorize and entitle the said Company to make and levy the said Assessment.

Incapacitated Persons and others having partial Interest in Lands may borrow Money by

LXXVI. And be it enacted, That it shall and may be lawful for any Proprietor or Proprietors of any Land, Grounds, or Premises upon which any Assessment shall be made in manner herein-before mentioned, being Tenant or Tenants for Life or Lives, or in Tail, or for any Term of Years, and also for any Body Politic or Corporate, Vicar or Rector, and for the Husbands, Guardians, Trustees,

Mortgage or Assignment of Lands.

Trustees, Committees, or Attornies of any Person or Persons being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, to grant, mortgage, lease, or demise the said Lands and Grounds unto or in Trust for any Person or Persons who shall lend and advance any Sum or Sums of Money for the Purpose of paying such Assessment made upon such Lands, Grounds, or Premises, for any Term of Years, or any other Estate or Interest, so as such Grant, Mortgage, Lease, or Demise be made with a Proviso or Condition to be void on the Payment of such Sum or Sums of Money so lent or advanced, with the Interest thereof, at a Time to be therein limited; and every Grant, Lease, Mortgage, or Demise shall be good, valid, and effectual in Law for the Purposes thereby intended: Provided always, that all and every Body Politic or Corporate, Vicar, Rector, Tenant or Tenants for Life or Lives, or in Tail, or by Courtesy, and all and every other Person or Persons who shall be entitled to the said mortgaged Lands, Grounds, or Premises, shall pay and keep down the Interest of the Principal Money so to be borrowed as aforesaid, so that no Person or Persons afterwards becoming entitled to the said mortgaged Grounds, Lands, or Premises shall be liable to the Payment of any larger Arrear of Interest than for Six Calendar Months preceding the Time when his, her, or their Title to the Possession of such mortgaged Lands, Grounds, or Premises commenced: Provided also, that nothing herein contained shall give or be construed to give any Power to incapacitated Persons, other than heretofore they had, to grant, mortgage, lease, or demise any Lands, Grounds, or Premises, except for the Purpose of borrowing the Amount of any Assessment to be made under the Provisions and in manner herein-before provided, nor any larger Sum or Sums than the Amount of such Assessment.

Company to deliver Notice to Owners, containing the Amount of Assessment, and requiring Payment; and if not paid within Six Months, to charge the Lands with the Amount of improved Rent; to be paid to any Person advancing the Amount.

LXXVII. And be it enacted, That the said Company of Undertakers shall deliver or cause to be delivered to the Owners or reputed Owners and Occupiers of every Parcel or Subdivision of Land or Premises liable to Assessment under the Provisions herein contained a Notice expressing the Amount of the Sum to which they may be liable in respect of any such Lands or Premises of which they shall be Owners or Occupiers respectively, and requiring the Payment thereof; and if such Sum or Sums shall not be paid to the Treasurer of the said Company within Six Calendar Months after the Delivery of such Notice, then and in such Case it shall and may be lawful for the said Company of Undertakers, by Indenture or Indentures under the Hand and Seal of the Chairman of their Committee of Management for the Time being, to charge and subject the Lands or Premises whereon such Assessment shall be made and remain unpaid as aforesaid, with such Sum or Sums of Money as may have been specified and declared in the Schedules and Returns herein-before directed to be made to be the improved annual Rent or Value of such Lands or Premises arising out of or created by the Works executed by the said Company, the same to be paid and payable by equal yearly Payments, to such Person or Persons as shall advance and lend the Amount of such Assessment; and such Charge or Assurance shall have Priority over all other Charges,

Mortgages, Assurances, and Incumbrances whatsoever made or to be made and of all Rents reserved or payable out of such Lands or Premises by any Deed or Demise whatsoever; and every such Charge or Assurance shall be good, valid, and effectual in Law to all Intents and Purposes whatsoever, provided that the same be made with a Condition or Proviso to cease and determine on Payment by any Person interested in such Lands or Premises of the Amount of the Assessment aforesaid, Three Months previous Notice of the Intention to pay off such Charge or Assurance being first given to the Holder thereof.

Charges or Assurance may be transferred.

LXXVIII. And be it enacted, That all and every Person or Persons to whom any such Charge, Demise, or Assurance shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time assign, transfer, and set over his, her, or their Right, Title, or Interest therein unto any Person or Persons whomsoever, either by Indorsement thereon or otherwise; which Transfer shall and may be made by a Deed in Writing in the Form or to the Effect following; (namely,)

Form of Transfer.

'I in consideration of the Sum of
'to me paid by of do
'hereby transfer the within Charge, Demise, or Assurance [*or* a
'certain Charge, Demise, or Assurance made to me by the Company
'of Undertakers under the Provisions of an Act passed in the Second
'Year of King *William* the Fourth], bearing Date the
'Day of and the Sum or Sums thereby secured and
'reserved, and all my Right and Property therein, unto the said
' his Executors, Administrators, and Assigns. In
'witness whereof I have hereunto set my Hand and Seal this
' Day of .'

In case of Nonpayment of Money so charged, it may be levied by Distress;

LXXIX. And be it enacted, That if Default shall be at any Time made in the Payment, at the Periods before specified, of the Sum or Sums charged on and made payable out of any such Lands or Premises by virtue of such Charge or Assurance as aforesaid, it shall and may be lawful for the Holder thereof to enter into and upon such Lands and Premises, and to levy, by Distress and Sale of any Goods or Chattels which may be found thereon, the Sum or Sums so due and in arrear, together with all Costs and Charges attending such Distress and Sale, rendering the Overplus, if any, to the Owner of such Goods or Chattels; and in case sufficient Goods and Chattels to satisfy such Sum or Sums so in arrear, with the Costs and Charges aforesaid, cannot be procured thereon, then and in such Case it shall and may be lawful for the Holder of such Charge or Assurance, or any Person or Persons for that Purpose authorized by such Holder, to enter upon the said Lands, Grounds, and Premises, and the Rents and Profits thereof to receive and take and have, until thereby or otherwise the Sum so in arrear, together with all Costs and Expences attending or occasioned by such Entry and Receipt of the Rents, Profits, and Issues of such Lands, Grounds, or Premises, shall be fully paid and satisfied.

if there is not Goods or Chattels sufficient, the Holder may enter upon the Lands.

LXXX. And

If Lands are untenanted, and Holder shall not choose to enter upon them, Goods and Chattels hereafter found shall be liable.

LXXX. And be it enacted, That in any case any Lands or Grounds in respect whereof such Arrear shall be incurred as aforesaid shall at any Time be untenanted or unoccupied, so that sufficient Distress cannot be found whereon to levy the same, and the Holder of the said Charge or Assurance shall not think proper to enter upon the same as aforesaid, then the said Lands and Premises shall remain liable thereto, and all Goods and Chattels which shall at any Time thereafter be found thereon shall and may be distrained and sold in manner aforesaid, until all Arrears, and the Charges of such Distress, and detaining, keeping, and selling the same, shall be fully paid and satisfied.

Tenants in certain Cases to deduct the Assessments made under this Act from their Rent.

LXXXI. Provided always, and be it enacted, That all and every Person or Persons who may hold any Land as Tenant at Will, or Tenant from Year to Year, or for any Term of Years whereof not more than Three shall be unexpired, shall and may deduct from the Rent due or payable to his, her, or their next superior Landlord all and every such Sum or Sums of Money as may be raised or levied on or off such Lands, and paid by such Tenant by virtue of any Charge or Assurance whatsoever made by any Company of Undertakers under Authority of this Act, and the Receipt or Receipts of the Holder of such Charge or Assurance shall be a good Acquittance for so much of the said Rent as shall be expressed therein.

After Receipt of Report of Completion of the Works, Chief or Under Secretary of Lord Lieutenant to summon a Meeting of Owners of Lands benefited, to elect Trustees.

LXXXII. And be it enacted, That so soon as it may be convenient, after the Receipt of the Report of the Engineer or Surveyor and other Two Persons certifying the Completion of the Works authorized to be undertaken by the said Company of Undertakers under their said Commission, the Chief or Under Secretary to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall summon a Meeting of all the Persons who shall appear by the Schedules and Returns aforesaid to be Owners of any Lands, Grounds, or Premises benefited or improved by such Works, and Notice of such Meeting shall be given in like Manner as of the first Meeting of Landowners and Occupiers herein-before directed to be summoned; and the Party seised of the first Estate of Inheritance in any Lands, Grounds, or Premises shall for the Purpose of such Meeting be deemed the Owner thereof, and in default of the Attendance of such Person, then the Person having the first Freehold Estate therein, and in default of the Attendance of both such Persons, then the actual Occupier thereof, shall be deemed and taken to be such Owner, and vote thereat accordingly; and no Two Persons shall have a Right to vote in respect of the same Lands, Grounds, or Premises; and the Persons assembled at such Meeting shall, in the first place, elect a Chairman to preside at such Meeting, and shall next proceed to the Election of Trustees for preserving, maintaining, repairing, and keeping in repair such Works completed and executed by the said Company of Undertakers; and such Trustees shall be not fewer than Three nor more than Twelve Persons, and shall be either actually Landowners or Persons entitled so to be deemed under the Provisions aforesaid; and all Persons who shall have been assessed for the Expence of executing such Works in the Sum of Ten

Ten Pounds shall have One Vote at such Meeting, and all Persons assessed in the Sum of Twenty Pounds shall have Two Votes, and so on in progression of One Vote for every complete Sum of Twenty Pounds in which such Landowner may have been assessed, but so that no Landowner shall have more than Six Votes in the whole, whatever be the Sum in which he may have been assessed; and in case of an Equality of Votes at such Meeting, the Chairman of such Meeting shall, besides any Vote or Votes to which he may be entitled as an assessed Landowner, also have a casting and decisive Vote; and such Chairman shall certify under his Hand and Seal the Names of the Persons so elected such Trustees as aforesaid, and deliver such Certificate to the Clerk of the Peace of any County within which any of the Lands comprised within the Limits of the Jurisdiction of such Trustees may lie, to be by him preserved among the Records of the County; and such Certificate shall be to all Intents and Purposes conclusive of the due Election of the Persons therein named.

After Appointment of Trustees, Powers of Company to cease, except as to Recovery of Assessment or any Arrear thereof.

LXXXIII. And be it enacted, That from and immediately after the Election of the Trustees herein-after directed to be made, all and every the Powers and Authorities granted to or vested in any Company of Undertakers by virtue of their said Commission, or by virtue of any of the Provisions of this Act, for the Prosecution of any Works of Drainage, Embankment, or clearing of Rivers, Streams, or Watercourses, or the Execution of any other Work or Works pursuant to the Provisions of this Act, and all Right, Title, and Interest in such Works theretofore belonging to and vested in such Company, and all Duty and Obligation to maintain or repair any of such Works created by any of the Provisions of this Act, shall wholly cease and determine; and such Company shall with all convenient Speed make up and close their Accounts and Transactions, and, according to the Terms of their original Subscription, and the Provisions of their Deed of Settlement, apportion and divide among the Proprietors or Holders of Shares in the said Undertaking all such Sums of Money and other Property of what Nature soever as may belong or accrue to the said Company; provided that such Company of Undertakers shall have and retain full Power and Authority, notwithstanding such Appointment of Trustees, to make, levy, recover, and receive the Assessment which by the Provisions of this Act they have been authorized to make and levy, and all Arrears thereof, and all such Sums of Money as may be anywise due and owing to them by or from any Person or Persons whatsoever on any account whatsoever, and to maintain any Action or Suit at Law or in Equity for the same, or to take such other Proceedings for Recovery thereof as they might have taken before the Appointment of such Trustees, and in like Manner to sue for, recover, and receive any Fines or Penalties to which they may be anywise entitled; and all such Actions, Suits, or other Proceedings shall be had in the same Manner and Form, and be alike valid and effectual, and all the Provisions of this Act applicable to or directory thereof shall continue in full Force and Effect, any thing herein-before contained to the contrary thereof notwithstanding.

Trustees to remain in Office for Three Years; and to summon Meeting of Landowners, to elect new Trustees every Three Years.

LXXXIV. And be it enacted, That the said Trustees first appointed as aforesaid shall continue and remain in Office and act as such for the Term of Three Years from the Date of their Election, and no longer; and at least Ten Days before the Expiration of such Term of Three Years, the Trustees for the Time being shall summon by public Advertisement, and otherwise as they shall think fit, a Meeting of all the Owners for the Time being of all Lands, Grounds, or Premises benefited or improved by the Works executed under the Commission aforesaid, and the same Regulations with respect to the Right of Persons to vote and of the Manner of voting thereat shall apply and be observed at such Meeting as at the first Meeting for the Election of Trustees; and at such Meeting a like Number of Persons as were chosen at such first Meeting shall be chosen to act as Trustees for the next ensuing Three Years, in the Room of such outgoing Trustees, and with the like Powers and Authorities, and the Election of such Trustees shall be certified in like Manner as the Election of the first Trustees elected under this Act, and such Certificate shall be lodged in like Manner, and be alike conclusive of the Election therein certified to have been made, and so on for ever, a new Election of Trustees being made and certified in like Manner and Form every Three Years: Provided always, that any outgoing Trustee may be re-elected, and shall in such Case continue and remain in Office, any thing herein contained to the contrary notwithstanding: And provided further, that if any Trustee shall, before the Expiration of the Three Years for which he may have been elected to act as a Trustee, resign, or become disqualified to act as such, it shall and may be lawful for the remaining Trustees to elect some other Landowner, qualified as aforesaid, to be a Trustee in the Place of the Trustee so dying, resigning, or becoming disqualified as aforesaid; and such Trustee so elected to fill such Vacancy shall remain and continue in Office as such Trustee so long only as the Trustee in whose Place or Stead he may be elected would have been entitled to have continued and remained in Office.

Trustee resigning, &c. a new one to be elected by Trustees out of the Landowners.

Notice of Meetings of Trustees to be given by public Advertisement or by personal Service.

LXXXV. And be it enacted, That Notice of all Meetings to be held by the Trustees in pursuance of this Act (except where it shall be herein otherwise directed) shall be inserted in some One Newspaper usually circulated within the District of the Jurisdiction of such Trustees, at least Thirty Days before the Day appointed for any Meeting, or such Notice thereof shall be delivered to the said Trustees personally, or left at their usual Place or Places of Abode, or given and published in such other Manner as the said Trustees at any previous Meeting shall think fit to order and direct; and it shall be lawful for such Trustees to adjourn such Meetings from Time to Time, as may be convenient; and all Orders and Determinations of the Trustees in execution of this Act shall be made at Meetings to be held pursuant to the Provisions hereof, and not otherwise, and that no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein; and that all Acts, Orders, and Proceedings in execution of this Act, and all the Powers and Authorities vested in the said Trustees generally, shall and may be had, made, done, and exercised by the major Part of the Trustees

Proceedings at Meetings of Trustees.

who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number present not being less than Five; and that all Acts, Orders, or Proceedings had, made, or done by or before such Five Trustees shall have the same Force and Effect, and be binding and conclusive on all Persons and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Trustees; and that a Chairman shall and may, in the first place, be appointed at every Meeting to be held by virtue and for the Purposes of this Act, who, in case of an equal Number of Votes (including the Chairman's Vote), shall have the casting or decisive Vote; and that no Order or Determination at any Meeting of the said Trustees once made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given by Five or more Trustees, by Writing under their Hands, to the Clerk to the said Trustees at a previous Meeting, and entered in the Book of Proceedings of such Meeting, and expressed in the Notice convening such subsequent Meeting, nor unless such Revocation or Alteration shall be agreed to be made by a greater Number of Trustees than concurred in the making of any such Order and Determination.

Revocation of Orders.

LXXXVI. And be it enacted, That the said Trustees shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk or Clerks for the Time being, in which Book or Books shall be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for and on account of any of the Purposes of this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all reasonable Times be open to the Inspection of the said Trustees; and the Trustees shall from Time to Time cause such Accounts to be duly made up and balanced on the Appointment of Trustees to succeed them pursuant to the Provisions of this Act, and within Seven Days next after such Appointment deliver such Accounts, and make Payment of all Monies arising by virtue of this Act and then in their Hands, to the succeeding Trustees, to be by them applied to the Purposes of this Act.

Trustees to order Books of Accounts to be kept.

LXXXVII. And be it enacted, That it shall and may be lawful to and for the said Trustees, by Advertisement to be inserted in some Newspaper printed or generally circulated within the District of the Jurisdiction, to appoint a Time and Place to receive Proposals from, and to enter into, make, and execute Contracts, for any Term not exceeding the Term for which such Trustees may remain in Office, with any Engineer, Engineers, or Workmen, or other Person or Persons, not being a Trustee or in any Manner otherwise employed by the said Trustees, for maintaining, preserving, and repairing any of the Works which they may be hereby required or authorized to maintain, preserve, and repair, and for providing proper Engines, Utensils, and Materials for that Purpose, and all other Matters, Articles, and Things concerning the same; and all such Contracts so to be made shall be entered in a Book to be kept for

Trustees may enter into Contracts.

for that Purpose, and signed by the Party or Parties making such Contract and by the said Trustees, and shall be good, valid, and effectual in Law without any more formal or further Deed or Instrument whatsoever.

Trustees to support and preserve the Works;

LXXXVIII. And be it enacted, That the said Trustees for the Time being elected in manner aforesaid shall and they are hereby authorized and required to support, preserve, cleanse, scour, maintain, or alter all Rivers, Streams, Watercourses, Canals, Cuts, Dams, Drains, Banks, Sluices, Tunnels, Bridges, Ways, Roads, Trenches, Outlets, and other Works made, executed, or erected by the said Company of Undertakers, as may be from Time to Time necessary or expedient;

to appoint Clerk and Treasurer, and any other necessary Officers;

and the said Trustees shall at their first Meeting proceed to choose and appoint some Person, not being a Member of their own Body, to be Clerk, and some other Person, not being a Member of their own Body, to be Treasurer to the said Trustees; but it shall not be lawful to the Person so appointed Clerk to the said Trustees, nor for any other Person holding any Place of Profit under them, to be the said Treasurer; and the said Trustees shall also have Power to appoint from Time to Time such other Officers as they may find necessary, and to allow to such Clerk, Treasurer, and other Officers such reasonable Salaries as they may think fit, and to rent or hire an Office for the Transaction of their Business; and such Trustees shall meet from Time to Time, as they may find convenient, at some Place within the District for which they are chosen such Trustees;

and to make Assessments upon Lands benefited, for Support of Works, not exceeding Sixpence per Acre in any One Year.

and the said Trustees shall have Power and Authority to rate, tax, and assess all and every the Occupier or Occupiers of all and every the Lands and Premises embanked, drained, or otherwise benefited or improved by any of the Works executed under the Authority of this Act, in such an equal Rate or Tax, not exceeding Sixpence *per* Acre in any One Year, (except in the Case of a further or larger Tax being consented to as herein-after mentioned,) as shall be necessary to pay and discharge the Expences of preserving, maintaining, and supporting the said Works, and of defraying the reasonable Costs and Charges incurred by the said Trustees in execution of the Duties and Trusts hereby imposed or conferred upon them, and the Salary and Salaries of the said Clerk and Treasurer, and such other Officer or Officers as shall be by them appointed for collecting or receiving such Rates or Taxes and managing and taking care of the said Works, and to appoint such certain Days and Places for the Payment of such Rates and Taxes, half-yearly, to the Collectors or Receivers thereof, as they the said Trustees shall respectively think proper.

If annual Tax of Sixpence is not sufficient, Trustees to cause public Notice to be given of a Meeting to consider of an additional Tax; such

LXXXIX. And be it further enacted That if in any Year it shall appear to the said Trustees that the said Rate or Tax of Sixpence *per* Acre shall yield a Sum insufficient for preserving, supporting, and repairing, or making any needful Alterations in, the said Works, and defraying the said Expences and Salaries, it shall be lawful for the said Trustees to cause public Notice to be given in all the Parish Churches within the District for which they shall be Trustees, on some *Sunday* immediately after Divine Service, and also to cause Notices to be affixed upon the principal Doors of the said Churches, and of every Roman

Roman Catholic Chapel and Presbyterian Meeting House within the District aforesaid, requiring the Proprietors of all Lands and Premises liable to Assessment under the Provisions of this Act to meet at a Time and Place therein specified within the District aforesaid, such Time not being less than Fourteen Days nor more than Thirty Days from the Date of such Notice, then and there to testify their Consent to or Dissent from the said Trustees charging and levying, for the Year then next following, such additional acreable Rate or Tax, over and above the said Rate or Tax of Sixpence *per* Acre as shall be in such Notice expressed, not exceeding One Shilling *per* Acre, upon the several Lands and Premises within the District aforesaid; and such Meeting shall be held accordingly, and the Chairman of the said Trustees shall preside thereat, and the Owners of all the Lands and Premises aforesaid shall have right to attend and vote thereat under the same Provisions, Restrictions, and Qualifications as are herein-before directed and required in the Election of Trustees; and if Five Sixths of such Votes shall be given for charging or levying such additional Rate or Tax as aforesaid, the said Trustees shall have and they are hereby invested with Power and Authority to charge and levy such additional Rate or Tax on such Parts or Shares thereof as they shall think necessary, over and above the said ordinary annual Rate or Tax, in such and the same Manner and by the same Means as they are authorized and empowered to charge and levy such ordinary Rate or Tax.

Meeting to be under same Regulations as first Meeting to elect Trustees.

If Five Sixths vote for additional Tax, it may be made.

XC. And be it enacted, That if any Person or Persons so rated, taxed, or assessed shall refuse or neglect to pay the Money so rated, taxed, or assessed on him, her, or them respectively, within Ten Days after the respective Times of Payment to be appointed as aforesaid, (public Notice of the said Times of Payment being affixed on the Doors of all the Churches and Roman Catholic Chapels and Presbyterian Meeting Houses in the Parishes wherein the said Lands or Premises in respect whereof such Rate or Tax shall be imposed shall be situate,) at such Place as shall be specified in such Notice, it shall be lawful for the Collector or Receiver, or other Person or Persons authorized by virtue of any Warrant or Precept under the Hands and Seals of any Three of the said Trustees, (which Warrant or Precept such Trustees are hereby empowered and required from Time to Time to grant, as Occasion may require,) to levy such Sum or Sums of Money so taxed or assessed, and all Arrears thereof, by Distress and Sale of any Goods or Chattels whatsoever which may be found or met with on the Lands or Premises in respect whereof such Rate or Tax shall have been imposed, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking or making of such Distress and Sale; or otherwise it shall and may be lawful for the said Trustees from Time to Time to enter upon the Lands, Premises, and Grounds in respect whereof such Rate or Tax may have been imposed, the Rents, Issues, and Profits thereof respectively to receive and take, until thereby or otherwise such Taxes, Rates, or Assessments, and all Arrears thereof, so from Time to Time directed to be paid by such Person or Persons as aforesaid, and all Costs, Charges, and Expences occasioned by or attending

In case of Nonpayment of Tax, Trustees may levy the same by Distress; and if that not sufficient may enter Lands.

Tenants to pay Trustees their Tax, and deduct the Amount from the Rent due to their Landlord.

such Entry and Receipt of the Rents and Profits of such Premises, shall be fully paid and satisfied; and the Tenant or Tenants of all and singular such Lands and Grounds so to be rated, taxed, or assessed, holding the same as Tenant or Tenants from Year to Year or at a Rack Rent, is and are hereby required and authorized to pay such Sum and Sums so assessed and rated thereon as the same shall become due, and it shall be lawful for such Tenant or Tenants from Year to Year or at a Rack Rent to reimburse him, her, or themselves such Sum or Sums of Money out of the next Rent to become due to his, her, or their Landlord or Landlords respectively, who shall allow the same to be deducted out of his, her, or their Rents accordingly.

Works and Materials of which the same shall consist to be vested in Company until Trustees appointed, and afterwards in the Trustees.

XCI. And be it enacted, That all the Cuts, Drains, Ditches, Dams, Sluices, Tunnels, Bridges, Outlets, Mills, Engines, and other Works which shall at any Time hereafter be made, erected, supported, or maintained for the Purposes of this Act, and all Right, Title, Estate, and Interest in any Lands or Premises purchased by the said Company by virtue of the Powers on them hereby conferred, and the Rights and Property to and in all Engines, and the Materials of which the same shall consist, shall be and they are hereby vested in the said Company of Undertakers acting under and by virtue of the Commission constituting them such for the Time being, until the Powers and Authorities of the said Company of Undertakers shall cease, and until the Trustees herein-before directed to be chosen shall be appointed by virtue of this Act; and from and after such Appointment shall be certified as herein-before mentioned, then the said Lands or Premises, Works, and the Right and Property to and in the same, and the Materials of which the same shall consist, shall be and the same are hereby vested in the said Trustees; and the said Company of Undertakers and Trustees respectively are hereby authorized and empowered to insure such Engines from Fire, and for and during the Periods of their respective Possession aforesaid to bring or cause to be brought any Action in the Name of any Three or more of the said Company or Trustees, as the Case may be, or of the Clerk or Clerks, Treasurer or Treasurers of such Company or Trustees, and to prefer and prosecute or order and direct the preferring and prosecuting of Indictments, against any Person or Persons who shall break or pull down, steal, take, or carry away, spoil, injure, or destroy any of the said Goods, Materials, Utensils, Implements, or other Things, or who shall do any Act to injure or obstruct any Person employed by the said Company or Trustees in execution of any of the Powers created by or derived under Authority of this Act; in which Action or Actions, Bill or Bills of Indictment, it shall be sufficient to state generally such Goods, Materials, Utensils, Implements, or other Things to be the Property of any Three of the said Company of Undertakers or Trustees, as the Case may be, or of the Officer in whose Name such Action or Bill of Indictment may be brought or preferred.

Weirs may be altered or removed, making Com-

XCII. And be it further enacted, That the said Company of Undertakers or Trustees respectively shall and they are hereby authorized and empowered from Time to Time and at all Times hereafter,

hereafter, when they shall think the same advisable, to alter or remove any Weirs erected upon Streams of Water, or any Impediments whatsoever on any River, Stream, or Watercourse, which now or hereafter shall be in the District and under the Jurisdiction of the said Company or Trustees, making proper Satisfaction and Compensation for all such Damage or Injury to the Proprietors or other Persons interested in such Weirs, River, Stream, or Watercourses, by and out of the Monies to be raised and levied by virtue of this Act; and in case the said Company or Trustees and the said Proprietors and other Persons cannot agree about the Quantum of such Satisfaction or Compensation, then and in such Case the same shall be ascertained and settled in like Manner as the Value of Land or Ground used or taken by the said Company of Undertakers by virtue of this Act, and any Damage or Injury which may be done under any of the Powers of this Act, are herein-before directed to be settled and ascertained.

pensation to the Owners thereof.

XCIII. And be it enacted, That nothing in this Act contained shall extend or be construed to enable any Company of Undertakers or Trustees constituted under this Act to take or appropriate any Mill or Mill Site, or in any Manner to alter or divert any River, Stream, or Watercourse, so as to impede or diminish the Supply of Water to any Mill erected before the passing of this Act, without the Consent in Writing first had and obtained of the Owner or Owners or Occupier of such Mill or Mill Site.

Company not to appropriate any Mill or Mill Site, or divert any River, &c. without Consent.

XCIV. Provided always, and be it enacted, That in Cases where from the damming up of any River or Stream for the Purpose of raising a Head of Water above the natural Level thereof, so as to procure a greater Power of Water for any Mill, occasional Damage may arise by the overflowing of such River or Stream, it shall and may be lawful for such Company of Undertakers or Trustees respectively to construct any Reservoir, Embankment, Tunnel, or Back Drain, and to erect any Flood-gates, Sluices, or other Works which may be necessary to prevent the ill Consequences of sudden Floods in such Rivers or Streams, and to provide for the more safe and easy Discharge of Surplus Water therefrom, but always so that the same average Level of Water theretofore enjoyed by any such Mill shall be at all Times maintained and preserved; and such Level shall be previously ascertained and declared by Two indifferent Persons, one named by such Company of Undertakers or Trustees, as the Case may be, and another by the Owner or Owners of such Mill respectively, or in case of Disagreement between such Two Persons, then by an Umpire nominated by such Two Persons.

Company may erect Works necessary to prevent the ill Consequences of Floods.

XCV. And for the Prevention of Differences between the said Company or Trustees and the Owner or Occupiers of any such Mill, be it further enacted, That at each and every Flood-gate, Sluice, or other convenient Position, a Stone Cill or Gauge shall be erected, and that in clear and legible Figures or Letters the due and proper Level of Water ascertained and declared as aforesaid and to be maintained thereat shall be marked; and the said Company shall appoint a proper Person or Persons, to be approved of by the Owner or Owners or

For the Erection of a Stone Cill or Gauge in certain Places.

or Occupier of such Mill, for the Regulation, opening, and closing of such Flood-gates and Sluices; and all the Expences of making and maintaining the same, and such Cills or Gauges, and of remunerating such Person employed to regulate the same, shall be defrayed by the said Company of Undertakers or Trustees elected as herein-after provided under Authority of this Act, as the Case may be.

Not to exonerate Proprietors from making such Repairs as were necessary before the passing of this Act.

XCVI. Provided always, and be it further enacted, That nothing herein contained shall be construed to exonerate the Proprietor or Proprietors of any Mill or Mill Site, or any other Person or Persons, from such Obligation, Duty, or Liability to preserve or repair the Banks of any River, Stream, or Watercourse, or to maintain any Dam or Sluice or Flood-gate, or any Engine, Contrivance, or other Work for regulating the Supply of Water in any Dam or Watercourse, as he, she, or they may or would have been respectively subject or liable to if this Act had not been made.

Company not liable for Damage arising to Lands, &c. from Insufficiency of Embankments, &c. unless Notice previously given.

XCVII. And be it further enacted, That nothing herein contained shall be construed to render the said Company of Undertakers or Trustees respectively liable for any consequential Damages which may happen to any Lands, Hereditaments, or Premises through or by the accidental overflowing of any River, Stream, or Watercourse, or by the sudden breaking of any Bank, Dam, or Sluice whatsoever, which, under the Provisions of this Act, any Company of Undertakers or Trustees may take upon them the Duty of regulating or maintaining: Provided nevertheless, that if the Owner or Occupier of such Lands, Hereditaments, or Premises shall have given Notice in Writing to the Chairman or some Member of the Committee of Management of the said Company of Undertakers, or to One of such Trustees, warning him or them of the Probability of such Damage, or the Weakness and Deficiency of any such Bank, Dam, or Sluice, and requiring him or them to strengthen, amend, and repair the same, and that the said Company or Trustees, as the Case may be, shall not, within Seven Days next after the Delivery of such Notice, take proper Precautions to prevent such Damage happening, so far as it may be possible to prevent the same, then and in such Case the Amount of all consequential Damages which shall happen through Neglect thereof shall be made good by and out of the Capital Stock of the said Company of Undertakers, and the same shall be in Reduction and Abatement of the Profits of their Undertaking, or, in case the same shall happen after the Appointment of Trustees under this Act, shall be raised and made good by an extraordinary Assessment to be and which shall be made and levied in like Manner as any other Assessment made and levied by such Trustees pursuant to the Powers herein-before vested in them.

Persons interested in Waters, &c. may repair Damages at Expence of Company.

XCVIII. And be it enacted, That it shall and may be lawful for any Person interested in any Mill, Lands, or Premises, or in any Water, in case of any Obstruction, Want of Repair, or other Cause hindering the full and proper Quantity of Water from flowing to any Mill, Lands, or Premises, to give Notice in Writing to some Member of the Committee of Management of the said Company of Undertakers or Trustees, as the Case may be, requiring him or them to remove

remove such Obstruction or other Cause, and to make any Repairs necessary to secure the full and proper flowing of the said Water to the Persons interested therein as aforesaid; and in case the said Company of Undertakers or Trustees, as the Case may be, shall not, within the Space of Ten Days from the Service of such Notice, remove such Obstruction or other Cause, or proceed to make and complete such Repairs, then it shall be lawful for such Persons so interested as aforesaid, or any of them, or any of their Agents, to remove such Obstruction or other Cause, and to make any Repairs necessary to secure the full and proper flowing of the said Water; and all reasonable Expences thereof, together with the Costs and Charges attending the same, shall be repaid by the said Company of Undertakers or Trustees, as the Case may be, to any such Person or Persons aforesaid, and the same shall be included and computed among the ordinary Charges and Expences of making and maintaining the Works by this Act authorized to be undertaken, and shall and may be raised and levied accordingly.

Recovery of Damages, &c.

XCIX. And be it enacted, That if the said Company of Undertakers or the said Trustees, as the Case may be, fail to pay any Sum to which they may become liable, either for consequential Damages, or for the Removal of any Obstruction or making any Repairs under the Provisions of this Act, the same shall, with all attendant Costs and Charges, be sued for and recovered by Action of Debt in any of His Majesty's Courts of Record at *Dublin* against such Company of Undertakers or Trustees respectively.

Trustees may erect Steam Engines for the better Discharge of Water, &c.

C. And whereas it may be deemed necessary and expedient, for the Purpose of facilitating the Discharge of the Waters from the said Drains and Lands contiguous thereto, that One or more Engine or Engines to be worked by Steam be erected; be it therefore enacted, That it shall and may be lawful respectively to and for the said Company of Undertakers or Trustees to be elected and appointed as aforesaid, and they and he are hereby authorized and required, at any Time after their Appointment under this Act, to make, erect, and build, or cause to be made, erected, and built, at such Place or Places as they the said Trustees may in their Judgment think best, One or more good and substantial Engine or Engines to be worked by Steam, with all proper Machinery, Houses, Sluices, Pits, and other necessary Works; and the same Engine and Engines, and all other Works incidental thereto, shall, on the same being made, built, erected, and completed, be for ever thereafter vested in, and used, maintained, supported, and kept in repair by, the said Company of Undertakers or Trustees for the Time being, out of the annual Rates and Assessments authorized by this Act to be raised and levied as aforesaid.

Herbage of the Banks to belong to Proprietors of adjoining Lands.

CI. And be it enacted, That the Herbage and Produce of the Banks to be made or erected by virtue of this Act shall belong to and be the Property of the Proprietors or Occupiers of the Lands adjoining thereto respectively, and shall be consumed or taken away at the Option of such Proprietors or Occupiers; subject nevertheless to such Rules, Orders, and Regulations for stocking the said Banks, and fencing the same from the adjoining Lands, as the said Company

and Trustees respectively shall from Time to Time think necessary, and order, direct, or appoint, for the Protection and Preservation thereof.

Commission may be granted to One or more Persons, without creating a Joint Stock Company,

CII. And whereas the Works by this Act authorized to be executed may in some Instances be conveniently undertaken and executed by One or more Person or Persons, and not by a Joint Stock Company as herein-before provided; be it therefore further enacted, That it shall and may be lawful for any One or more Person or Persons, not exceeding Six, to make Application to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for a Commission for carrying into effect the Purposes of this Act in like Manner and Form, and upon and after such Notice, and the Observance and Performance of like Preliminaries, so far as the same are applicable, as have been herein-before appointed and required in order to the procuring and granting a Commission to or creating any Joint Stock Company for the Purposes of this Act; and the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* is and are hereby authorized, if to him or them it shall seem fit, to grant and issue such Commission accordingly, conferring such and the like Powers and Authorities as might or ought to have been contained in and conferred by a Commission creating any Joint Stock Company under the Provisions of this Act, or such Share of such Powers as to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* may seem good; and the Person or Persons in such Commission named shall be and is and are hereby declared to be and become by virtue of such Commission, from the Date of the issuing thereof, an Undertaker or Undertakers within the Meaning of this Act for executing the Works by such Commission authorized, and shall have, use, and exercise all such Privileges, Powers, and Authorities, and be subject and liable to all such Obligations and Duties, and invested with all such Incidents, as are by this Act conferred or imposed or attached upon any Joint Stock Company constituted Undertakers under the Provisions of this Act, save and except in so far as the same may be inappropriate, or shall be modified or abridged by the said Lord Lieutenant or other Chief Governor or Governors in the Exercise of his or their Discretion as aforesaid; and the like Proceedings in all respects, so far as the same may be possible, shall be taken under any Commission so to be granted to any One or more Person or Persons as under any Commission creating and granted to any Joint Stock Company; and on the Completion of the Works performed thereunder, Trustees shall be in like Manner appointed for the Preservation thereof, and from Time to Time continued, and all other the Provisions of this Act shall be deemed and taken to apply and extend to the Case of any Commission so to be granted to any One or more Persons as fully and effectually as to the Case of any Commission creating or granted to any Joint Stock Company, so far as the same are applicable thereto.

No such Commission to issue without a Recogni-

CIII. Provided always, and be it enacted, That no such Commission shall issue to any Person or Persons (not being created a Joint Stock Company) until and unless such Person or Persons shall previously enter into Security, by Writing Obligatory to our Sovereign Lord the

King, in such penal Sum or Sums of Money as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall direct, such Sum not being less than the Amount of Estimate of the Expence of the whole Works proposed to be executed under the said Commission, binding himself or themselves jointly and severally to execute and perform, within a Time to be limited in such Writing Obligatory, the said Works conformably to the Plan and Specification thereof previously to be made; and the said Lord Lieutenant or other Chief Governors of *Ireland* shall have Power and Authority to cause such Writing Obligatory to be taken and entered into before such Person as he or they may think fit, and the same shall be made by such Form of Words as Obligations to the King's Majesty have been used to be made, and with such Conditions thereunder written as the Nature of the Case may require; and every such Obligation shall be of like Force and Validity as any Obligation to the King hath or may be adjudged to have or be, any Law or Usage to the contrary in anywise notwithstanding; and such Obligations shall and may be put in Suit on breach or default in or of any Condition therein contained, in such Manner as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall direct; and in case any Proceedings shall be so directed to be taken against any Obligor or Obligors, no Writ or Writs of Scire facias shall be required to be issued; but upon the Production of the Warrant or Warrants under the Hand or Hands of the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* before any of the Barons of the said Court of Exchequer, an Extent shall and may issue in the first Process upon the Fiat of such Baron, without any Affidavit or other Verification or Proof of the Cause of such Proceeding than such Warrant or Warrants as aforesaid.

zance being entered into for the Performance of the Work.

CIV. And in order to provide for Works of a smaller Extent, be it further enacted, That where the clearing, sinking, embanking, or altering the Course of any River or Stream may be accomplished at or for a Sum the Amount whereof shall not exceed Two hundred Pounds, it shall and may be lawful for any Person having in Lands bordered or intersected by any such River or Stream a Freehold Estate of Fifty Acres at the least, or a Term of Years whereof Twenty-one shall be then unexpired of like Extent, and who may be willing to advance the Money required for, and desirous of undertaking the Performance of, any such Work as aforesaid, to make Application to the Grand Jury of any County through or on the Borders of which such River or Stream may flow, for a Presentment enabling him in that Behalf; and Notice of such Application shall be given and the same made in like Manner as Notices of Applications for other Presentments and such Applications now are or by Law may or ought to be, or shall hereafter be by Law required or appointed to be given or made, and it shall not be necessary to give Notice of such Application in any other Manner, any thing herein-before contained to the contrary notwithstanding; and it shall and may be lawful for any Grand Jury, upon such Application, to proceed in like Manner as they now are or hereafter may be by Law empowered to proceed upon and deal with other Applications for Presentments, and to make such Presentment accordingly; and such

Works of smaller Extent may be undertaken by virtue of a Grand Jury Presentment, made in favour of a Landholder.

such Presentment shall be subject to the like Traverse as any other Presentment or Presentments, and shall, when duly fiated, have and be of like Force and Effect as any Commission granted under Authority of this Act, and like Proceedings shall be had and taken thereunder as have been herein-before appointed to be taken under such a Commission, so far as such Proceedings may be applicable, or as other Proceedings may not be herein-after prescribed to be taken in lieu thereof.

What the Application for a Presentment shall contain.

CV. And be it enacted, That every Application for a Presentment under this Act shall set forth the Names of the Owner or Owners, Occupier or Occupiers of all Lands washed or intersected by the River or Stream proposed to be improved under such Presentment, and the Breadth of such River or Stream at the Surface and at the Bottom, and the Depth thereof, and shall describe the Operations proposed to be undertaken, and whether the Course or Channel of any such River or Stream is proposed to be changed; and in such Case a Map, showing the proposed Change or Diversion, shall be annexed to such Application; and in case it is intended that any Bridge or Bridges shall be built, altered, or repaired, then and in such Case such Application or Presentment shall be made in like Manner and Form as any Application or Presentment for the Purpose of making or repairing any Bridge now is or hereafter may be by Law required or appointed to be applied for and made; and every Application for a Presentment under this Act shall also be accompanied by a detailed Estimate of the Expence of making the proposed Alterations, specifying at what Rate by the Rod or Perch, or other convenient and suitable Measure, the proposed Works are to be executed; and such Application and Presentment shall in all other Particulars be made and dealt with in conformity to the Provisions now by Law established, or which may be established in respect of Applications and Presentments, for any other Purpose whatsoever; and all Applications and Presentments made under this Act shall be printed and distributed respectively at like Times and in like Manner, and the Expence thereof in like Manner defrayed, as any other Applications or Presentments now are or hereafter may be required by Law to be printed, distributed, and paid for.

How Account shall be taken.

CVI. And be it further enacted, That, on the Completion of the Work authorized to be undertaken by such Presentment, the Person or Persons named therein shall give Notice of his Intention to account for the same in the same Manner as Notice of like Intention is or by Law may be required to be given in case of other Presentments, and such Work shall be accounted for accordingly, and proper Vouchers for all Disbursements produced, together with a Certificate under the Hand of some skilful Surveyor or Engineer to be approved of by the Grand Jury who shall have made the Presentment for such Work, certify the due Execution thereof; and it shall and may be lawful, for the Purpose of such Account, to examine upon Oath such Surveyor or Engineer, or any other Person or Persons who may be acquainted with the Matter, such Oath to be administered in like Manner as in other Cases of Persons sworn to give Evidence in accounting for any County Work or Money;

Money; and any Person swearing falsely therein shall be deemed guilty of Perjury, and suffer the Pains and Penalties of Perjury accordingly; and when such Accounts shall have been examined and passed, the Grand Jury shall declare the Amount of the Expenditure incurred in and about the said Work, and a Certificate thereof shall be delivered by the Secretary of the Grand Jury to the Persons who shall be appointed under the Provisions hereafter following to applot the same.

Landowners to appoint Applotters, who shall hear all Claims for Compensation.

CVII. And be it further enacted, That the several Persons whose Names shall be set forth in the said Presentment as Owners or Occupiers of Land washed or intersected by the River, Stream, or Watercourse improved thereunder, shall meet at such Place and Time as the Person who may have executed such Work shall fix and appoint by Notice to be given in such Manner as the Grand Jury making such Presentment shall have appointed, and at such Meeting Two or more Persons shall be chosen by a Majority of the Votes of the Persons then present; and such Two or more Persons shall, in the first place, proceed to hear and examine all Claims of Compensation for any Damage which may have been anywise occasioned in or through the Execution of the Work executed under the said Presentment, and such Two or more Persons (or, in case of any Disagreement between them, an Umpire to be by them chosen,) shall determine upon all such Claims of Compensation; and they shall, in the next place, proceed to applot the Amount of the Expenditure in and about such Work, ascertained, declared, and certified as aforesaid, together with the gross Amount of all Claims of Compensation which shall be by them allowed and confirmed, upon and off the Lands affected by such Work, in proportion to the Quantum of Benefit resulting or accruing to each Subdivision thereof, Acre by Acre, Rood by Rood, Perch by Perch, or by such other Subdivision thereof as may be deemed just and convenient: Provided always, that the whole Amount of the Money so applotted, including the Expenditure on the Work, and all Compensation allowed under the Provision aforemade, shall not exceed Two hundred Pounds; and the Person making such Applotment shall deliver the same, accompanied by a Certificate of the Amount, and Particulars of the several Claims to Compensation by them allowed, and the Name of the Persons to whom Payment ought to be made, within Thirty Days next after they had been so appointed, to the Treasurer of the County in which such Lands may respectively lie; and such Treasurer shall issue his Warrant or Warrants, setting out such Applotment, and authorizing and requiring, without further Applotment, the Collection of the Sums so applotted; and such Sums shall and may be collected, raised, and levied pursuant to such Warrant and in like Manner as any other Money authorized to be levied by any other Grand Jury Presentment or Treasurer's Warrant is or may be by Law appointed to be raised; and all Powers, Obligations, Duties, Penalties, and Authorities which are now or hereafter may be created or provided to secure the collecting, levying, and safe-keeping of Money appointed to be raised under such Presentments, shall be alike valid and effectual as respects Money appointed to be raised under Presentment made by Authority of this Act, and all Securities

Money applotted shall be levied as Money raised under other Grand Jury Presentments.

rities taken or to be taken for the Custody thereof of or from the Treasurer of any County, or any other Person whomsoever, shall extend to and include the Money raised under Authority of this Act; and the Money so raised and paid under Authority of this Act to such Treasurer shall be paid over to the Person or Persons who may have undertaken and executed the Work included in such Presentment, and to any Person or Persons who may have made out any Claim to Compensation under the Provisions herein-before contained respectively, in the several Portions in which they may be entitled thereto, in such Manner and subject to such Direction as the Grand Jury by which the Accounts may have been passed shall have appointed, and also pursuant to such Certificate as the said Two or more Persons appointed by the Landowners and Occupiers in manner aforesaid may have delivered to such Treasurer: Provided always, that the Claims for Compensation allowed by such Two or more Persons shall be in the first place discharged, so that the Deficit, if any, shall fall on the Undertaker of the Work.

No Action to be brought against Persons acting in execution of this Act, until after Notice has been given specifying the Cause of Action.

CVIII. And be it enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted by any Person or Persons for any thing done or to be done in pursuance of this Act, or in execution of the Powers or Authorities of any Commission or Presentment herein authorized to be granted, or of the Powers and Authorities of the Trustees to be elected hereunder, unless Notice in Writing of such Action, Suit, or Information, specifying the Ground or Cause thereof, and signed by the Attorney of the Plaintiff or Plaintiffs, shall be given to some Member of the Committee of Management of any Company of Undertakers, or to some One Undertaker where no Joint Stock Company as aforesaid may be created, or some One of the Trustees to be elected under this Act, or left at the Office of such Company or Trustees, as the Case may be, at least Twenty-one Days before such Action, Suit, or Information shall be commenced, nor unless such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuance of Damages, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants may, at his or their Election, plead specially or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought or commenced otherwise than as herein-before directed, then and in such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, Suits, or Informations, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery of the same as

Limitation of Action Six Months.

If Verdict for Defendants, or Plaintiffs nonsuited, or discontinue Action, Defendants to have Treble Costs.

any other Defendant or Defendants hath or have in other Cases at Law.

No Action to be brought after Tender of sufficient Amends.

CIX. And be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be brought against the said Company or Undertaker or Trustees for any thing done by them or him in execution of the Powers vested in them by their Commission or by this Act, as the Case may be, if Tender of sufficient Amends shall be made by or on behalf of the said Company or Trustees or Undertaker before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court in which such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and given in and by such Court as in Actions where the Defendant is allowed to pay Money into Court.

If no Tender made, Money may be paid into Court, by Leave, before Issue joined.

Actions not to abate in consequence of Death of Parties.

CX. Provided always, and be it further enacted, That in the Case of any Company or Trustees, if any of the Parties, Plaintiffs or Defendants, in any Action to be brought for any Act, Matter, or Thing done or to be done in pursuance of this Act, or under Pretence thereof, shall die pending the same, such Action shall not abate by reason of the Death of such Parties, but shall be proceeded in as if no such Event had happened; and if any Party against whom such Action might have been brought if living should die before any such Action shall have been brought, and before the Expiration of the Time herein-before limited for bringing the same, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who might have brought such Action against the Party or Parties so dying, to bring the same, within the Time so limited as aforesaid, against such Party or Parties as if actually living, and to serve the Clerk or Clerks to the said Company of Undertakers or Trustees, as the Case may be, with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent upon the said Company of Undertakers or Trustees, as the Case may be, by Direction or Order or Authority of whom the Act or Thing being the Cause or Ground of the Action aforesaid may have been done or committed, to appear and defend such Action or Actions in the Name or Names of the Party or Parties so dead, and Proceedings shall be had therein in the same Manner as if such Party or Parties had been actually living; and the Right of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Actions may be instituted against any One Trustee or Undertaker, who may sue for Contribution from his Co-trustees.

CXI. And be it enacted, That all Actions, Suits, and Proceedings, whether at Law or in Equity, or otherwise, to be commenced, instituted, or prosecuted, under the Provisions of this Act, by or in behalf of or against any Trustees or Undertakers not being a Joint Stock Company, shall and may be commenced, instituted, and prosecuted by or against any One of such Trustees or Undertakers, without naming any other of such Trustees or Undertakers, and that

that Execution may be taken out in any such Action or Suit against the Party named on the Record, who shall be entitled to have and sue for Contribution from his Co-trustees or Undertakers, as the Case may be.

In case of Death or Refusal of any Engineer or Surveyor to act, another to be appointed.

CXII. Provided also, and be it further enacted, That in case at any Time or Times any Engineer or Surveyor or other Person or Persons appointed under the Provisions of this Act to make any Survey or Valuation, or to decide any Difference, or to make any Arbitration or Umpirage or Applotment, shall die before making their or his Award or Awards, or performing the Office for which he or they may have been appointed, or before nominating an Umpire, or shall neglect or refuse to act in the Execution of the several Powers and Authorities herein-before given to them for the Space of One Week, another Engineer or Surveyor, or One or more other Person or Persons, as the Case may happen, shall be forthwith appointed by the Parties or Party by or for whom the Engineer, Surveyor, or other Person or Persons who shall so die or refuse as aforesaid may have been appointed to act; which newly-appointed Engineer, Surveyor, or other Person or Persons shall proceed with the Survey, Valuation, Arbitration, Applotment, or other Matter, and shall have the same Powers and Authorities to proceed therein, in all respects as if they or he had been originally appointed for the Purposes in this Act in that Behalf mentioned; and in case any Umpire to be appointed as herein-before mentioned shall die, or shall neglect or refuse to act in respect of the Matters and Things which shall be referred to him for the Space of One Week, then and in every such Case another Person shall be appointed to act, and shall have full Power and Authority to act, as Umpire in the several Matters and Things which shall be referred to him; and the Acts and Determinations of any originally and newly appointed Engineer or Surveyor, or of any newly-appointed Arbitrators, or of any newly-appointed Umpire, as aforesaid, shall be as binding and conclusive to all Intents and Purposes as if such Acts or Determination had been performed or made by the Engineer, Surveyor, or other Persons, or by the Umpire, respectively originally appointed: Provided always, that the Acts of Determination of any former Engineer, or Surveyor, or Arbitrator or Arbitrators, or Umpire, shall be valid and effectual to all Intents and Purposes so far as the same may extend, and that it shall not be necessary to commence any such Survey, Valuation, Arbitration, or Umpirage *de novo*.

Acts of former Engineer, &c. to be valid.

Officers of Company may be Witnesses.

CXIII. And be it enacted, That in all such Actions, Suits, or Informations as aforesaid, it shall and may be competent for the Treasurer, Clerks, or other Officer or Officers, or Persons employed by the said Company, Undertakers, or Trustees, to be a Witness or Witnesses.

Penalty on Witnesses, refusing to appear or refusing to give Evidence.

CXIV. And be it enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice or Justices of the Peace touching any Matter contained in any Information or Complaint for any Offence committed against this Act, either on behalf of the Prosecutor or on behalf of the Person or Persons accused, shall refuse or neglect to appear

appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Loss of Time, Costs, and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined on Oath, (or, in case of a Quaker or Quakers, on solemn Affirmation,) and to give Evidence before any such Justice or Justices, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Recovery of Penalties and Forfeitures.

CXV. And be it enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, and the Manner of levying and Recovery whereof is not herein otherwise directed, shall upon Proof of the Offences respectively before any One of His Majesty's Justices of the Peace for the County within which such Offence shall have been committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, (which Oath such Justice is hereby empowered to administer,) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant for such Purpose; and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines shall be from Time to Time paid to the said Company, Undertakers, or Trustees, and applied to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of the said Justice, either by the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, and Fines can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of such County, there to remain without

Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid or satisfied.

Company or Trustees may give Informant Part of Penalties.

CXVI. Provided always, and be it enacted, That it shall be lawful for the said Company, Undertakers, or Trustees respectively, if they shall see Cause, to pay and apply any Part of the said Penalties, Forfeitures, and Fines, or any of them, to and for the Use of the Informer or Informers, or any Person or Persons (not being a Witness or Witnesses) aiding or assisting in the Apprehension of any Offender or Offenders therein, or any of them, any thing herein contained to the contrary thereof notwithstanding.

Piers not to be constructed near public Harbours, &c. without Consent of the Lord High Admiral.

CXVII. And whereas it is expedient to provide against any Injury which may otherwise arise to Navigation and Commerce by an injudicious or improper Exercise of the Powers of this Act; be it further enacted, That it shall not be lawful for any Person or Persons, either under the Powers of this Act or otherwise, to make, construct, or erect, or to cause to be made, constructed, or erected, any Pier, Quay, Wharf, Jetty, Breast, or Embankment in or adjoining to any public Harbour, or any River immediately communicating therewith, so far as the Tide flows up the same, without first obtaining the Authority and Consent of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, to be for that Purpose signified in Writing under the Hand of the Secretary of the Admiralty for the Time being; and if any Person or Persons shall make, construct, or erect, or cause to be made, constructed, or erected, any such Pier, Quay, Wharf, Jetty, Breast, or Embankment contrary hereto, every Person so offending shall be deemed guilty of a Misdemeanor, and on Conviction be subject to Punishment by Fine and Imprisonment, at the Discretion of the Court before which the Conviction shall take place, and every such unauthorized Work shall be forthwith abated and removed, and the Shore restored to its former Condition, by or at the Expence of the Person or Persons so unlawfully causing such Work to be made.

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