



ANNO DECIMO

GEORGII IV. REGIS.

Cap. cxxvi.

An Act for the Improvement and Extension of the
Newry Navigation. [19th June 1829.]

WHEREAS by an Act passed in the Parliament of *Ireland* in the Twenty-seventh Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for directing the Application of the Funds granted by Parliament for promoting and carrying on Inland Navigations in this Kingdom, and for the Purposes therein mentioned*, certain Persons therein named were thereby constituted and appointed Commissioners for managing, directing, improving, repairing, and governing the *Newry Navigation* from *Lough Neagh* to the Sea; and it was thereby enacted, that the said Commissioners should be a Corporation by the Name of "The Corporation for promoting and carrying on the *Newry Navigation*:" And whereas by an Act passed in the Parliament of *Ireland* in the Thirty-third Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for confirming, amending, and enlarging the Powers vested in the Corporation for promoting and carrying on the Newry Navigation*, Powers were given to the said Corporation to deepen and widen, and to carry on and complete, the said Navigation from *Lough Neagh* to the Sea below *Fatham Point*, and to make a navigable Canal from *Fatham* in the County of *Armagh* to the Sea near *Ryland River* in the Barony of *Lower Dundalk* in the County of *Louth*; and by the said Act the said Corporation were authorized and empowered to levy certain Tolls for every Boat, Lighter, Raft, or other Vessel navigating the said Navigation and its off Branches,

[Local.] 35 B or

or any Part thereof, not exceeding One Shilling and Eightpence of the then *Irish Currency per Ton* in the whole on the Burden or Tonnage of each Boat, Lighter, Raft, or other Vessel navigating upwards or downwards from the Sea to the Town of *Newry*, and from the Town of *Newry* to the Sea: And whereas by one other Act passed by the Parliament of *Ireland* in the Fortieth Year of His said late Majesty's Reign, intituled *An Act for granting to His Majesty the Sum of Five hundred thousand Pounds for promoting Inland Navigation in Ireland, and for the other Purposes therein mentioned, and for authorizing the raising of said Sum by Loan*, so much of any Act as erected any Corporation or appointed any Persons Trustees for the Direction and Management of any such Navigation was repealed, and every such Corporation was dissolved, and the several Inland Navigations in *Ireland*, with all the Funds and Tolls belonging to the same, and the Powers and Authorities of such Corporations, were vested in certain Persons to be appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, as therein termed "The Directors General of Inland Navigation:" And whereas by an Act passed in the Parliament of the United Kingdom of *Great Britain and Ireland*, in the Fifty-sixth Year of His said late Majesty's Reign, intituled *An Act to amend an Act of the Parliament of Ireland in the Fortieth Year of His present Majesty's Reign, intituled 'An Act for granting to His Majesty Five hundred thousand Pounds, for promoting Inland Navigation, and for other Purposes therein mentioned,' and to enlarge the Powers vested in Directors of all Works relative to the Inland Navigation in Ireland*, the said Directors are empowered to make Byelaws for regulating the Navigation and Passage of Vessels, and for other Purposes therein detailed: And whereas the said *Newry Canal* hath not been deepened or widened, nor the said Navigation extended to the deep Water of the Sea, nor into the River *Blackwater*, as directed by the said Act of the Thirty-third Year of the Reign of His said late Majesty: And whereas the Navigation and Commerce of the said Canal, and the Trade of the said Town and Port of *Newry*, have been greatly impeded and injured by the Dangers and Difficulties in that Part of the said Navigation from the Town of *Newry* aforesaid to the deep Water of the Bay, in consequence of the Accumulation of Mud and Silth in the River of *Newry*, and from divers other Causes which make the same dangerous, tedious, and difficult in Navigation to the Vessels trading to the said Port, and nearly impracticable, except during Spring Tides, and the various other Parts of the said Navigation from *Newry* towards *Lough Neagh* require Improvement, to the great Injury, not only of the said Port and Town of *Newry*, but to a large Portion of the Province of *Ulster*: And whereas it is just and expedient that the Property of the said *Newry Canal* and Navigation, with the Tolls and Profits thereof, should be applied to the Purposes of maintaining, deepening, widening, extending, or otherwise improving the said Canal and Navigation, and that the same should be vested in a Company of Persons locally interested in the Maintenance and Preservation of the same, and who would undertake the Superintendence and Outlay of such Sum or Sums of Money, not less than Eighty thousand Pounds, as might be deemed necessary for the general Improvement and Extension of the said Navigation of *Newry* and its various Branches, and of the Port and

and Harbour of the said Town, and for the Erection of Docks and other general Purposes connected with the Navigation, Trade, and Commerce of the same, within such Period, in such Manner, and under such Control, Superintendence, and Approval, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall direct and appoint: And whereas several Persons have entered into a Subscription to raise a certain Sum as a Joint Stock or Fund for the Purposes aforesaid, and have formed themselves into a Company, under the Denomination of "The *Newry* Navigation Company," with a Capital of Eighty thousand Pounds, to be raised in Shares of Fifty Pounds each: And whereas able and experienced Engineers have been employed to examine, survey, and mark out the best and most beneficial Line for the Improvement of the said Navigation, from the Town of *Newry* aforesaid to the deep Water of the Bay: And whereas it appears that this Object may be accomplished by the Extension of the Canal from *Fathom Point* to the deep Water of the Bay, as also by deepening the River of *Newry*, and the Tide Channel from the said Town of *Newry*, to the deep Water of the Bay at *Warrenpoint*, and by making Embankments along the same, or by a Combination of both those Plans: And whereas the said *Newry* Navigation Company have proposed to undertake the Superintendence and Outlay of such Sum or Sums of Money, not less than the Sum of Eighty thousand Pounds, as shall be necessary for the Execution of the said Works, and for the general Improvement of the said Canal and Navigation, in manner to be approved of by an Engineer for that Purpose appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and to complete the same in Seven Years from receiving Possession of the said Canal: And whereas it is expedient that the said Company should be formed into a Corporate Body, and the said *Newry* Navigation, and its several Branches, with the Tolls and Profits thereof, and also to enable them to make the proposed and other Improvements in the said Navigation, and to maintain the entire of the same in good and sufficient Order, under such Restrictions and Regulations as Parliament shall deem fit and expedient: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever and so soon as it shall be made appear, upon any Plan and Estimate, by or on behalf of the said *Newry* Navigation Company, to the Satisfaction of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, that the said Sum of Eighty thousand Pounds or any other Sum shall be necessary and sufficient for the Execution of the said Works, and that such Sum has been actually subscribed, and the Payment thereof fully made or secured, it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors, by any Order to be signified to the said *Newry* Navigation Company by the Chief Secretary of such Lord Lieutenant or other Chief Governor or Governors, to declare the Approbation of such Lord Lieutenant or other Chief Governor or Governors of such Plan and Estimate, and to direct that from a Day to be mentioned in such Order all Powers and Authorities whatsoever vested in the said Directors of Inland Navigation, or in any Commis-

Powers of
Commission-
ers of Inland
Navigation
to cease.

sioners,

sioners, Officers, Servants, Agents, or other Persons employed, appointed, or authorized by them, shall cease and determine, and shall become null and void, so far as the same relate to the said *Newry* Navigation or the Branches thereof or of any Part thereof, or the Property, Tolls, or Profits of the same, or to the Control, Management, or conducting thereof, and all such Powers and Authorities shall thereupon actually cease and determine accordingly, and shall be and become and are hereby declared to be null and void.

Newry Navigation Company to be a Corporation.

II. And be it further enacted, That from and after the Day mentioned in such Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, the Marquis of *Downshire*, Earl of *Kilmorey*, Viscount *Northland*, *Charles Brownlow*, Sir *James Stronge* Baronet, Honourable *John Knox*, *Trevor Corry*, *Denis Maguire*, *E W Dickenson*, *John Caraher*, *Maxwell Close*, *Hugh Boyd*, *John L Reilly*, *John Boyd*, *Thomas Henry*, and the several other Person or Persons who have so as aforesaid formed themselves into a Company for managing, directing, extending, improving, repairing, and governing the said Navigation, or such of them as shall from Time to Time be possessed of any Share or Shares in the said Undertaking, with such other Person or Persons, Bodies Politic or Corporate, as may hereafter from Time to Time be possessed of any Shares therein, their Executors, Successors, Administrators, and Assigns, shall be a Corporation by the Name of "The *Newry* Navigation Company;" and that the said Corporation shall have perpetual Succession and a Common Seal, and shall be capable in Law to purchase and take Messuages, Lands, Tenements, and Hereditaments, and to grant, alien, demise, or dispose of the same or any Part thereof, at their free Will and Pleasure, for the Purposes of this Act, without incurring any of the Penalties and Forfeitures of the Statutes of Mortmain.

Property vested in the Corporation.

III. And be it further enacted, That from and after the Day mentioned in such Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, the entire of the said *Newry* Canal and Navigation, extending from the Town of *Warrenpoint* aforesaid to *Lough Neagh*, and the several Branches thereof, with the Trackways, Weirs, Lands, Houses, Yards, Locks, Stores, Punts, Barges, and Implements whatsoever, also all Maps, Estimates, Plans, and other Documents belonging or appertaining to the said Navigation, and requisite and necessary for the Purposes of this Act, shall be and the same are hereby vested in the said Corporation of the *Newry* Navigation Company, and with the like Powers for the said Company, their Officers and Servants, of levying Tolls, Rates, and Duties, making Byelaws for regulating the Navigation, and for maintaining, repairing, deepening, extending, and improving the same, as by the said recited Acts, or any other Acts now in force in *Ireland*, are now vested in the Directors of Inland Navigation aforesaid.

Directors of Inland Navigation to hand over all Property and all Books, &c.

IV. And be it further enacted, That the said Directors of Inland Navigation shall, upon Demand, and Production of such Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* signified as aforesaid, deliver up to the said *Newry* Navigation Company the Possession of all such Trackways, Weirs, Lands, Houses, Yards,

Yards, Locks, Stores, Punts, Barges, and Implements whatsoever, and also of all such Books, Papers, Accounts, Maps, Plans, Estimates, Surveys, and other Documents, Matters, and Things relating to the said *Newry* Canal and Navigation as aforesaid, now in their Possession or Custody, or in the Possession of any Commissioner, Surveyor, Officer, or other Person or Persons in trust for them or any of them, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall think requisite and necessary for the Purposes of this Act, and as shall be specified and required in and by any Order, Direction, or Notice to be signified and communicated to the said Directors of Inland Navigation, at any Time by the Chief Secretary of such Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

V. And be it further enacted, That it shall and may be lawful for the said Company, and they are hereby authorized, by themselves, their Deputies, Agents, Officers, Contractors, Workmen, and Servants, to deepen, widen, and improve the Tide Channel between *Newry* and *Warrenpoint*, or to make and maintain One or more Cuts between the Town of *Warrenpoint* and the deep Water in *Doyle's Hole* in the Parish of *Clonallen* and County of *Down*; to make a Towing-path and Embankment from the said *Doyle's Hole* to unite with the Corner of the Rampart of the Marsh heretofore embanked at *Greenwood Park*, and to drain the Lands enclosed thereby, and a similar Embankment on the opposite Side along the Lands of *Upper* and *Lower Fatham* in the County of *Armagh*; and to deepen the said Cuts and the River of *Newry* to the Depth of Six Feet below Low Water Spring Tides as far as the Town of *Newry*; to make an Opening from the said River of *Newry* into the present Canal at or near the Lands of *Drumalane* or *Lisdrumleskea* in the Parish of *Killeavy*, with a Tide Basin and Lock; and to widen and deepen the present Canal from thence to the old Salt Works in the Town of *Newry* aforesaid; and also, if it shall be deemed expedient, to widen and deepen the present Canal between the Salt Works aforesaid and *Fatham Lock*, and to extend the same to the deep Water at or near to *Warrenpoint*, or to any Part of the deep Water between *Fatham Lock* and *Warrenpoint*, in such Manner and by such Plan or Plans as shall be approved of by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to be signified by the Chief Secretary of such Lord Lieutenant or other Chief Governor or Governors; and to make a new Lock, Tide Basin, and Gates at or near *Lower Fatham Lock*, or at, near, or between *Warrenpoint* and *Fatham Point*, or to raise the Banks of the present Canal between *Fatham Lock* and *Barton Lock*, and to deepen, widen, and sink the present Navigation from *Newry* to *Lough Neagh*; and also to lay down Buoys, Perches, and Moorings, and erect and set up Landmarks and Lights, in such Parts and Places of the said Navigation and River of *Newry* and Bay of *Carlingford*, or the adjoining Lands, for the Guidance and Safety of Vessels, as the said Company shall deem expedient, and from Time to Time to alter, repair, or discontinue the same; and also to supply the said intended Navigation at all Times for ever while making, and after the same shall be made, with Water from all such Brooks, Springs, Lakes, Streams, Rivulets, Waters, and

Company
empowered
to make
Canal and
other Works.

Watercourses adjacent, or which are or shall flow to or be found in the digging or making the said Canal; and also to make, sink, and drive such and so many Wells, Drains, Tunnels, Levels, Perforations, Feeders, and Aqueducts, and to make, erect, and set up such and so many Weirs, Steam Engines, Water Wheels, and other Machines, with proper Shafts and Tunnels thereto, for supplying the said Canal with Water, and for conveying the Water to or from the same, for the Purposes of Navigation, or for any other Purpose necessary for the better making and maintaining such Canal, as they the said Company shall from Time to Time think proper and expedient; and also, for effectuating the Purposes of this Act, and to enlarge, widen, divert, alter, or vary such Roads or Ways, and the Course of such Brooks, Streams, or Watercourses, which are or shall be situate within the Line of the said intended Navigation, or which shall or may hinder, prevent, or otherwise obstruct the making of the said Navigation; and for the Purposes aforesaid, or any of them, the said Company, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making the said intended Canal, and the other Works and Conveniences hereby authorized to be made, and there to bore, dig, cut, trench, and drain, and also to remove, take, carry away, and lay, any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things (except as is otherwise hereinafter provided) which may be dug or got in making, or which may hinder, prevent, or obstruct the making, carrying on, maintaining, or repairing the said Canal, Feeders, Tunnels, Aqueducts, and other Works respectively, according to the true Intent and Meaning of this Act; and also to make Roads and other Ways, as well for the carrying and conveying of all manner of Materials necessary or intended for the making, erecting, finishing, altering, repairing, widening, enlarging, or improving the said Navigation and other Works hereby authorized, as also for the Purposes of the said intended Navigation, and for the carrying and conveying of Goods, Wares, Merchandise, and other Things to and from the said Navigation; and also to make, build, drive, erect, and set up, in or upon the said Navigation, or in or upon the Lands adjoining thereto respectively, such and so many Tunnels, Drains, Aqueducts, Culverts, Sluices, Locks, Flood Gates, Weirs, Banks, Dams, Pens for Water, Water Tanks, Basins, Wharfs, Quays, Warehouses, Toll Houses, Watch-houses, Landing Places, Weighing Beams, Cranes, Docks, Machines, and other Works, Fences, and Conveniences, as and where the said Company hereby incorporated shall think requisite and convenient, except as herein-after mentioned; and also from Time to Time to alter, repair, and amend, or discontinue the same or any of them; and to place, lay, work, or manufacture any Materials on the Lands or Grounds adjoining to the Place or Places where the said Works or any of them shall be carrying on; and also to make, set out, and appoint such Towing-paths, Banks, Roads, and Ways for the towing, hauling, or drawing of Barges, Boats, Lighters, Rafts, and other Vessels passing upon the said Navigation,

with

with Men, Horses, or otherwise, and such convenient Places for Barges, Boats, and other Vessels and Rafts to turn, lie, or pass each other in, as the said Company shall think proper and expedient; and also to dig, take, and carry away any Soil, Clay, Gravel, Sand, or Stones which shall be proper, requisite, and convenient for the making, maintaining, and repairing the several Works aforesaid, or any of them, in or from the Grounds of any Person or Persons adjoining thereto; and also to construct, erect, set up, make, and do all and every or any other Works, Matters, and Things whatsoever, which they the said Company shall think requisite and necessary or convenient for the making, completing, repairing, improving, carrying on, maintaining, and using the said Navigation and other Works, in pursuance of and within the true Intent and Meaning of this Act; they the said Company, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in manner herein-after mentioned to the Owners or Proprietors, Tenants or Occupiers of and all Persons interested in the Lands, Tenements, Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoes and Restrictions as are herein-after mentioned.

VI. Provided always, and be it enacted, That this Act shall not extend or be construed to extend to transfer to or to vest in the said *Newry* Navigation Company any Right, Title, or Interest of or in the *Tyrone* Navigation, or the River *Blackwater* Navigation, or in any way to affect any Rights or Interests of or in the said Navigations, or of or in either of them, nor to give to or confer on the said *Newry* Navigation Company any Right whatsoever to or over the Waters of *Lough Neagh*, so as to be detrimental to the *Tyrone* or *Blackwater* Navigation, or to any other Navigation, or to any Fishery or other Right dependent upon or any way connected with *Lough Neagh*, anything in this Act contained to the contrary thereof in anywise notwithstanding: Provided also, that the said *Newry* Navigation Company shall not, by or by means of any of the Works hereby authorized to be made, reduce the Level of the Waters of the Lake of *Lough Neagh* aforesaid, or draw or divert any Water from the said Lake.

Not to affect the *Tyrone* Navigation, the *Blackwater* Navigation, nor the Waters of *Lough Neagh*.

VII. And be it further enacted, That every Steam Engine which shall be erected by the said Company of Proprietors, or in pursuance of this Act, shall be erected and built upon the best and most approved Principle of consuming its own Smoke.

Steam Engines to consume their own Smoke.

VIII. And whereas Maps or Plans, describing the Line or Course of the said Canal, together with Books of Reference thereto, containing Lists of the Names of the Owners and Occupiers, or reputed Owners and Occupiers of such Estates, Lands, and Grounds, have been

Maps and Books of Reference to remain with Clerks of

Peace, and
to be open to
Inspection.

been deposited at the Offices of the Clerks of the Peace for the said Counties of *Armagh*, *Down*, and *Louth*: Be it therefore enacted, That the said Maps or Plans, and Books of Reference, so deposited, shall remain with and be kept by the said Clerks of the Peace; and all Persons interested in any Manner therein shall have Liberty to inspect, peruse, and make Extracts from the same, and take Copies thereof, at seasonable Times, on Payment of One Shilling for each Time of Inspection, and of One Shilling more for every Hour during which such Inspection shall continue after the first, and paying for every Copy not exceeding Seventy-two Words the Sum of Sixpence and so in proportion for any greater Number of Words; and the said Maps or Plans, and Books of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Company not
to deviate
from Plan.

IX. Provided always, and be it further enacted, That the said Navigation Company in making the said Canal shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Maps or Plans, and set forth in the said Books of Reference.

No Advantage to be
taken of
Errors in
Book of
Reference.

X. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Company hereby incorporated, or any Interruption be given to the making of the said Navigation and other Works hereby authorized to be made, on account of any Error or Omission in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace acting in any of the said Counties of *Armagh*, *Down*, and *Louth* respectively, and be certified in Writing under their respective Hands, that such Error or Omission proceeded from Mistake.

Houses, &c.
not to be
taken with-
out Consent.

XI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Navigation Company or any other Person or Persons to take, use, injure, or damage any House or Building, or any Ground which upon the First Day of *January* One thousand eight hundred and twenty-nine was the Site of any House or other Building, or any Park, Avenue, planted Walk, Lawn, or Pleasure Ground, nor any Yard, Garden, or Orchard, without the Consent in Writing of the respective Owners and Occupiers thereof.

Before any
Brook or
Road is di-
verted or in-
jured, others
to be made.

XII. Provided always, and be it further enacted, That in all Cases where it shall be found necessary for the Purposes of this Act to divert or turn any Brook, Stream, or Watercourse, or to cut through or injure any Carriage or Horse Road or Footway, either public or private, or to take down or injure any Bridge or Bridges, either public or private, so as to render the same impassable or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, or to divert or turn any such Road or Way, the said Navigation Company shall at their own Expense first make a Cut or Channel for such Brook, Stream, or Watercourse, or a temporary Bridge or Bridges of no less Width than the former; and when such Cut or Channel shall be completed and finished, the Part of the Bed or Channel of the
Brook,

Brook, Stream, or Watercourse so to be taken, used, diverted, and turned shall be and become vested in Fee Simple in the said Company, with full Power for them to sell or dispose of the same in such Manner and Form and under such Regulations as are herein-after directed with respect to Lands which shall be purchased by the said Company, and found necessary to be made use of for the Purposes of the said Navigation, or as near thereto as the Case will admit; and such Bridge or Bridges so to be built or otherwise enlarged, and such Road or Footway so to be altered as aforesaid, shall be for ever thereafter repaired and kept in repair by the Person or Persons who were by Law bound to repair the old Bridge, Road, or Way before such Alteration or Diversion; and further, that the Materials of the Bridges so to be taken down or enlarged shall be and become the absolute Property of the said Company.

XIII. Provided always, and be it further enacted, That in all Places where the Line of the said Canal by this Act authorized to be made shall cross any public Carriage Road, the Ascent of every Bridge which shall be made over the said Navigation, for the Purpose of such Road, in the Place of any other Bridge, shall not be more than One Foot in Thirteen Feet; and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Ascent to
Bridges, and
Fences
thereon.

XIV. And be it further enacted, That the Lands or Grounds to be taken and used for the said Cuts and Navigation, and the Towing-paths, Banks, and Side Drains thereof, and the Ditches and Fences for separating such Towing-paths, Banks, and Side Drains from the adjoining Lands, shall not exceed One hundred and twenty Yards in Breadth, measured horizontally, except in such Places where any Basin, Sluice, or Weir shall be made, or where the said Navigation shall be raised higher, or shall be cut more than Ten Feet deeper, than the present Surface of the Land, and except in such Places where it shall be judged necessary for Boats, Barges, and other Vessels or Rafts to turn, lie, or pass each other, or where any Warehouse, Crane, or Weighing Beam shall be erected, or where any Wharf shall be made for the Landing or Delivery of any Goods, Wares, or Merchandise which shall be carried or conveyed on the said Navigation, nor more than Two hundred Yards in Breadth in any Place, except where the said Navigation shall pass through or over any Common or Waste Lands, or where the Owner or Owners of any Lands or Grounds through which the said Navigation shall pass shall consent to the same being made wider in or through his, her, or their Lands or Grounds respectively.

Breadth of
Canal.

XV. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Canal and other Works and Conveniences hereby authorized to be made, or any of them, or any Part thereof, it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators,

Bodies Poli-
tic, &c. em-
powered to
sell and con-
vey Lands
for the Pur-
poses of this
Act.

nistrators, and all other 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 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 therein, and for every other Person or Persons whomsoever who is or 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 Navigation Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expense of the said Company, and shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

Form of
Conveyance
to the Com-
pany.

‘ I of the Sum of of in consideration
‘ of the Sum of to me paid by the
‘ Navigation Company, do hereby, in pursuance and by virtue of the
‘ Power in that Behalf contained in the Act passed in the Tenth Year
‘ of the Reign of His Majesty King George the Fourth, intituled
‘ [*here insert the Title of this Act*], grant, release, assign, and confirm
‘ unto the said Canal Company all [*here insert the proper Description*
‘ *of the Lands or Hereditaments intended to be conveyed*], and all my
‘ Estate and Interest therein, to hold unto and to the Use of the said
‘ Navigation Company 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 that 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 Bar of all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

Small Par-
cels of Land
separated by
Navigation
to be pur-
chased if
required.

XVI. Provided always, and be it further enacted, That if in making the said Navigation any Pieces or Parcels of Ground shall be cut through and divided or separated from the other Parts of the Lands belonging to the same Owner or Owners, so as that the same cannot be conveniently occupied by him or them without a Bridge being erected for making a Communication therewith, and so that what shall be left on each or either Side of the said Navigation shall be less in Quantity than Half an Acre, or shall be throughout the whole Length thereof less than Twenty Yards in Breadth, and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining or contiguous to what shall be so left on each or either Side of the said Navigation, then and in every such Case, if the Owner or Owners, or Person or Persons entitled to the Possession or to the Rents and Profits of the same, shall so require, but not otherwise, the said Company shall also take and purchase the Piece or Parcel or Pieces or Parcels of Ground so to be separated,

separated, or the Pieces or Parcels of Ground so to be left on either Side, being less in Quantity than Half an Acre, or less than Twenty Yards in Breadth throughout the whole Length thereof as aforesaid, the Value thereof to be ascertained in the same Manner as is directed concerning any Land or Ground to be cut, taken, and used for the Purposes of this Act.

XVII. And be it further enacted, That it shall be lawful for the said Navigation Company, by Indenture under their Common Seal, to lease, grant, or convey, by way of absolute Sale, all such of the Messuages, Buildings, Lands, Tenements, or Hereditaments, Waters, Watercourses, or Streams, which shall be purchased by and conveyed to the said Company, as shall not be wanted for the said Navigation and Works, or any Part or Parts thereof, for such Sum or Sums of Money as in such Conveyances shall be expressed; and all such Grants and Conveyances shall be valid and effectual; and upon Payment of the Money which shall arise by such Sale or Sales of such Messuages, Lands, Tenements, or Hereditaments, Waters, Watercourses, or Streams, or any Part or Parcels thereof, or of any Land, by virtue of this Act, it shall and may be lawful for the Treasurer or Treasurers of the said Company for the Time being to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to the Purchaser or Purchasers for the Money for which such Premises shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received, and such Person or Persons shall not be answerable or accountable for any Losses, Misapplication, or Nonapplication of such Purchase Money or any Part thereof; which said Money shall be applied by the said Navigation Company for the same or for the like Purposes as the Money hereby authorized to be raised is to be applied; provided that the said Company, before they shall contract for the absolute Sale and Disposal of any such Messuages, Lands, Tenements, and Hereditaments, Waters, Watercourses, or Streams, shall first offer to resell the same to the Person or Persons whose Lands shall adjoin thereto, at a Price to be fixed on by the said Company; but in case of Difference in that respect, then the Price at which the same shall be resold shall be adjusted and settled by a Jury in like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled, in case of Difference or Dispute as to the Value thereof; and in case such Person or Persons to whom such Offer shall be made shall not then and thereupon agree or shall refuse to purchase the same, on Affidavit being made and sworn before One of the Masters of the High Court of Chancery in *Ireland*, or before One of His Majesty's Justices of the Peace for the County in which the Lands shall be situate, by some Person or Persons no way interested in the said Premises, stating that such Offer was made by or on behalf of the said Navigation Company, and that such Offer was not then and thereupon agreed to or was refused by the Person or Persons to whom the same was so made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to or was refused by the Person or Persons to whom it was made, as the Case may be.

Company
empowered
to resell
Lands.

Offer of Re-
sale to be
first made to
the Owners
of adjoining
Lands.

XVIII. Pro-

Satisfaction
to be made
to Owners in
gross Sums.

XVIII. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees or other Persons herein-before capacitated to sell and convey Lands, Tenements, or Hereditaments, or any other Owner or Owners and the Occupier or Occupiers of any Lands, Tenements, or Hereditaments through, in, or over which the said Navigation or other Works hereby authorized are intended to be made, or any of them, shall receive Satisfaction for the Value of such Lands, Tenements, or other Works, and Hereditaments, and for the Damages to be sustained in making and completing the said Works herein-before directed, in gross Sums, as shall be agreed upon by and between the said Owners and Occupiers respectively, or any of them, and the said Navigation Company; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract or Contracts for the same, the said Navigation Company may and shall be at liberty to enter upon, and from thenceforth for ever to have, take, and enjoy the said Lands, Tenements, and Hereditaments, for the Use and Maintenance of the said Navigation, and for supplying the same with Water; and in case the said Navigation Company and the said Parties interested in such Lands, Tenements, and Hereditaments cannot or do not agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury as herein-after directed.

In case
the Parties
refuse or are
incapable
to treat, the
Value to
be settled by
a Jury to be
summoned
by the Sheriff
or Coroner.

XIX. And for settling all Differences which may arise between the said Navigation Company and the several Owners of or Persons interested in the Lands, Tenements, or other Hereditaments which shall or may be taken, used, affected, damaged, or prejudiced in pursuance or execution of the Powers hereby granted, touching the Purchase Money or Recompence to be paid or made for the same, be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested, entitled, or empowered to sell as aforesaid, for or on behalf of himself, herself, or themselves, or for and on behalf of their respective Cestuique Trusts, or of the Person or Persons entitled in Remainder after them as aforesaid, shall refuse to accept such Purchase Money or Recompence as shall be offered in Writing by the said Company or their Agent, and shall give Notice thereof in Writing to the said Company within Fourteen Days next after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled, interested, or empowered to sell as aforesaid, shall neglect or refuse to treat or shall not agree with the said Navigation Company concerning the same, or shall by reason of Absence be prevented from treating, or shall by reason of Nonage or other Impediment not provided for by this Act be incapable of treating or making such Agreements as shall be expedient for enabling the said Company to proceed in the making and carrying on of the said Navigation and other the Works aforesaid; then and in any or either of the said several Cases the said Company, or their Committee of Management, shall and they are hereby empowered and required from
Time

Time to Time to issue a Warrant or Warrants under their Common Seal to the Sheriff of the County in which such Lands, Tenements, or other Hereditaments may be situated, or the Question in dispute shall arise, or in case such Sheriff or his Under Sheriff shall happen to be one of the said Navigation Company, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to any One of the Coroners of the same County not interested as aforesaid, or if all the Coroners shall be so interested, then to the last Persons or Person then in being who filled the Office of Sheriff of the same County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner, or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to summon, return, and impanel, not less than Twenty-four or more than Thirty-six substantial and indifferent Persons qualified to serve on Special Juries; and the Persons so to be summoned, returned, and impanelled as aforesaid are hereby required to come and appear before the Justices of the Peace for the County in which such Lands, Tenements, or other Hereditaments lie, or the Question in dispute shall arise, at some Court of General or Quarter Sessions of the Peace to be holden in and for the same County, or at some Adjournment thereof, as in such Warrant shall be directed or appointed, and to attend such General or Quarter Sessions from Day to Day until discharged by the said Court; and out of such Persons so to be summoned, returned, and impanelled a Jury of Twelve shall be drawn by the Clerk of the Peace for the County wherein such Jury shall be returned, or his Deputy, in such Manner as Juries for the Trial of Issues joined in His Majesty's Four Courts in *Dublin*, by an Act made in *Ireland* in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better regulating Juries in Ireland*, are directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Clerk of the Peace or his Deputy shall return other honest and indifferent Men of the Standers-by, or others that can speedily be procured to attend that Service, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Clerk of the Peace or his Deputy is hereby empowered and required to summon and call before the said Justices all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and may 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 shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Tenements, or Hereditaments as aforesaid, 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 so sustained as aforesaid, 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, repaired, or remedied by the said

[Local.]

35 E

Navigation

Verdict and Judgment to be conclusive.

Navigation Company, and which can or will be no further obviated, repaired, or remedied 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 thereupon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever; provided that not less than Ten Days Notice in Writing of the Time and Place of Meeting of the said Justices and Jury shall be given by the Clerk of the said Company to the Party or Parties with whom such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or the Clerk or Agent of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises to be valued, or respecting which any such Question shall arise.

Penalty upon Sheriff, Jurors, or Witnesses making default.

XX. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so to be summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his, her, or their Cost and Expenses, or appearing shall refuse to be sworn, examined, or to give Evidence, then and in such Case every such Person so offending shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witnesses shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant or Warrants under the Hand and Seal of any One of the said Justices by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him or them the Overplus of the Money thereby produced, after such Penalty and the Charges of such Distress and Sale shall be deducted.

Juries to be under the same Regulations as those of the Courts at Dublin.

XXI. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Dublin*; and that all and every Person and Persons who in any Examination to be taken by virtue of this Act upon their Oath, or (being of the Society of Persons called Quakers) upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Expenses of Juries.

XXII. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money or for a greater annual Rent for Recompence or Satisfaction for the absolute Sale of any Lands,

Lands, Tenements, or other Hereditaments of or belonging to any Body or Bodies Politic, Corporate, or Collegiate, or to any Person or Persons unknown, or as Compensation for any Damages done or to be done to any Lands, Tenements, Hereditaments, or other Property, than had been previously offered by or on behalf of the said Company of Proprietors or their Committee of Management; or where any Verdict shall be found for any Damages where the Dispute is for Damages only; or where no Compensation, or a smaller Sum than shall be given by such Verdict, had been previously offered or tendered in respect thereof by or on behalf of the said Company of Proprietors or their Committee of Management; or where, by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with and make Conveyances to and receive Compensation from the said Company of Proprietors or their Committee of Management, as herein-before mentioned; then and in all such Cases all the reasonable Costs and Expenses of impannelling, summoning, and returning such Jury and taking such Verdict shall be settled by the said Sheriff and be defrayed by the said Company of Proprietors; and in case such Costs shall not be paid by the said Company of Proprietors or their Committee of Management within Five Days after the same shall be demanded, the same shall and may be levied by virtue of any Warrant under the Hand and Seal of any Justice of the Peace acting in and for the County in which the Lands, Tenements, or other Hereditaments are situate, or the Matter in question or dispute shall have arisen, by Distress and Sale of the Goods and Chattels of the same Company; but if any Verdict shall be given for the same Sum or Rent as had been previously offered by or on behalf of the said Company of Proprietors or their Committee of Management, or for a less Sum than had been previously offered, or in case of such Refusal or Neglect to enter into Treaty with or make Conveyances to or receive Compensation from the said Company of Proprietors or their Committee of Management, by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever who is or are by the Provisions of this Act or otherwise legally capacitated to treat and convey or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person or Persons shall have been prevented from treating and agreeing as aforesaid, when such Costs and Expenses shall be paid by the said Company of Proprietors,) the Costs and Expenses of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be settled in like Manner by the Sheriff so impannelling, summoning, and returning such Jury and taking such Verdict, and be borne and paid in the Manner following; that is to say, one Moiety or Half Part of such said Costs and Expenses shall be borne and paid by the said Company of Proprietors or their Committee of Management, and the other Moiety or Half Part thereof by the Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons, with whom the said Company of Proprietors or their Committee of Management shall have such Disputes or Controversies; which said Costs and Expenses, having been so settled, shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use

Use of such Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons as aforesaid, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums of Money so assessed and adjudged; and in case no Compensation shall be given by such Verdict where the Dispute is for Compensation only, such Costs and Expenses, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said Company by such Ways and Means as are herein provided for the Recovery of any Penalty or Forfeitures incurred by this Act.

Persons requesting Juries to enter into a Bond to prosecute their Complaint and pay Expenses.

XXIII. And be it further enacted, That all and every Person and Persons with whom the said Navigation Company may have any such Controversy or Dispute as aforesaid shall, before the said Company shall be obliged to issue out their Warrant or Warrants for the summoning of such Jury, first enter into a Bond to the Treasurer or Treasurers of the said Company for the Time being, in a Penalty of One hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay his, her, or their Proportion of the Expenses of summoning such Jury and taking such Inquest, and of summoning and the Attendance of Witnesses, in case such Costs and Expenses shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

No Complaint to be taken notice of, unless Notice given to the Company within Six Months.

XXIV. And be it further enacted, That the said Company shall not be obliged by virtue of this Act to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained or supposed to be sustained by virtue or in consequence of this Act, unless Notice in Writing shall have been given in relation thereto, by or on behalf of such Person or Persons to the said Navigation Company, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or such supposed Injury or Damage shall have ceased.

Value of Lands and Damages to be ascertained separately.

XXV. And be it further enacted, That the said Juries shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give concerning the Value of Lands, Tenements, and Hereditaments, separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Compensation Money to be apportioned.

XXVI. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be agreed for, determined, and adjusted, or assessed in manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

XXVII. And

XXVII. And be it further 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 assessed by any Jury or Juries in manner aforesaid, for the Purchase of any such Lands or Hereditaments, Waters, Watercourses, or Streams, or as a Recompence for the yearly Produce or Profit thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or Persons as shall be interested therein or entitled to receive such Compensation, within Thirty Days after the same shall have been so agreed for, determined, or awarded, or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *Ireland* as herein-after directed and required, for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Navigation Company, and their Agents, Servants, or Workmen, immediately to enter upon such Lands, Grounds, or other Hereditaments respectively, and then and thereupon the Lands, Waters, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth become vested in and become the sole Property of the said Navigation Company to and for the Purposes of this Act for ever; and such Tender, Payment, or Investiture shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and all other Estates in Reversion and Remainder of his, her, and their Issue, and of every other Person whomsoever therein.

Power to enter Lands upon Payment or Tender of Purchase Money.

XXVIII. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerks of the Peace of the several Counties in which the Lands, Tenements, or Hereditaments shall be situate, amongst the Records of the Quarter Sessions of the said Counties, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have free Liberty to inspect the same, paying for each Inspection the Sum of One Shilling and no more, and also to make Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words.

Verdicts of Juries to be recorded.

XXIX. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, shall, on Payment or Tender of the Principal Money and Interest due thereon, together with the Amount of Three Calendar Months Interest on the said Principal Money, by the said Navigation Company, or their Clerk or Agent, immediately convey, assign, and

Mortgagees to convey.

[Local.]

35 F

transfer

transfer such Mortgage or Mortgages to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Navigation Company, or their Clerk or Agent, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Two Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Two Calendar Months, upon Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, or transfer his, her, or their Interest in the Premises to the said Navigation Company, or to such Person or Persons as they shall appoint; and in case such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage or Mortgages shall amount to more than the Value of the Premises to be ascertained as directed by this Act, then the said Navigation Company shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of the Premises so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment thereout to any Lessee or Tenant as herein-before directed: Provided also, that in case any such Mortgagee shall neglect or refuse to convey and assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any such Mortgage into the Bank of *Ireland*, at the End of Two Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money in like Manner as is by this Act directed in Cases of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of every such Mortgagee, and also of every Mortgagor or Owner of the same Premises, and of all and every Person and Persons in trust for him, her, or them or any of them, shall vest in the said Navigation Company to all Intents and Purposes whatsoever.

Application
of Compens-
ation when
amounting to
or exceeding
200*l*.

XXX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Land, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the *Newry* Navigation Company; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, towards the Discharge of any Debt or Debts, or such other

other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or, where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed 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, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall; by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Government Stock; and in the meantime and until the said Stock shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, and be placed to his 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, and approved of by Three or more of the Committee of Management of the said Company, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where Compensation is less than 200*l.* and amounts to 20*l.*

XXXII. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall

Where less than 20*l.*

shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Committee or any Five or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, &c.

XXXIII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Committee of Management, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be ordered to be paid as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Committee to order the said Sum or Sums so awarded to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Control, and Disposition of the said Court; which said Court, upon the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Ireland* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of disputed Titles the Person in possession to be deemed lawfully entitled.

XXXIV. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Government Stock to be purchased with any such Money, or to the Dividend or Interest of any such Stock, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase by the said Company, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken

taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Stock to be purchased with such Money, and also the Capital of such Stock, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

The Court of Chancery may order Expenses of Purchases to be paid by the Company.

XXXVI. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made by such Justice to the said Company, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expenses of hearing and determining the Matter in dispute, and also the Costs and Expenses of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company, or to their Treasurer for the Time being, as the

In case of Nonpayment of Compensation for Materials, &c.

Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expenses as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Works damaged by Floods to be repaired by Company, who may get Materials from adjacent Lands for that Purpose.

XXXVII. And whereas it may happen from Floods, or from some unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Trenches, or other Works of the said Navigation may be injured or destroyed, and the adjacent Lands may thereby suffer Damage, and it may be necessary that the same should be immediately repaired or rebuilt, to prevent further Damages: Be it therefore enacted, That when and as often as any such Case shall happen it shall be lawful for the said Company from Time to Time, or for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Navigation and other Works or Conveniences, or any of them, (not being the Ground whereon any House or other Building stands, or Garden, Orchard, Park, Paddock, planted Walk, Nursery Ground, or Avenue to a House,) and to dig for, work, get, and carry away and use all such Stones, Gravel, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of or other Person or Persons interested in such Lands and Grounds or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Case will permit, and making Recompence for the same to the Owners and Occupiers of or other Persons interested in such Lands, Grounds, or Hereditaments, within the Space of Ten Days next after the same shall be demanded; which Damages, and the Compensation to be made in respect thereof, shall be settled and determined or assessed by the Ways and Means herein prescribed and directed with respect to other Damages to be done by making and completing the said Navigation.

Compensation in case of Damage by Floods.

XXXVIII. Provided always, and be it further enacted, That the said Company shall make ample and full Satisfaction and Compensation to the Owner or Owners of any Lands, Hereditaments, and Premises that may be prejudiced or damaged by reason of any Floods or Accidents happening by reason or in consequence of the making of the said Navigation and other Works, for all such Damage or Loss which they may respectively sustain by reason of any such Floods or Accidents so happening as aforesaid, the same to be ascertained and settled, in case of any Difference, in manner aforesaid.

Compensation for Damages not herein-before provided for.

XXXIX. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damages in his, her, or their Lands, Tenements, Hereditaments, or Property, by reason of the Execution of any of the Powers given by this Act, for which a Compensation is not herein-before provided, then and in every such Case such Damages shall from Time to Time be settled and ascertained or assessed by a Jury, and the Sum or Sums of Money to be paid for the same shall be levied, recovered, and applied in such and the

the same Manner as herein-before directed with respect to such Damages as are herein-before provided for, and the Money to be paid as a Recompence for the same: Provided always, that Notice of the Complaint for any such Injury or Damage be given within Six Calendar Months next after such Injury or Damage shall have been sustained, or shall have ceased, in like Manner as is herein-before directed with respect to other Cases of Injury or Damage.

XL. And whereas the probable Expense of making the said Canal and other Works hereby authorized to be made will amount to the Sum of Eighty thousand Pounds, and the Sum of Sixty-four thousand Pounds, being more than Four Fifths Parts thereof, has been already subscribed by several Persons, under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for Payment of the several Sums by them subscribed respectively: Be it further enacted, That the whole of the said Sum of Eighty thousand Pounds shall be subscribed before any of the Powers given by this Act shall be put in force.

The whole of the Capital to be subscribed.

XLI. And be it further enacted, That it shall and may be lawful for the said Navigation Company to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, such Sum or Sums of Money as shall be necessary for the making, carrying on, and completing the said Navigation, Aqueducts, Quays, Wharfs, and other Works and Conveniences hereby authorized to be made, not less than the whole Sum of Eighty thousand Pounds, (except as herein-after is mentioned,) and that the same shall be divided into such Number of Parts or Shares as herein-after directed; and the Money so to be raised as aforesaid, or a sufficient Part thereof, shall be laid out and applied, in the first place, in Payment, Satisfaction, and Discharge of the Costs, Charges, and Expenses attending the obtaining and passing of this Act, and the making of the proper Surveys, Plans, and Estimates, and the doing and providing of all the Matters and Things 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, carrying on, completing, and maintaining of the said Navigation and other Works respectively, and for other the Purposes of this Act.

Company empowered to raise the Money among themselves.

XLII. And be it further enacted, That the said Sum of Eighty thousand Pounds so to be subscribed as aforesaid shall be divided into One thousand six hundred equal Shares; and that no Person shall take or subscribe for less than One Share in the said Undertaking; and such Share shall be numbered in regular numerical Progression, and every Share shall for ever afterwards be distinguished by the Number to be appointed for the same; and the said One thousand six hundred 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, Successors, and Assigns, to and for their own 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

The Capital to be divided into Shares.

thereof, and to all Profits and Advantages thereon, according to the true Intent and Meaning of this Act, and as so expressed in such Security.

XLIV. And be it further enacted, That in case the said Company shall think it advisable or advantageous to raise all or any Part of the Money to be borrowed under this Act, by granting Annuities for Lives, instead of by Assignment as aforesaid, it shall and may be lawful for the said Company and they are hereby authorized and empowered to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the said Company any Sum or Sums of Money, as to the said Company shall seem right and proper, for the absolute Purchase of any Annuity or Annuities to be paid and payable during the natural Life or Lives of such Person or Persons as shall be nominated at the Time of Payment of such Contribution or Purchase Money; and the Expense of every such Grant shall be defrayed by the said Company; and the Grant of every such Annuity shall be in the Words or to the Effect following:

Money may be raised by Annuities.

WE, the Newry Navigation Company, by virtue of the Provisions of an Act of Parliament made in the Tenth Year of the Reign of King George the Fourth, intituled "An Act" [*here set forth the Title of this Act*], in consideration of the Sum of paid by of for the Purposes of the said Act, do hereby grant unto the said One Annuity or yearly Sum of out of the Tolls and Duties payable to the Company by virtue of the said Act, which Annuity or yearly Sum of shall be paid to the said his Executors, Administrators, or Assigns, during the natural Life of by equal half-yearly Payments, upon the Day of and Day of in every Year, during the natural Life of the said, the first Payment thereof to be made on the Day of next ensuing the Date hereof. In witness whereof we the said Company have hereunto caused our Common Seal to be set, this Day of in the Year

Form of Grant of Annuity.

XLV. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price and Value of Annuities which may be granted under any Act or Acts from Time to Time in force for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities and Annuities for Terms of Years.

Restriction as to Grants of Annuities.

XLVI. And be it further enacted, That it shall and may be lawful to and for the Person and Persons entitled to any of the Securities or Annuities aforesaid, and their respective Executors, Administrators, and Assigns, as the Case may be, at any Time by Writing under their Hands and Seals to transfer such Securities or Annuities respectively

Securities may be transferred.

tively to any Person or Persons whomsoever; which Transfer may be in the Words or to the Effect following:

Form of
Transfer of
Securities.

‘ I being entitled to the Sum of
‘ [or to an Annuity of] secured to
‘ his Executors, Administrators, and Assigns, by virtue of an Assign-
‘ ment or Grant bearing Date the Day of
‘ from the Newry Navigation Company, incorporated by an Act
‘ made in the Tenth Year of the Reign of King George the Fourth,
‘ intituled [*here set forth the Title of this Act*], upon the Credit of
‘ the Tolls and Duties payable to the said Company under the said
‘ Act, do hereby transfer all my Right, Title, and Benefit in and
‘ to the said Sum [or Annuity], and all Interest and other Money
‘ now due and owing thereon, unto his Executors,
‘ Administrators, and Assigns. Dated this Day
‘ of

And every such Assignment shall be good, valid, and effectual in the Law to all Intents and Purposes.

Interest of
Money bor-
rowed to be
paid before
Dividends
made.

XLVII. And be it further enacted and declared, That the Interest of such Money as shall be so borrowed by Mortgage as aforesaid shall be paid half-yearly to the several Persons entitled thereto in preference of any Interest or Dividends due and payable by virtue of this Act to the said Navigation Company or any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Interest or Dividends due to the said Proprietors be paid, made, or divided.

Shares to be
Personal
Estate.

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

Names of
Proprietors
to be entered
in a Book,
and Tickets
of their
Shares de-
livered to
them.

XLIX. And for the better securing the several Subscribers towards the said Navigation and Undertaking their respective Shares therein, be it further enacted, That the said Navigation Company 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 Navigation 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 Navigation Company, and after such Entry to cause the Common Seal of the said Company to be affixed thereto, which said Book shall from Time to Time be altered and corrected, and new Books from Time to Time shall be sealed with the said Common Seal, 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 Navigation and Undertaking, bearing respectively

No Shares to be sold after a Call, until the same be paid.

LI. And be it further enacted, That after any Call of Money shall have been made as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, upon pain of forfeiting his, her, or their respective Share or Shares therein to the said Company, in trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer of the said Company the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be declared at a General Meeting in manner hereinafter directed.

Regulations as to Acquisition of Shares.

LII. And whereas much Inconvenience may arise by the frequent Transfer of the Shares of and in the said Undertaking, by the Marriage or Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part of the Profits of the said Undertaking in right of Marriage shall be entitled to receive the same, or be entitled to vote in respect of any Shares, an Affidavit, containing the Copy of the Register of such Marriage, shall be made and sworn to by some credible Person before a Master or a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers and Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Shares, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Clerk, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator shall be made and sworn to by the Executor or Executors of such Will, before a Master or a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk, who shall file and enter the same in the Manner herein-before mentioned; and in all Cases other than as herein-before mentioned where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Proprietor thereof to any Person or Persons, by any other legal Means than by a Transfer and Assignment thereof as herein directed, an Affidavit shall be made and sworn to by Two credible Persons before a Master or a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, and such Affidavit shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Undertaking.

LIII. And

LIII. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person or Persons whose Name or Names shall at any Time hereafter stand in the said Register Book or List of the Proprietors of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said Navigation, whether as original Subscribers, or as Successors, Executors, Administrators, or Assigns of original Subscribers, shall be deemed and taken to be Proprietors of the several Shares standing in the said Book in his, her, or their respective Names, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which such Proprietors of Shares in the said Navigation are made subject and liable by this Act; and all Notices by this Act required to be given previous to the Forfeiture of Shares to the Proprietors thereof, shall, if given to the Persons appearing by the Register Book of the said Company to be such Proprietor or Proprietors, or their Representatives, be in all respects good, sufficient, and conclusive; and all Payments of Interest and Dividends due and to grow due on any such Shares shall be made to such Persons as by the said Book of the said Company shall so appear to be Proprietors thereof; and that no Assignment or Transfer of any Share or Shares, or other Instrument giving Title to any such Share or Shares, which shall not have been brought to the said Clerk to be enrolled or registered as directed by this Act, shall be given or admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the said Navigation Company to recover the said Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the said Navigation Company, to make the said Company liable to the Payment of Interest or Dividends to any other Person or Persons than such as appear upon the said Book to be Proprietors of the said Shares; but that in all such Cases, unless where it shall be expressly proved that the said Book is defective by reason of some Neglect or Default of the said Clerk, the said Book shall be considered as sufficient and conclusive Evidence of the Right and Title in and to the said Shares.

The Persons whose Names appear in the Register Book to be deemed the Proprietors.

LIV. And be it further enacted, That if the said Navigation Company, or their Committee of Management for the Time being, shall deem it expedient, out of any Surplus of Monies or otherwise, to buy up any Share or Shares in the said Canal Navigation which shall be offered for Sale, then and in such Case it shall be lawful for any General Meeting of the said Navigation Company, either to direct that any such Share or Shares so bought shall merge in the said Undertaking, or that the same shall be transferred to the Clerk of the said Company in trust for the said Company; and such Share or Shares may in such last-mentioned Case at any Time thereafter be sold for the Benefit of the said Company, and for the raising of any Sum of Money which may be wanted for or towards the erecting or repairing of any Building or Works belonging to the said Canal, or any other Purpose necessary for carrying on the same.

The Company may buy up Shares.

LV. And be it further enacted, That all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, and their
 [Local.] 35 I
 Proprietors entitled to vote according to their respective

LVIII. And every such Appointment shall be produced to the Clerk of the said Navigation Company, and entered in a Book to be kept by him for that Purpose, before any Vote shall be given in respect of such Appointment; which Book shall be sufficient Authority for any Proxy to give his Vote or Votes, without Production of his Appointment at the Time of voting, until the same is revoked.

Appoint-
ments of
Proxy to be
entered in a
Book.

LIX. Provided always, and be it further enacted, That no Proprietor of any Shares in the said Navigation and Undertaking, either in Person or by Proxy, shall be entitled to vote at any Meeting of the said Navigation Company in respect of such Shares, unless the same shall be standing in the Name of such Proprietor in the Register Book herein-before 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 by the Committee of Management for the Time being, to be appointed 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 or Treasurers of the said Company.

Proprietors
not entitled
to vote in
respect of
Shares until
Calls are
paid.

LX. And be it further enacted, That the First General Meeting of the said Navigation Company for putting this Act in execution shall be held in the Town of *Newry* within One Calendar Month from and after the Day mentioned in such Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, of which Meeting not less than Six Days Notice shall be given by public Advertisement in some Newspaper published or usually circulated in the Town of *Newry*, and in some One or more Newspapers published or usually circulated within the said Counties of *Armagh*, *Down*, and *Louth*; and all future Meetings of the said Company (except such Special Meetings as herein-after mentioned) shall be held upon the First *Monday* in the Month of *May* in every Year, at the Hour of Eleven in the Forenoon, in *Newry*, or at such Place or Places as the said Navigation Company at the preceding General Meeting shall from Time to Time direct and appoint, of which future General Meeting not less than Seven Days Notice (both Days inclusive) shall be given by public Advertisement in such public Newspapers as herein-before mentioned, or in such other Manner as the said Navigation Company at their respective General Meetings shall direct.

First and
other Gene-
ral Meetings
of Company.

LXI. And be it further enacted, That at every such Meeting as aforesaid One of the Proprietors present shall be appointed President or Chairman, who shall not only have a Vote or Votes as a Proprietor or Proxy, but shall also, in case of an equal Division, have the decisive or Casting Vote; and if at any Time Two or more Persons shall be proposed as President or Chairman, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the said Office.

Chairman to
be appointed,
who shall
have the Cast-
ing Vote.

LXII. And be it further enacted, That the said Navigation Company shall at the First General Meeting, and afterwards from Time to Time when necessary at any future General Meeting, elect and choose,

Treasurer
and Clerk to
be appointed.

Books of
Proceedings
to be kept.

choose, and under their Common Seal appoint, a principal Treasurer or principal Treasurers to the said Company, taking good and sufficient Security from him or them for the faithful Discharge of the Trust reposed in him or them respectively, and also a Clerk; and the said Clerk shall in a proper Book or Books, to be provided by the said Company for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company, and of their Committee and Committees to be appointed as herein-after directed; and each of the said Proprietors in the said Undertaking shall and may at all convenient Times have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof or of any Part thereof, paying for every One hundred Words so to be copied the Sum of Sixpence; and if any such Clerk of the said Company shall refuse to permit or shall not permit any Proprietor, or Person so interested as aforesaid, to inspect or peruse such Book or Books of Proceedings, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; and whenever any such Treasurer or Clerk shall die, or be removed, or quit the Service of the said Company, it shall be lawful for the Committee of Management of the said Company from Time to Time to appoint some other Person in the Place of the Treasurer or Clerk so dying, being removed, or quitting, until the next General Meeting of the said Company, when the Clerk, Treasurer or Treasurers, so appointed, or some other Clerk, Treasurer or Treasurers, shall be nominated and appointed for the Purposes aforesaid.

Treasurer
and Clerk not
to be the
same Person.

LXIII. And be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as 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 his Partner, the Treasurer for the Purposes of this Act, or to appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of any such Treasurer, or the Clerk of or other Person in the Service or Employ of his Partner, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, 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 the Clerk of or other Person in the Service or Employ of his Partner, shall act as Treasurer, or shall act as Deputy of such Treasurer, or shall in any Manner officiate for such 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 the Clerk of or other Person in the Service or Employ of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or shall in any Manner officiate for such Clerk, or if any Treasurer shall hold
any

any Place of Profit or Trust under the said Company 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, together with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Impar lance, shall be allowed.

LXIV. And be it further enacted, That the said Navigation Company shall, at their First General Meeting, or at some Adjournment thereof, nominate and appoint Twelve Persons of and out of the said Navigation Company, each of whom shall at the Time of such Appointment be possessed, in his own Name and Right, of Ten Shares therein, to constitute a Committee of Management for managing and conducting the Affairs, Concerns, and Business of the said Undertaking until the Annual General Meeting which shall be held on the First *Monday* in the Month of *May* in the Year next following the said Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*: Provided always, that no Person holding any Office, Employment, or Contract under the said Company shall be capable of being chosen or acting as a Member of such Committee during the Time of his Continuance in such Place, Office, or Employment, or holding such Contract.

Committee
of Manage-
ment.

LXV. And be it further enacted, That no Member of the Committee, or Officer of the said Company, shall be concerned directly or indirectly as a Contractor for the executing or repairing of any of the Works of the said *Newry* Navigation, or for any other Purpose whatsoever, or as a Contractor for or in executing any new Work or Works to be done or perfected by the said Company, or in the Supply of Materials for the same, under the Penalty of forfeiting to the said Company a Sum equal to the Amount of such Contract; such Penalty to be sued for by the said Company by Action of Debt in any of the Superior Courts of Record in *Dublin*, and when recovered to go and belong to the said Company.

Members of
Committee,
or Officers
of the Com-
pany, not to
be Contrac-
tors.

LXVI. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Ten Proprietors present, either in Person or by Proxy, who shall together be possessed of One hundred Shares at least in the said Undertaking, no Nomination, Appointment, or Removal of any Member or Members of the said Committee shall be made or directed at that Time, but in such Case there shall be another Meeting of the said Navigation Company held at the same Place within the Space of Fourteen Days then next following, and so from Time to Time until there shall be Five Persons present at such Meeting having together such Number of Shares as aforesaid, and such Nomination, Appointment, or Removal shall then take place; and Seven Days Notice of every such adjourned Meeting shall be given by Advertisement in some One or more public Newspaper or Newspapers published or usually circulated within the said Counties, or otherwise, as the Committee of Management shall direct;

General
Meetings for
Appointment
of Committee
to consist of
at least Ten
Proprietors.

[*Local.*]

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and

and the Person or Persons appointed to be Member or Members of the said Committee at any such adjourned Meeting shall have the same Powers which he or they would have had, and shall continue in Office until such Time as he or they would have done, had he or they been chosen by the said first Meeting herein-before appointed; and in case of Failure of the assembling of a sufficient Number of Proprietors, in Person or by Proxy, having One hundred Shares, at such first Meeting, every Proprietor who shall not attend in Person or by Proxy such adjourned Meeting shall forfeit to the said Navigation Company, for every Share which he, she, or they shall possess in the said Undertaking, the Sum of Ten Shillings, to be deducted out of the next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking after such Nonattendance, and in case no Interest or Dividends shall be payable to such Person or Persons so making default as aforesaid within Six Calendar Months next after the making of such Default, and in default of such Payment, then such Forfeiture shall be recovered by the Ways and Means herein-after appointed for the Recovery of any the other Penalties or Forfeitures imposed by this Act.

Members of the Committee to go out of Office by Rotation, and Manner of subsequent Appointment of Committee.

LXVII. And be it further enacted, That the said Twelve Persons so nominated and appointed, or the Person or Persons appointed in their Room or Stead respectively, by virtue of this Act, shall continue in Office until the Annual General Meeting which shall be held on the First *Monday* in the Month of *May* in the Year next following their Appointment, and on the Day of such Meeting Three of the said Members of the said Committee shall go out of Office and cease to be Members of the said Committee of Management; and in order to determine who of the said Members shall go out of Office, the Clerk of the said Company at the said General Meeting of the said Company (or at some Adjournment thereof) shall and he is hereby required to write upon Twelve distinct Pieces of Paper the Names of each of the said Committee, and all such Papers shall be rolled up in the same Form, as near as may be, and put in a Box or Bag, and Three of such Papers shall then be drawn out of such Box or Bag by such Clerk, One by One, and the Three Members whose Names shall be written upon such Papers respectively so drawn shall go out of Office and cease to be Members of the said Committee; and the said Company shall then nominate and appoint Three other Members of the said Company, and such Three Persons so appointed shall continue in Office for the Space of Four Years (except in case of Death or Refusal to act, or ceasing to be a Member of the said Company, or to be qualified, when necessary, in manner herein-after directed,) and no longer; and on the Annual General Meeting which shall be held on the First *Monday* in the Month of *May* next following Three more of the Members of the said Committee first nominated and appointed by virtue of this Act as Members, or the Person or Persons nominated or appointed in his or their Room or Stead, shall go out of Office and cease to be Members of the said Committee of Management; and in order to determine who of such Persons shall go out of Office, the Clerk of the said Company at the General Meeting of the said Company to be holden on that Day (or at some Adjournment thereof) shall

shall and he is hereby required to write upon Nine distinct Pieces of Paper the Name of each of such Members, and all such Papers shall be rolled in the same Form, as near as may be, and put into a Box or Bag by such Clerk, and Three of such Papers shall then be drawn out of such Box or Bag by such Clerk, One by One, and the Members whose Names shall be written upon such Papers respectively so drawn shall go out of Office and cease to be Members of the said Committee of Management; and the said Company shall then nominate and appoint Three other Members of the said Company (qualified, when necessary, as aforesaid,) to be Members of the said Committee, and such Three Persons so nominated and appointed shall continue in Office for the Space of Four Years (except in case of Death, or Refusal to act, or ceasing to be a Member of the said Company, or to be qualified, when necessary, in manner herein-after directed,) and no longer; and at the Annual General Meeting which shall be held on the First *Monday* in the Month of *May* then next following the Three remaining Members of the Committee first nominated and appointed by virtue of this Act, or the Person or Persons appointed in his or their Room or Stead, shall go out of Office and cease to be Members of the said Committee; and the said Company shall at such last-mentioned General Meeting nominate and appoint Three other Members of the said Company (qualified, when necessary, as aforesaid) to be Members of the said Committee of Management, and such Three Persons so nominated and appointed shall continue in Office for the Space of Four Years (except in case of Death, or Refusal to act, or ceasing to be a Member of the said Company, or to be qualified, when necessary, in manner herein-after directed,) and no longer; and at every succeeding Annual General Meeting to be held on the First *Monday* in *May* in every Year Three Members of the said Committee, out of the Members of the said Company, (qualified, when necessary, as aforesaid,) shall be nominated and appointed by the said Company, and such Three Members of the said Committee shall continue in Office for the Space of Four Years (except in case of Death, or Refusal to act, or ceasing to be a Member of the said Company, or to be qualified, when necessary, in manner herein-after directed,) and no longer: Provided always, that it shall and may be lawful for the said Navigation Company again to nominate and appoint any such Person or Persons so qualified, when necessary, as aforesaid, going out of Office, to be a Member or Members of the said Committee of Management.

LXVIII. And be it further enacted, That in case any Person nominated and appointed to be a Member of the said Committee of Management in manner aforesaid shall die, or refuse to act, or shall not attend at One Fourth of the Meetings of the said Committee between any Two successive Annual Meetings of the said Company, or shall cease to be a Member of the said Company, or to be qualified as aforesaid, or shall hold any Place, Office, Employment, or Contract under the said Company, in any of such Cases it shall be lawful for the said Navigation Company, at a General or Special Meeting of the said Company, to nominate and appoint, from and out of the said Company, some Person or Persons qualified, when necessary, as aforesaid, to be a Member or Members of the said Committee in the Room

For supply-
ing Vacan-
cies in Com-
mittee by
Death, &c.

Room or Stead of the Member or Members so dying, refusing to act, or ceasing to be a Member of the said Company, or holding any Place, Office, Employment, or Contract under the said Company; and every Person so nominated and appointed shall have the like Powers and Authorities, and shall be subject to the like Rules, Orders, Regulations, and Restrictions, as the Person in whose Room or Stead he shall be so nominated and appointed, and shall continue in Office as a Member of the said Committee for such Time and no longer as the Person in whose Room or Stead he shall be so nominated or appointed would have continued in Office.

Power to vary Qualification of the Members of the Committee.

LXIX. Provided always, and be it further enacted, That it shall and may be lawful for the said Navigation Company, at any General or Special General Meeting to be held for the Purposes of the said Navigation, from Time to Time to vary, alter, or increase, as to the said Company shall seem meet, the Qualification of the Person to be chosen a Member of the said Committee of Management, so that such Qualification shall not exceed Ten Shares in the said Undertaking; and no Proposal for making any such Variation or Alteration shall be discussed or determined upon at any Meeting of the said Company, unless Notice shall be given by public Advertisement in some Newspaper published or usually circulated within the said Counties, or otherwise, as the Committee of Management shall direct, Fourteen Days at least before any such Meeting, that such Variation or Alteration is intended to be proposed.

Accounts to be laid before Annual General Meetings.

LXX. And be it further enacted, That at the Second and every succeeding Annual General Meeting of the said Navigation Company an Account of all the Monies received, laid out, and disbursed respecting the said Canal and other Works, by the Committee, or by the Clerk, Treasurer, Collector of Rates, and other Persons whomsoever employed about the said Undertaking, brought up to the Period of Twenty-eight Days before such Annual Meeting, shall be laid before the said Proprietors to be audited and settled, and such Account shall be deposited with the Clerk to the said Navigation Company during the Seven Days immediately preceding such General Meeting, for the Purpose of being inspected by the Proprietors of Shares in the said Navigation Company, who shall have free Access thereto at all seasonable Times during such Seven Days; and the said Committee for the Time being shall also from Time to Time make Reports of their Proceedings, and of every material Occurrence respecting the said Undertaking, to the General Meeting of the said Company, and shall at all Times be subject to and obey the Orders and Directions of such General Meetings.

Regulations for Meetings of Committee of Management.

LXXI. And be it further enacted, That the said Committee of Management shall, at their First and every other Meeting to be held in pursuance of this Act, elect a Chairman out of the Members of such Committee then present to preside at such Meeting; and that any Three or more Members of the said Committee of Management, but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of doing all Acts, Matters, and Things, and exercising all the

the Powers and Authorities directed to be done by and vested in such Committee; and that all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee at their said Meeting shall be decided and determined by the Majority of Members then present; but no Member shall have more than One Vote at such Meeting, save and except that, in case of an equal Division, the Chairman shall, besides his own Vote, always have the Casting Vote; and if at any Meeting Two or more Persons shall be proposed to fill the Office of Chairman, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same; and the said Committee shall meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Time and Place, as they shall think fit (subject nevertheless to the Orders and Directions of the General Meetings of the said Company): Provided always, that if at any Meeting of the said Committee there shall not attend so many Members as are hereby required to constitute a Meeting for exercising the Powers hereby vested in such Committee, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned by the Member or Members then present, or if no Member be present, by the Clerk to the said Navigation Company, or such other Person as shall attend in his Place, to such other Time and Place as he or they shall respectively think fit.

LXXII. And be it further enacted, That it shall and may be lawful for the said Committee of Management, and they are hereby authorized and required, from Time to Time to nominate and appoint a Superintendent or Superintendents of the Works of the said Navigation Company, if they shall think expedient, and such Engineers, Surveyors, Collectors of the Tolls, Rates, and Duties herein-after granted, and other Officers (except such as are directed to be appointed only by General Meetings of the said Company), as the said Committee of Management shall think proper and expedient, for the better carrying the Purposes of this Act into execution, (the said Committee always taking good and sufficient Security from all Collectors and other Officers who shall have the Care and Custody of any Monies to be raised and received by virtue of this Act, for the faithful Discharge of the Trust reposed in them,) and also from Time to Time to discharge and dismiss any such Superintendents, Engineers, Surveyors, Collectors, or other Officers, and appoint others in their Stead, as there shall be Occasion; and that all such Superintendents, Engineers, Surveyors, Collectors, and other Officers of the said Navigation Company, who shall at any Time quit or be dismissed from the Service of the said Company, and their Executors and Administrators, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Committee of Management, or to such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever which shall be in the Custody or Power of such Superintendents, Engineers, Surveyors, Collectors, or other Officers, Executors, or Administrators respectively, in anywise relating to the said intended Navigation and Undertaking; and the said

Officers to be appointed by Committee of Management.

Committee of Management, or any Sub-Committee or Sub-Committees, to be appointed in manner after mentioned, shall also have full Power and Authority and they are hereby required annually (or oftener if they shall think fit) to call for, audit, and settle all Accounts of Money received, paid, laid out, and disbursed for or on account of the said Navigation Company, by the Treasurer or Treasurers, Collectors, and other Officers so to be appointed as aforesaid, or by any other Person or Persons to be employed on behalf of the said Company, in and about the said intended Navigation and Undertaking.

Officers to
account.

LXXIII. And be it further enacted, That every such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, and every other Officer and Person so to be appointed as aforesaid, shall, under their Hands, at such Time and Times and in such Manner as the said Navigation Company or their Committee of Management shall direct, deliver to the said Navigation Company or to the said Committee, or to such Person or Persons as they shall respectively appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been, by such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, and Person or Persons respectively, received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Navigation Company or to the said Committee of Management, or to such Person or Persons as they shall respectively appoint; and if any such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer, or Person shall refuse to produce and deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Navigation Company or to the said Committee, or to such Person or Persons as they shall respectively appoint, within Twenty-one Days after their being thereunto required by the said Navigation Company or by the said Committee, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Navigation Company or the said Committee, or as they respectively shall direct or appoint, then and in any of the Cases aforesaid the said Navigation Company may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Treasurer, Superintendent, Engineer, Surveyor, Collector, Clerk, Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Navigation Company or by the said Committee, or by such Person or Persons, as they shall respectively appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any One or more Justice or
Justices

Justices of the Peace for the County, City, or Place wherein the said Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons, so neglecting or refusing, shall be or reside, such Justice or Justices may and he and they is and are hereby authorized and required, by a Summons under his and their Hand or Hands, to cause the Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons, so neglecting or refusing, to appear before him or them, and upon his or their appearing, or having been summoned and not appearing, without giving some reasonable Excuse for such Nonappearance to the Satisfaction of such Justice or Justices, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any One or more credible Witness or Witnesses upon Oath or Affirmation, (which Oath or Affirmation such Justice or Justices is and are hereby empowered to administer,) it shall appear to such Justice or Justices that any of the Monies which shall have been collected and raised by virtue of this Act shall be in the Hands of such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons, such Justice or Justices may and is and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of the Person or Persons against whom such Warrant shall be granted, sufficient to answer and satisfy the said Money and the Charges of making and levying the same, can be found, or if such Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid to the said Navigation Company or to the said Committee, or as they respectively shall appoint, then and in any of the Cases aforesaid such Justice or Justices shall commit every such Offender to the Common Gaol for such County, City, or Place, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or till he shall compound with the said Navigation Company or with the said Committee, and shall have paid such Composition in such Manner as they respectively shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof, to the said Navigation Company or to the said Committee: Provided always, that no Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Person, so committed for Want of sufficient Distress, shall be confined or detained in Prison by virtue of this Act for any longer Space than Six Calendar Months.

LXXIV. And be it further enacted, That all Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody of any such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, and every other Officer and Person so to be appointed as aforesaid, his Executors or Administrators respectively, in anywise relating

Books, Accounts, &c. declared to be the Property of the Company.

to

to the said intended Navigation and Undertaking, shall be and the same are hereby declared to be, and shall be construed, deemed, and taken to be, the Right and Property of the said Navigation Company.

Committee of Management may contract for Purchase of Lands, &c.

LXXV. And be it further enacted, That the said Committee of Management shall have full Power and Authority to contract for and purchase all such Lands, Tenements, or Hereditaments, and all such Matters and other Things as shall and may be wanted for the said Navigation and other Works hereby authorized to be made, and to treat and agree with any Person or Persons whomsoever touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given, and to enter into and make such Contracts or Agreements with any Engineer or Engineers, Surveyors, Agents, Workmen, Servants, or other Persons, in and about or for the carrying on the said Navigation and other Works, or any Part thereof, as shall be thought expedient, and to enter into and make all such Contracts, Bargains, and Agreements whatsoever, touching or in anywise concerning the said Undertaking, as they shall think proper, and to order and direct how the several Works shall from Time to Time be carried on, and also from Time to Time to use the Common Seal of the said Navigation Company, in such Manner and for such Purposes as they shall think fit, by the Use whereof the said Company shall be bound, and generally to direct and manage all and singular the Affairs and Businesses of the said Navigation Company, and to do, execute, and perform all Acts, Matters, and Things which the said Company are by this Act authorized and empowered to do, save and except such only as are hereby expressly directed to be done by the Proprietors at large at any Meeting or Meetings of such Proprietors to be held as herein mentioned.

Committee of Management may appoint Sub-Committees.

LXXVI. And be it further enacted, That it shall be lawful for the said Committee of Management from Time to Time to nominate and appoint out of their own Body One or more Sub-Committee or Sub-Committees (every such Sub-Committee to consist of Five or more Persons), who shall have full Power and Authority to enter into and make any such Contracts or Agreements on behalf of the said Navigation Company, and to hire and employ any Agents, Workmen, and Servants in and about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in and about the said Navigation and Undertaking which the said Committee of Management are themselves herein-before authorized to do, or such of them as the said Committee of Management shall think proper to intrust to the Care and Management of any such Sub-Committee or Sub-Committees (save and except nevertheless the appointing of Collectors, Engineers, Superintendents, and other principal Officers, and the making Calls for Money upon the Proprietors of the said Navigation and Undertaking, all which shall be done by the said Committee of Management only, as herein-before directed); and it shall also be lawful for the said Committee of Management, by an Order or Resolution for that Purpose, at any Time to break up and dissolve any such Sub-Committee or Sub-Committees, or to remove or displace any Member or Members thereof, and appoint some other or others in

in his or their Place or Stead, when and so often as such Committee of Management shall think proper and expedient; and such Sub-Committee shall have full Power and Authority to meet from Time to Time and adjourn from Place to Place, as they shall think proper, and as Occasion shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested or which shall by the said Committee of Management be vested in any such Sub-Committee, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings (the whole Number of Members present not being less than Three); and at all Meetings of such Sub-Committees respectively One of the Members present shall be appointed President or Chairman; and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall, besides his own Vote, have the Casting Vote, in case of an equal Division, but no other Member shall have more than One Vote: Provided always, that every such Sub-Committee shall from Time to Time make Reports of their Proceedings to the Committee of Management, and shall at all Times be subject to the Examination and Control and pay due Obedience to the Orders and Directions of the said Committee in and about the Affairs and Business of the said Company.

LXXVII. And be it further enacted, That the said Committee of Management, and also every such Sub-Committee as aforesaid, shall at their respective Meetings enter or cause to be entered into Books, to be provided for that Purpose at the Expense of the said Navigation Company, a full and true Account of all Monies disbursed and Payments made by such Committee and Sub-Committees respectively, and by all and every Person and Persons employed by or under them, and of all Monies which shall be paid to or received by them respectively, for or on account of the said Navigation Company, and also a full and true Account, and proper Notes and Minutes of every Contract, Bargain, and Agreement which shall be entered into by them respectively for or on behalf of the said Navigation Company, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever in and about the Affairs and Business of the said Company; and all reasonable Expenses to be incurred at or by the respective Meetings of the said Committee of Management, and of such Sub-Committees respectively as aforesaid, shall be paid and defrayed out of the Cash or Stock of the said Navigation Company; and such Committee of Management and Sub-Committees respectively shall and may from Time to Time draw for the Amount of such Expenses respectively upon the Treasurer or Treasurers to the said Company; but no other Money shall be issued or paid by the said Treasurer or Treasurers for or on account of the said Company, without an Order being made for that Purpose by the said Committee of Management at some such Meeting as aforesaid, or without a Draft or Order signed by Three or more of the Members of the said Committee of Management; and every such Book, and all other Books, Papers, and Writings belonging to the said Navigation Company, shall at all reasonable Times be open to the Inspection of all the said Proprietors, who may take Copies thereof or Extracts therefrom, without Fee or Reward.

Proceedings
and Accounts
of Committee
and Sub-
Committees
to be entered
in proper
Books.

No Money
to be paid by
Treasurer
without an
Order of the
Committee.

[*Local.*]

35 M

LXXVIII. And

Special
Meetings
of Pro-
prieters how
to be called.

LXXVIII. And be it further enacted, That if it shall at any Time appear to the Committee of Management, or to Ten or more Proprietors of One hundred Shares at the least, to be necessary or expedient to call a Special Meeting of the Proprietors at large for the more effectually putting this Act into execution, or in order to take their Opinion respecting any Matters or Things to be done in or about the said Navigation, or respecting any Matter or Thing in which the Interests of the said Navigation and Undertaking, the Extent of its Trade, or of the Interests of the Proprietors, is or are in any respect implicated or concerned, it shall be lawful for the said Committee of Management, pursuant to an Order or Resolution for that Purpose, to be made at any Meeting of the same Committee, or for any Ten or more of the Proprietors of One hundred Shares or more in the said Undertaking, to call a Special Meeting of the Proprietors at large by public Advertisement in some Newspaper or Newspapers published or usually circulated in the said Counties, or otherwise, as the Committee of Management shall direct, specifying in such Advertisement the Cause of calling such Special Meeting, and the Time and Place when and where the same shall be held (the Time not being less than Ten Days after such Notice shall be given); and the said Navigation Company are hereby authorized and required to meet according to such Notice, and to take into consideration the Matters to be submitted to them by the said Committee of Management, or expressed in such Requisition and specified in such Notice; and the Decision and Determination of the Proprietors present at such Meeting, or the major Part of them, according to the Number of Votes they shall have a Right to give either as Principals or Proxies respecting such Matters only shall be binding and conclusive upon the rest of the Proprietors to all Intents and Purposes, and shall be observed and acted upon accordingly.

Company
may remove
Officers and
make Bye-
laws.

LXXIX. And be it further enacted, That the said Navigation Company shall also have full Power and Authority from Time to Time, at any General Meeting of the said Company, to remove or displace any Person or Persons who shall have been chosen an Officer or Officers under them, and also to make such Rules, Orders, and Bye-laws as to them shall seem meet and proper for the good Government of the said Navigation Company, and for regulating the Proceedings of the said Committee of Management and Sub-Committees respectively, and for the regulating of all Officers, Workmen, and Servants to be employed in or about the Affairs or Business of the said Navigation Company, and for the well and orderly using of the said intended Navigation, and the Locks, Sluices, Weirs, Railways, Rollers, Feeders, Wells, Trenches, Levels, Dams, Wharfs, Cranes, Warehouses, Towing-paths, Ways, Roads, Gates, Bridges, Culverts, Engines, and other Works thereto belonging, and for regulating the Commencement, Continuance, Suspension, Cessation, Turn, and Order of the passing and repassing and navigating of all Vessels, Boats, Barges, and Rafts, Persons, Horses, and Carriages, and the Bars, Poles, Wheels, Engines, and other Implements to be used above or with all such Vessels, Boats, Barges, and Rafts, as shall from Time to Time be used upon the said Navigation, Towing-paths, Roadways, or Wharfs, and the conveying of all Goods, Wares, and Merchandise which shall be navigated

navigated or conveyed thereon, and for the orderly Behaviour of all Bargemen, Watermen, Boatmen, and others who shall be employed in carrying or conveying any such Goods, Wares, or Merchandise, and for the Superintendence and Management of the said Navigation in all other respects whatsoever; and from Time to Time to alter and repeal such Rules, Orders, and Byelaws, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Byelaws, or any of them, not exceeding the Sum of Five Pounds for any One Offence, as to the said Navigation Company shall seem meet and expedient; and all Rules, Orders, and Byelaws so to be made as aforesaid, being reduced into Writing, with the Common Seal of the said Company thereto affixed, shall be binding upon and be observed by all Persons using or in anywise concerned in the said Works, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act upon the same; provided that such Rules, Orders, and Byelaws be not repugnant to the Laws of that Part of the United Kingdom called *Ireland*, or any of the express Directions or Provisions of this Act; and provided that Copies of such Rules, Orders, and Byelaws, or such of them as shall concern or relate to the using of the said intended Navigation and Works, and the Tunnels, Locks, Roads, and Ways belonging thereto, or to the Conduct and Behaviour of Bargemen, Watermen, Boatmen, or others conveying Goods thereon, or to the Conduct and Behaviour of any Officers, Servants, or other Persons employed in or about the said Navigation and Works, or of the Persons resorting to or making use thereof, shall be painted in large Characters on Boards, and such Boards shall be affixed and continued in some conspicuous Places upon or near adjoining all the Wharfs on the said Navigation, and renewed as often as the same shall be obliterated or defaced; and shall be subject to appeal in manner herein-after mentioned: Provided always, that no Rule, Order, or Byelaw, or other Proceeding of the said Company, or of any General or Special Meeting or Committee of Management of the said Company, shall authorize the Payment of any Interest or Dividend on the Shares of the said Company or to the Proprietors of any such Shares in respect of the same, except out of the clear Profits of the said Navigation after Payment of all Expenses of the Maintenance and Establishment of the said Navigation, and the Interest of all Sums advanced on the Security of the Tolls or Rates payable under this Act.

Publication
of Byelaws.

LXXX. And be it further enacted, That the Committee of Management shall also have full Power and Authority from Time to Time, at any Meeting of the said Committee to be held in pursuance of the Powers and Provisions of this Act, to make such Call or Calls for Money from the several Proprietors of the said Navigation and Undertaking, in order to defray the Expenses of carrying on the same, as they shall from Time to Time find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Five Pounds for or in respect of every Share in the said Navigation and Undertaking, and so that no such Calls shall be made except at a Distance of Two Months at least from each other, and so that Fourteen Days Notice

Committee
empowered
to make
Calls.

at

at least shall be given of every such Call in some Newspaper or Newspapers published or usually circulated in the Counties of *Armagh, Down, and Louth*, or otherwise, as the Committee of Management shall from Time to Time order and direct; all which Money so to be called for as aforesaid shall be paid into the Hands of the Treasurer or Treasurers of the said Navigation Company, to be issued, paid, and applied for carrying on the said Navigation and Undertaking, in such Manner as the said Committee of Management shall from Time to Time order and direct.

Subscribers
to pay the
Calls upon
their Sub-
scriptions.

LXXXI. And be it further enacted, That the respective Persons who have subscribed or who shall or may hereafter subscribe any Money for and towards the said Undertaking, or shall be the Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall and they are hereby respectively required to pay the Sum or Sums by them respectively subscribed, or such Parts and Proportions thereof as shall from Time to Time be called for by the Committee of Management of the said Company for the Time being, by virtue of the Powers and Directions of this Act, to such Person or Persons, at such Times and Places, and in such Manner as shall be directed by the said Committee; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place and in manner so required for that Purpose, the said Company are hereby empowered to sue for and recover the same, with Interest after the Rate of Five Pounds *per Centum per Annum* from the Time appointed for Payment thereof, in any Court of Law or Equity.

For enforce-
ing Payment
of Calls.

LXXXII. And for the better enforcing the Payment of such Calls, be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall or may hereafter be made under or by virtue of this Act, for or in respect of any Share or Shares in the said Undertaking, shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised by virtue of this Act, for the Space of Thirty Days next ensuing any such Call, he, she, or they so neglecting or refusing shall forfeit and pay the Sum of Twenty Shillings for every Share he, she, or they shall have in the said Undertaking; and if such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised as aforesaid, for the Space of Three Calendar Months next after such Call or Calls shall have been appointed to be paid as aforesaid, then and in such Case it shall and may be lawful to and for the said Company, at some General or Special General Meeting to be held after such Neglect or Refusal, to declare all and every or any of the Share or Shares of such Person or Persons so neglecting or refusing as aforesaid to be forfeited, and from thenceforth the said Share or Shares so declared to be forfeited as aforesaid, and all the Profit and Benefit thereof, shall be vested in the said Company, their Successors and Assigns, to and for the Uses and Purposes herein-after mentioned: Provided always, that no Share or Shares of and in the said Undertaking shall be forfeited or vested in or shall accrue to the said Company until Notice in Writing thereof shall be
given

given by the Clerk of the said Company to the Person or Persons, or to the Clerk or Clerks or other Head Officer or Officers of the Body or Bodies Politic, Corporate, or Collegiate, in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered in the Books of the said Company, or left at his, her, or their Dwelling House or usual or last known Place of Abode, Ten Days at the least previous to such Share or Shares vesting in or accruing to the said Company, provided such Place or Places of Abode shall be known to the Clerk of the said Navigation Company, and in case the same shall be unknown to the Clerk of the said Company, such Notice shall be published in the *Dublin Gazette*, and such other public Newspaper or Newspapers as the said Committee shall order and direct; in which Notices respectively shall be contained a Statement and Account of how much Money is due from such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for his, her, or their Share or Shares in the said Undertaking; and that no such Share or Shares shall be forfeited to or vested in the said Company if the Owner or Owners of such Share or Shares shall pay what shall appear by such Statement to be due, together with legal Interest on the same, and the aforesaid Penalties for Nonpayment, and all Expenses attending the Application for the same, within the Time specified in such Notice; anything contained in this Act to the contrary thereof in anywise notwithstanding.

LXXXIII. And be it further enacted, That in all Actions brought by the said Company against any Person or Persons who hath or have subscribed or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or against any Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being an Owner or Owners, Proprietor or Proprietors of such and so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls of such and so many Sum or Sums of Money upon such or so many Share or Shares belonging to the Defendant or Defendants, (as the Case may happen to be,) whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall be only necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were an Owner or Owners, Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice was given thereof as is directed by this Act, and the said Company shall thereupon be entitled to recover what shall appear due; and no Wager of Law shall be allowed in any such Action.

Proceedings
in Actions
for Calls.

LXXXIV. And be it further enacted, That when any Share or Shares of the said Undertaking shall by virtue of this Act have become forfeited to or vested in the said Company as aforesaid, then

Company
empowered
to sell for-
feited Shares.

[Local.]

35 N

and

and in every such Case it shall and may be lawful to and for the said Company or their Committee of Management for the Time being, and they are hereby authorized and empowered, from Time to Time to sell or cause to be sold by Public Auction or Private Contract, and by Writing under the Common Seal of the said Company to assign and transfer, such and so many of the Share or Shares of such Defaulter or Defaulters as the said Company or their said Committee shall from Time to Time find necessary and direct to be sold, unto such Person or Persons as shall become the Purchaser or Purchasers thereof, his, her, or their Executors, Administrators, and Assigns; and such Assignment and Transfer shall be good, valid, and effectual against the Owner or Owners of every such Share or Shares so forfeited to or vested in the said Company and sold as aforesaid, and all Persons claiming under him, her, or them: Provided always, that in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay any such Arrears as aforesaid, and legal Interest thereon, together with the Penalties incurred by Non-payment, and the Expenses attending the Sale or Sales thereof, the Surplus arising from such Sale shall be paid to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that the said Company shall not by virtue of this Act at any Time or Times sell or transfer or direct to be sold or transferred any more of such Shares of such Defaulter or Defaulters than shall be sufficient as near as may be at the Time of such Sale to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest, Penalties, and Expenses attending the same; and from and after the Payment of every the Call or Calls to be made by virtue of this Act, and the Interest, Penalties, and Expenses as aforesaid, any Share or Shares vested in the said Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such Share or Shares shall have before belonged, in such Manner as if such Calls had been duly and regularly paid: Provided also, that every such Forfeiture, after the same shall be taken advantage of by the rest of the said Company as aforesaid, shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract or Agreement between such Proprietor or Proprietors so forfeiting and the rest of the said Company, with regard to the future carrying on and Management of the said intended Navigation and Undertaking.

Interest may be allowed to Proprietors for Payments in advance.

LXXXV. Provided always, and be it further enacted, That if any Subscriber or Subscribers to or Proprietor or Proprietors of Shares in the said Undertaking shall be minded and desirous to pay or advance immediately the full Amount of his, her, or their Subscription for the Share or Shares for which he, she, or they may have subscribed, or any Part thereof, not being less than a Sum of One hundred Pounds, without waiting for the said Call or Calls, then and in such Case it shall be lawful for the Committee of Management of the said Navigation Company, if they shall think proper, to pay to such Subscriber or Subscribers, Proprietor or Proprietors, out of the Funds of the said Company, Interest at the Rate of Five Pounds *per Centum per Annum* upon

upon the Amount which such Payment in advance may be over and above the said Calls, and from the Period of the Call immediately preceding such Payment in advance up to the Period of such subsequent Call respectively, according to the Sum then in advance over and above the Amount of the said Call.

LXXXVI. And in consideration of the Charges and Expenses which the said Navigation Company must sustain and incur in making and maintaining the said Navigation and Works appertaining thereto, hereby authorized to be made and maintained, be it further enacted, That it shall be lawful for the said Navigation Company hereby incorporated, from Time to Time and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, the several Rates herein-after mentioned for Tonnage of the several Articles, Matters, and Things which shall be carried or conveyed upon the said Navigation hereby authorized to be made; that is to say,

The Com-
pany em-
powered to
demand
Rates for
Goods con-
veyed upon
the Canal.

Between the Town of *Newry* and *Lough Neagh*, and between *Newry* and the Sea, for every Ton of all Goods, Wares, Merchandise, Matters, and Things which shall be carried or conveyed on the said Navigation, the Sum of Three Halfpence for every *Irish* Mile, and so in proportion for any greater or less Quantity or Distance; and for every Ton of Coal, Culm, Limestone, Building Stone, and Potatoes, One Penny *per* Ton *per* Mile; and every Ton of Manure and Road Materials One Halfpenny *per* Ton:

Tonnage
Rates.

For every Ton of the Register of any Vessel, Ship, or Raft entering the Cuts or Navigation from Sea, a Sum not exceeding Eighteen-pence Halfpenny:

For every Ton of the Register of any Vessel, Ship, or Raft passing from *Newry* to the Sea, a Sum not exceeding Eighteen-pence Halfpenny:

For every Ship or Vessel coming into the said Canal or Basins to be laid up, the Sum of One Penny *per* Ton *per* Week:

For every Ton of Timber lying or remaining in the said Canal or Basins longer than One Fortnight, the Sum of One Penny *per* Ton *per* Week.

LXXXVII. And be it further enacted, That the said Company or their Committee shall cause Stones or Posts to be set up or placed in or near the Sides of the said Navigation, at the Distance of One Quarter of a Mile from each other, denoting the Distance of any and every such Stone or Post from any Town or Place, and from Time to Time to repair or renew such Stones and Posts, and keep and continue legible the Inscriptions on such Stones and Posts respectively; and if any Person or Persons shall wilfully break, cut down, pull up, or damage any such Posts or Stones, or shall obliterate, deface, spoil, or destroy all or any of the Letters, Figures, or Marks which shall be inscribed or painted thereon, and be thereof convicted before any Justice of the Peace for the County or Place where such Offence shall be committed, by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons

Company to
cause Stones
or Posts to
be erected to
denote Dis-
tances.

Persons shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Rate on Barges without any Loading or with only a small one on board.

LXXXVIII. Provided always, and be it further enacted, That in case any Boat, Barge, Vessel, or Raft shall pass on the said Canal without any Lading, or with less Lading than Twenty Tons, there shall be paid to the said Company in respect to the said Boat, Barge, Vessel, or Raft, a Tonnage Rate of Twenty Tons for Lading, in the same Manner as if the said Boat, Barge, Vessel, or Raft had actually on board Twenty Tons of Lading.

Fractions of a Ton in the Weight of any Goods, how to be charged.

LXXXIX. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, Vessel, or Raft which shall be navigated upon the said Canal, a Proportion of the said Rates shall be demanded and taken by the said Navigation Company for such Fraction according to the Number of Quarters of a Ton contained therein, and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid such Fraction shall be deemed and considered as a whole Quarter of a Ton.

Fractions of a Mile in Distance, how to be charged.

XC. And be it further enacted, That in all Cases where there shall be a Fraction of a Quarter of a Mile in the Distance which any Boat, Barge, or other Vessel shall be navigated or pass upon the said Canal hereby authorized to be made, or upon any other Part of the said Navigation, such Fraction shall, in ascertaining the Rates to be taken, be deemed and charged as and for a whole Quarter of a Mile; and that in all Cases where there shall be a Fraction of a Ton in the Weight of the whole Lading, or any Article liable to the same Rate, in any Boat, Barge, or other Vessel which shall be so navigated, a Proportion of the said Rates shall be demanded and taken by the said Company of Proprietors for such Fraction according to the Number of Quarters of a Ton contained therein, and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid such Fraction shall be deemed and considered a whole Quarter of a Ton; and in all Cases where there shall be a Fraction of a Farthing in the Amount of Dues by this Act authorized to be taken such Fraction shall be deemed and charged a Farthing.

Tolls shall not exceed 12l. per Cent. on Capital.

XCI. Provided always, and be it enacted, That whenever the net Amount of such Rates or Tolls payable in any Year shall exceed the Amount of Twelve Pounds *per Centum* upon the Capital of the said Company, the Rates or Tolls payable under this Act shall be reduced so as not to exceed in the whole the Amount of Twelve Pounds *per Centum* upon such Capital.

Tables of Tolls to be put up.

XCII. And be it further enacted, That a Table or Tables of the Rates or Tolls which shall or may be from Time to Time payable or demandable, painted in large Characters on a Board or Boards, shall be affixed and continued at the Place or Places where such Rates or Tolls shall be payable, received, or taken, and renewed as often as the

the said Rates or Tolls shall be altered, or as the said Board or Boards shall be obliterated or defaced.

XCIH. Provided always, and be it enacted, That it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any of the Rates, Tolls, or Duties herein-before mentioned, but for and during such Time only as the Board so painted as aforesaid shall remain affixed to any Wharf, Stop Gate, or Toll House as aforesaid, where the same shall be demanded or taken.

Tolls not to be taken if Tables are not put up.

XCIV. And whereas it may be found expedient for the said Navigation Company to make, build, and erect proper Wharfs and Cranes for loading and landing the Goods, Wares, Merchandise, Commodities, and other Things which may be landed, loaded, received, and forwarded at and from the said Wharfs: Be it therefore further enacted, That (in consideration of the Expenses which the said Company will by such Means sustain, and of the public Accommodation and Convenience which they will also thereby afford,) it shall and may be lawful for the said Company, from Time to Time and at all Times, to ask, demand, take, and recover, to and for their own proper Use and Behoof, for every Ton of Goods, Wares, Merchandise, Commodities, and other Things which shall be loaded from or landed upon any of the said Wharfs, and which shall remain thereupon not more than Seventy-two Hours, any Sum not exceeding Ninepence, and for every Day or Part of a Day that they shall so remain after the first Seventy-two Hours, such further Sum as shall be determined by the said Committee of Management, not exceeding Sixpence.

For Payment of Wharfage.

XCV. Provided always, and be it further enacted, That it shall not be lawful for any Person who shall have landed or laid any Goods, Wares, or Merchandise, or any other Thing whatsoever, upon any of the Quays, Wharfs, or Landing Places to be made by virtue of this Act, to permit the same or any Part thereof to remain longer than Seventy-two Hours, without the Licence of the Committee of Management of the said Company, or the Agent or Collector of the said Company at any such Wharf, Quay, or Landing Place, first had and obtained for that Purpose; and if any such Goods, Wares, or Merchandise, or other Things so landed or laid upon any of the said Wharfs, Quays, or Landing Places, shall remain thereupon for a longer Space of Time than Seventy-two Hours without such Licence as aforesaid, it shall and may be lawful for any such Collector or Agent of the said Company, or other Person authorized by them for that Purpose, to remove such Goods, Wares, and Merchandise or other Things to a Place of Safety, and there detain the same till Payment of the Charges of such Removal and Detention; and if such Charges shall not be paid within Five Days after Demand by the Collector or Agent of the said Company, the Goods and Chattels so removed, or a sufficient Part thereof, shall and may be sold for Payment of such Charges, and the Expenses attending such Sale, such Charges and Expenses, in case of Dispute, to be settled and determined by any One or more Justice or Justices of the Peace for the County where the Cause of Dispute shall arise.

Goods not to remain upon Wharfs for more than 72 Hours without Leave.

Table of
Tolls for
Wharfage to
be fixed up.

XCVI. And be it further enacted, That the Rules and Regulations respecting the loading or landing Goods and other Things, and the Continuance thereof upon the said Wharfs, and a Table of the Sum or Sums to be paid for Wharfage, shall be respectively painted in large Characters on a Board or Boards, and that such Board or Boards shall be affixed and continued on some conspicuous Place or Places at all the Wharfs of the said Navigation, and shall be respectively renewed as often as the same Rules or Regulations, Sum or Sums for Wharfage, or any of them, shall be altered, or as the said Boards or any of them shall be obliterated or defaced.

For Reco-
very of Rates
and Tolls.

XCVII. And be it further enacted, That the Rates, Tolls, and Duties herein-before authorized to be demanded and taken by the said Navigation Company shall be paid to such Person or Persons, at such Place or Places upon or near to the said Navigation, and in such Manner and under such Regulations, as the Committee of Management shall in that Behalf direct or appoint; and in case of Neglect or Refusal to pay any such Rates, Tolls, or Duties, or any Part thereof, unto the Person or Persons who shall be appointed to receive the same, it shall be lawful for the said Navigation Company to sue for the same, by Action of Debt or upon the Case, in any of His Majesty's Courts of Record at *Dublin*; and in every such Action it shall be sufficient for the Plaintiffs to declare, that under and by virtue of a certain Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], the said Company, or their Assignees or Mortgagees, were lawfully possessed of or entitled to such Tolls, Rates, or Duties as in and by the said Action are sought to be recovered, and to allege when, where, how, and wherefore such Tolls, Rates, or Duties accrued and became payable to the said Plaintiffs; or it shall be lawful for the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid, and he and they is and are hereby authorized and empowered, to seize and distrain the Goods, Wares, Merchandise, and Commodities for or in respect of which such Rates, Tolls, or Duties ought to have been paid as aforesaid, or any Part thereof, and the Boat, Barge, or other Vessel or Raft laden therewith, or any other Boat, Barge, Vessel, or Raft, Goods or Commodities, belonging to the Owner of such first-mentioned Boat, Barge, Vessel, or Raft, and lying or being upon the said Navigation hereby authorized to be made, or upon any Wharf or in any Warehouse adjoining thereto, and to detain the same respectively until full Payment shall be made of such Rates, Tolls, or Duties, and of all Arrears of the same which may be then due from the Owner of such Boat, Barge, Vessel, or Raft to the said Navigation Company, together with the reasonable Costs and Charges of such Seizure and Distress; and in case such Distress shall not be redeemed within Six Days from the taking thereof, the same shall and may be appraised and sold as the Law directs in Cases of Distress for Rent.

In case of
Dispute,
Justices
to settle
Amount of
Rates due.

XCVIII. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of any such Rate or Rates, or of the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Person or Persons so distraining to retain such
Distress

Distress till the Amount of the Rates shall be ascertained by some Justice of the Peace for the said Counties of *Armagh, Down, and Louth*, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Rates due, or of the Charges of distraining for the same; and it shall be lawful for such Justice to award such Costs to either Party as in his Discretion shall seem proper; and if such Costs to be so awarded shall not forthwith be paid, such Justice shall and may grant his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the said Navigation Company, or of the Person or Persons liable to pay the said Costs, (as the Case may be,) rendering the Overplus (if any), after defraying such Costs, and the Expenses attending such Distress and Sale, to the Owner or Owners of such Goods and Chattels so distrained.

XCIX. And be it further enacted, That it shall and may be lawful for the said Navigation Company or their Assigns to detain any Goods, Wares, or Merchandise which shall or may be deposited in any Warehouse of the said Company, until the Warehouse Rent in respect of such Goods, Wares, and Merchandise shall be fully paid and satisfied; and in case of Nonclaim of such Goods, Wares, or Merchandise, or on Nonpayment of such Warehouse Rent, within the Space of Two Calendar Months next after the same shall have been so deposited, to sell and dispose thereof, by public Auction or private Contract, as they shall think best, and out of the Monies to arise by such Sale or Sales pay and satisfy themselves such Warehouse Rent, and all Costs, Charges, and Expenses attending such Sale or Sales, rendering the Overplus (if any be), upon Demand, to the Owner or Owners thereof, Oath being first made in Writing (if required) by such Owner or Owners of his or their Right and Title to the Property so sold and disposed of, before some Justice of the Peace for the said Counties, which Oath any such Justice is hereby duly authorized and required to administer: Provided always, that Ten Days at least before any such Sale shall be made by the said Company, Notice thereof shall be given by Advertisement in some Newspaper published or usually circulated within the said Counties, containing a Description of the Goods so deposited, and stating the Amount of Warehouse Rent due for the same.

For Reco-
very of
Warehouse
Rent.

C. And be it further enacted, That it shall be lawful for the Committee of Management for the Time being of the said Navigation Company from Time to Time to lower and reduce all or any of the Rates, Tolls, and Duties herein-before by this Act authorized to be taken, and afterwards from Time to Time again to advance or raise all or any of the said Rates, Tolls, and Duties which shall have been so lowered or reduced: Provided always, that the Rates, Tolls, and Duties so to be advanced or raised as aforesaid shall not in any Case exceed the respective Sums herein limited and appointed.

Committee
of Manage-
ment may
vary the
Tolls.

CI. And be it further enacted, That it shall and may be lawful, from and after the Term of Two Years from the passing of this Act, for the said Committee of Management, or any Three or more of them,

Committee
may demise
the Tolls.

them, by any Instrument in Writing under their Hands and the Common Seal of the said Company, to let or demise all or any Part or Parts of the Rates, Tolls, and Duties arising from or to be payable under or by virtue of this Act, for any Term not exceeding Three Years at any One Time, to any Person or Persons, for the highest Rent that can be had or got for the same, either by public Bidding or otherwise; provided that Two Calendar Months previous Notice be given in some of the public Newspapers published or usually circulated in the said Counties, of the Intention of the said Committee of Management to lease or demise the said Rates, Tolls, and Duties; and so as that the Person or Persons renting the same shall give satisfactory Security to the said Committee of Management, by Articles in Writing, for the true Performance of his, her, or their Bargain, Contract, or Agreement with them; and the Person or Persons so renting the said Duties shall have full Power and Authority to ask, demand, collect, and receive the same, and shall in every respect be deemed and taken to be a Collector or Collectors appointed by the said Committee of Management.

Mode of ascertaining Tonnage.

CII. And be it further enacted, That the Tonnage of all Goods, Merchandise, Articles, and other Things whatsoever, conveyed upon and along the said Navigation, shall be ascertained and charged according to the real Weight thereof, save and except such Goods as are usually denominated light Goods, of which Forty Cubic Feet shall be deemed and taken to be One Ton; and in all Cases One hundred and twelve Pounds Weight Avoirdupois shall be deemed and taken as and for One Hundred weight, and Twenty such Hundred weight as One Ton, any Usage to the contrary thereof notwithstanding.

Boats, &c. to be gauged when required by the Company.

CIII. And be it further enacted, That every Owner, Master, or Person having the Charge or Command of any such Boat, Barge, or other Vessel shall from Time to Time, when thereunto required, permit and suffer the same to be gauged and measured by such Person or Persons as shall be appointed for that Purpose by the said Navigation Company or their Committee of Management; and that every Owner, Master, or other Person having the Charge or Command of any Boat, Barge, or other Vessel, who shall refuse to permit any such Boat, Barge, or other Vessel to be gauged and measured as aforesaid, shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds.

Masters of Boats, &c. to give Account of Lading.

CIV. And be it further enacted, That the Master, Owner, or other Person having the Care of any Boat, Barge, or other Vessel or Raft navigating upon the said Navigation or any Part thereof shall from Time to Time give in a just and true Account, in Writing signed by him, to the Collector or Collectors of the said Tolls, Rates, or Duties, at the Place or Places where they shall attend for that Purpose, of the several Quantities, Qualities, and Weight of the Goods, Wares, Merchandise, and Commodities contained in every Boat, Barge, or other Vessel, or Raft, or of which such Raft shall consist, and of the Place from whence brought or where intended to be landed or carried, and also the Quantities, Qualities, and Weight of such Goods, Wares, Merchandise,

Merchandise, or Commodities as shall have been discharged or taken out of such Boat, Barge, or other Vessel, or from any Raft within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given; and if such Goods, Wares, Merchandise, or Commodities shall be liable to the Payment of different Rates, then such Master or Owner or other Person shall specify the Quantities liable to the Payment of each Rate; and in case any such Master, Owner, or other Person shall neglect or refuse to give such Account, or refuse to produce his Invoice or Bill of Lading to such Collector or Collectors, if demanded, or shall give a false Account thereof, or shall deliver any Part of his Lading or Goods at any other Place or Places than what shall be mentioned in such Account, every Person so offending shall forfeit and pay to the said Navigation Company the Sum of Five Pounds for every such Offence, over and above all the Tolls, Rates, or Duties which shall be payable for such Goods, Wares, Merchandise, or Commodities.

CV. And be it further enacted, That if any Difference shall arise between any Collector of the said Tolls, Rates, or Duties, and the Master or Person having Charge of any Boat, Barge, or other Vessel, or Raft, or the Owner of any Goods, Wares, Merchandise, or other Commodities on board thereof, concerning the Weight or Quantity of any such Goods, Wares, Merchandise, or Commodities, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, or Raft, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, all such Goods, Wares, Merchandise, and Commodities as shall be therein contained; and in case the same shall upon such weighing, measuring, and gauging appear to be of greater Weight or Quantity than such Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel, or Raft, affirmed or stated the same to be, then the said Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel, or Raft, shall pay the Costs and Charges of such weighing, measuring, and gauging; and such Costs and Charges, in case of Refusal of Payment thereof upon Demand, shall and may be levied and recovered in the same Manner as the said Tolls, Rates, or Duties are hereby appointed to be levied and recovered; but if such Goods, Wares, Merchandise, and Commodities shall appear to be of the same Weight and Quantity, or of less Weight and Quantity than the said Master, Owner, or other Person declared the same to be, then the said Navigation Company shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandise, and Commodities, such Damages as shall appear to One or more of His Majesty's Justices of the Peace acting in and for the County where the Cause of Dispute shall arise, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and in default of immediate Payment thereof by the said Navigation Company, or by such Collector, as the Case may be, the same shall be recovered from the said Navigation Company or the said Collector, as the Case may be, by Distress and Sale of their or his Goods and Chattels, by Warrant under the Hand

In case of any Dispute respecting the Weight of Goods, Collectors may weigh, &c.

Cost of weighing &c. how to be paid.

and Seal of the said Justice, or otherwise by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Dublin*.

Justices at Sessions, upon Application of Company, to fix the Sums to be paid for Parcels.

List of Prices to be affixed upon Wharfs.

CVI. And be it further enacted, That it shall be lawful for the Justices present at any General Quarter Sessions of the Peace to be held in and for either of the said Counties, upon Application to be made by the said Navigation Company or their Committee of Management for the Time being, from Time to Time to ascertain and fix the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel, not exceeding Five Hundredweight, upon any Part of the said Navigation situate within their respective Jurisdictions; and the said Navigation Company shall from Time to Time cause to be printed and affixed upon every public Wharf on the said Navigation, in some conspicuous Place, a List or Account ascertaining and particularizing the Price or Sum or Sums of Money so to be charged or taken for the Carriage of such Parcels as aforesaid, upon the said Navigation; and in case any Owner or Master of or other Person having the Care of any Boat or other Vessel navigating or passing upon the said Navigation, or any Part or Parts thereof, after such List or Account, so ascertaining and particularizing the Price or Sum or Sums of Money at which every such Parcel shall be so carried and conveyed, shall be so fixed as aforesaid, shall demand or take, for the Carriage of any Parcel as aforesaid, more than the Price or Sum or Sums of Money in such List or Account ascertained and particularized for that Purpose, such Owner, Master, or other Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Magistrate before whom such Person shall be convicted.

Penalty on Person evading Tolls.

CVII. And be it further enacted, That in case any Person or Persons navigating or entrusted with the Care of any Boat, Barge, or other Vessel, or Raft, upon the said Navigation or any Part thereof, shall, with Intent to avoid or evade the due Payment of any of the Tolls, Rates, or Duties hereby made payable, load, unload, or take into or upon any such Boat, Barge, or other Vessel, or Raft, any Goods, Wares, Merchandise, or Commodities whatsoever, liable to pay any of the Tolls, Rates, or Duties herein-before mentioned, at any other Place or Places than at the public or private Wharfs or Quays upon or belonging to the said Navigation, without having previously obtained Permission in Writing for that Purpose from the Committee of Management, or from some one of the Agents or Collectors of the Tolls to the said Navigation Company, or in case any Person or Persons shall do any other Act with Intent to evade the Payment of any of the said Tolls, Rates, or Duties, every Person so offending shall for every such Offence forfeit and pay to the said Navigation Company the Sum of Five Pounds.

Tolls may be applied for the general Purposes.

CVIII. Provided always, and be it enacted, That the said Corporation shall and may, from and after the Day mentioned in any Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, collect, levy, and raise the Tolls, Duties, and Rates in the said Act of the Thirty-third Year of His late Majesty's Reign herein-

herein-before mentioned, not exceeding the Rate of Eighteen-pence Halfpenny *per* Ton of the present Currency in the whole on every Ton of the Burthen or Tonnage of any Ship, Vessel, Boat, or Barge navigating upwards or downwards from the Sea to the said Town of *Newry*, or from the said Town of *Newry* to the Sea, and apply the same in such Manner as they shall deem fit for the general Purposes of this Act, and for the Extension or other Improvement of the said Canal or Navigation, or any Part thereof, according to the Plans and Estimates aforesaid, or otherwise in such Manner as shall be by them deemed fit and expedient, any thing herein or in the said Act contained to the contrary thereof in anywise notwithstanding.

CIX. And be it further enacted, That from and after the Day mentioned in such Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, all or any Ships, Brigs, or other Vessels navigating inwards the said intended Line of Improvement in the said River or Canal, or any Part thereof, or outwards bound which shall enter upon the said Navigation, shall be subject and liable to the said Tolls and Regulations, in like Manner as such Ships, Brigs, or other Vessels navigating the present Canal are now liable under the present Act or otherwise.

Ships, &c. navigating as herein to be liable to Toll.

CX. And be it further enacted, That all and every Person and Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Ways and Roads belonging to the said Navigation Company (except the Towing-paths), for the conveying any Goods, Wares, Merchandise, or other Things to and from the said intended Canal, and the Wharfs, Quays, and Landing Places belonging thereto, and also with Boats, Barges, and other Vessels, and Rafts, to navigate, pass upon, and use the said Navigation, for the Purpose of conveying any Goods, Wares, Merchandise, or Commodities whatsoever thereon respectively, and also to use the said Wharfs, Quays, and Landing Places, for the loading and unloading of any Goods or other Things, and the said Towing-paths for the hauling and drawing of such Boats, Barges, and other Vessels, and Rafts, upon Payment of such Rates, Tolls, and Duties for the same respectively as shall be demanded by the said Navigation Company, not exceeding the several Rates, Tolls, and Duties herein-before mentioned, and subject always to the Rules, Orders, Byelaws, and Regulations which shall from Time to Time be made by the Committee of Management by virtue of the Power by this Act given in that Behalf.

Navigation to be free on Payment of Tolls.

CXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable any Person or Persons (except the said Company or any Person acting by or under their Authority) to keep or use any Boat or other Vessel for the Conveyance of Passengers for Hire or Reward along the said Navigation; and if any Person shall convey any Passenger upon the said Navigation for Hire or Reward, in any Boat or other Vessel, or upon any Raft, every Person so offending shall forfeit and pay for every Passenger so conveyed any Sum not exceeding Twenty Shillings.

No Person to keep a Passage Boat without the Licence of the Company.

CXII. And

Lords of
Manors
and others
may erect
Wharfs, &c.

CXII. And be it further enacted, That it shall be lawful for the Lord or Lords, Owner or Owners of any Manor, Lands, or Grounds by or through which the said intended Navigation shall be made, and for the Lessee or Lessees of such Owner or Owners, to make, erect, and set up, either for his, her, or their own private Use, or for the Use of the Public, any Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, in or upon his, her, or their respective Wastes, Lands, or Grounds adjoining or near to the said Navigation, or any Basins connected therewith, and to make and lay out proper Ways and Roads to the same across any Lands belonging to the said Navigation Company, and to land any Goods or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Navigation, and also to make and use proper and convenient Places for Boats, Barges, and other Vessels to lie and turn in and pass each other, so that the making or using thereof respectively do not obstruct or prejudice the Navigation of the said Navigation, or the Passage of the Towing-paths thereof; and that all Rates or Tolls which shall be demanded and paid for the Use of such of the said Wharfs, Quays, Landing Places, Cranes, Weighbeams, and Warehouses respectively, as shall be erected by such Lord or Lords, Owner or Owners, Lessee or Lessees, for the Use of the Public, not exceeding the Rates herein-before limited for Wharfage, shall be and the same are hereby accordingly vested in such Lord or Lords, Owner or Owners, Lessee or Lessees, as the Case may be, who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weighbeams, and Warehouses as aforesaid, and his, her, or their respective Heirs and Assigns, or his, her, or their respective Executors, Administrators, or Assigns, as the Case may be.

If they refuse
so to do, the
Company
may erect
Wharfs.

CXIII. And be it further enacted, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Six Calendar Months next after Notice in Writing shall be given to him, her, or them, or left at his, her, or their usual Place or Places of Abode, under the Hand of the Clerk of the said Company, on behalf of the said Navigation Company, stating that any Part or Parts of his, her, or their Wastes, Lands, or Grounds is or are necessary or proper for erecting and making any public Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, or for making and laying out any Road or Roads for the Conveyance of Goods to and from the said Navigation, give Notice in Writing to the said Clerk of his, her, or their Intention to erect and make, and shall not forthwith proceed to erect and make, and within Nine Calendar Months from the Date of such last-mentioned Notice make, erect, and lay out, and afterwards from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Quays, Landing Places, Cranes, Weighbeams, Warehouses, and Roads, for the Use of the Public, on the respective Part or Parts of the Wastes, Lands, or Grounds to be described in such Notice, then and in such Case the said Navigation Company shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make, and make use of such Part or Parts of such Wastes, Lands, or Grounds for erecting and building proper and sufficient Wharfs, Quays, Landing Places, Cranes, Weighbeams, and Warehouses, and for making and laying out proper and convenient

Roads

Roads to and from the said Navigation, agreeably to such Notice so given by the said Clerk as aforesaid, they the said Navigation Company first making Satisfaction for the same in such Manner as is hereinbefore directed with respect to any Lands or Grounds which shall be taken or used by the said Company for the Purposes of this Act.

CXIV. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Navigation Company or any Person or Persons to make use of any Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, which shall be made, erected, and set up by the Lord or Lords, Owner or Owners, of any Manor, Lands, or Grounds adjoining or near to the said Navigation, for his, her, or their own private Use only, or to erect or set up any Cranes or Weighing Machines in or upon any such private Wharfs, Quays, or Landing Places, without the Consent in Writing of such Lord or Lords, Owner or Owners.

Private Wharfs not to be used by Company without Consent.

CXV. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of Lands adjoining or lying contiguous to the said Navigation and other Works, or any of them, shall, by reason of their not being sufficiently cleansed or opened, hinder and obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Navigation, and if the same shall not be perfectly cleansed and opened within Twenty-one Days after Notice in Writing shall have been given thereof to or left at the Place of Abode of such Owner or Occupier, by the Clerk or Agent of the said Company, it shall then be lawful for the said Company, (an Order in Writing for the said Purpose having been first obtained from any Two or more Justices of the Peace for the County in which the Lands shall be situated,) from Time to Time, as often as there shall be Occasion, to open and cleanse or cause to be opened and cleansed the said Ditches or Drains, and the reasonable Expenses thereof, when ascertained and allowed by the said Justices or any Two of them, shall be repaid to the said Company by such Owner or Occupier as aforesaid; and in case of Refusal to satisfy the same for the Space of Three Calendar Months after Demand shall have been made thereof, such Charges and Expenses shall and may be recovered and levied in such Manner as Forfeitures and Penalties are herein-after directed to be recovered.

Enabling the Company to cleanse Ditches or Drains adjoining the Canal.

CXVI. And be it further enacted, That the said Company shall at their own Costs divide and separate, and keep constantly divided and separated, the said Navigation, Towing Paths, Trenches or Passages, or such Part or Parts thereof respectively as shall be declared necessary by any Two or more Justices of the Peace of the said respective Counties, from the adjoining Lands or Grounds, by Posts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences, sufficient to keep off Sheep and other Cattle, as well as for the due Protection of Gardens and Garden Grounds, to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company as aforesaid; and the said Company shall,

For fencing off Canal, Towing Paths, &c.

shall, at their own proper Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences, to be set up and made as aforesaid, and also shall at their like Costs and Charges make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Bridges across the said Navigation, or any Aqueduct, Conductor, or Watercourse leading into the same, and also Gates and Stiles in and through all the Hedges and Fences to be by them so made on the Side of such Towing Paths as aforesaid, in such Manner as any Two or more Justices of the Peace of the said respective Counties shall from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds or Hereditaments adjoining to such Navigation; and the said Company shall not make the said Navigation, or any Part thereof, or any Trench or Watercourse belonging to the same, in or across any common Highway, public Bridleway, or Footpath, until they shall, at their own Costs and Charges, have made and provided a good and sufficient temporary Road, Bridleway, or Footpath, for the Accommodation of all Persons whomsoever, and until a good and sufficient temporary Bridge or Bridges, Passage or Passages, over, across, or under the said Highway, Bridleway, or Footpath, shall be made and perfected; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniences so to be made as aforesaid, shall from Time to Time thereafter be supported, maintained, and kept in sufficient Repair by the said Company.

If Company do not fence off Towing Paths, &c. Landowners may do it at the Company's Expence.

CXVII. And be it further enacted, That in case the said Company or their Agents shall refuse or neglect to divide and separate, and to keep divide and separate, the said Navigation and Towing Paths in manner herein-before directed, or to make, erect, and set up such Gates, Bridges, and Stiles in, over, and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, for the Use and Convenience of the respective Owners or Occupiers of the Lands or Hereditaments adjoining or near to the said Navigation, or to maintain and support such Gates, Stiles, and Bridges when erected, set up, and made, of such Dimensions and in such Manner as aforesaid, for the Space of Thirty Days next after the Times to be appointed by the said Justices as aforesaid, and after Notice shall have been given by or on behalf of the Owner or Owners of any such Lands or other Hereditaments, who shall find themselves aggrieved by any such Refusal or Neglect, to the said Company, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said adjacent Lands, Grounds, or Hereditaments, who shall find himself, herself, or themselves aggrieved as aforesaid, to make, erect, and set up all such Gates, Stiles, and Bridges, and other Conveniences as shall be necessary, and shall have been before directed or appointed by the said Justices to be made, erected, and set up by the said Company as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Works the said Navigation, or the Banks thereof, or the
Feeders

Feeders belonging thereto, shall not be stopped or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Justices) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, or other Hereditaments, who shall have so erected and made, repaired or maintained such Works as aforesaid, by the said Company; and the said Owners or Occupiers, upon Refusal or Neglect of the said Company to pay the said Costs and Charges as aforesaid, shall and may have such and the like Remedy against the said Company for the Recovery thereof by Action at Law, or in such Manner as in other Cases is in and by this Act directed: Provided always, that the said Company shall not be liable to repair or amend any Part of the Roads over the Approaches to any of the Bridges to be made over the said Navigation, after the Roads over such Approaches shall have been first put into good Repair by or at the Expense of the said Company, in the event of the said Roads being injured by any of the Works hereby authorized to be made.

CXVIII. Provided always, and be it further enacted, That if any Owners or Occupiers of any Lands or other Hereditaments by or through which the said Navigation shall be made shall at any Time or Times hereafter choose to erect any other Gates, Stiles, Bridges, Passages, Tunnels, Drains, Back Drains, Trenches, or other Passages and Conveniences respectively, than such as the said Justices shall have so directed or appointed to be made by the said Company, then and so often and in any such Case it shall be lawful for all or any of such Owners or Occupiers, with the Approbation and Consent of the Committee of Management of the said Company, to make, fix, and erect, at their own proper Costs and Charges, such Gate or Gates, Stiles, Bridges, Passages, Tunnels, or other Conveniences, of the same or the like Constructions with others made by the said Company, in, over, or near to the said Navigation or the Towing Paths thereof, in such Places as the said Owners and Occupiers shall judge most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands and other Hereditaments, and to repair and support the same at their own like Costs and Charges, as Occasion shall require, so as that the Navigation of, in, or upon the said Navigation be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Stiles, Bridges, Passages, Tunnels, or other Conveniences had been made or erected by the said Company as aforesaid.

Landowners
may make
Gates, &c. at
their own
Expense.

CXIX. And be it further enacted, That the Lord or Lords or Owner or Owners of all and every Manor or Manors through which the said Navigation shall be made shall have and be entitled to the several and exclusive Right of Fishery of and in so much of the said Navigation as shall be made through the Common or Waste Lands within his, her, or their Manor or Manors respectively, or through any other Lands or Grounds lying within such Manor or Manors, wherein such Lord or Lords, or Owner or Owners, now have or hath

Right of
Fishery re-
served to
Lords of
Manors, &c.

or

or are or is entitled to the Right of Fishery; and the Owner or Owners of all other Lands or Grounds adjoining to the said Navigation shall also have and be entitled to the like Right of Fishery of and in so much of the said Navigation as shall be made by or in his, her, or their Lands or Grounds; so as by the Use and Exercise of any such Right of Fishery as aforesaid the said Navigation, or the Towing Paths, Banks, or other Works and Conveniences hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or extracted from or out of the said Navigation, and so as the said Company, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution for or by reason of the taking or destroying of any Fish in the said Navigation, which shall be taken, killed, or destroyed through or by means of the necessary letting off the Water out of the same respectively, or for or on account of any Repairs or Works to be done in or about the same.

Allowing
the Owners
of Land to
make
Branches.

CXX. And be it further enacted, That it shall and may be lawful for the Owners and Occupiers of the respective Lands or Grounds lying adjoining or near to the said Navigation, or any other Person or Persons whomsoever, to construct, either upon their own Lands or upon the Lands of other Persons with the Consent of such other Persons, any collateral Branch or Branches from their respective Lands and Grounds to communicate with the said Navigation.

Harbour
Master and
Assistants to
be appointed.

CXXI. And be it further enacted, That from and after the Day mentioned in such Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, it shall and may be lawful for the said Company for the Purposes of this Act, and their Successor, from Time to Time to appoint an experienced Mariner or other qualified Person to act as Harbour Master within the said Port and Navigation, and to remove any Harbour Master so appointed, and to appoint another in his Room or Stead, as also such Number of Deputies or Assistants as they shall see fitting; and each and every such Harbour Master shall have full Power and Authority (but subject to the Regulations and Restrictions herein expressed) to direct the mooring, unmooring, moving and removing all Ships and other Vessels, Lighters, and Crafts coming into or lying or being in the said Navigation, River, or Cuts aforesaid, and to appoint and regulate the Time and Manner of their Entrance into, lying in, or going out of the Docks, Basins, and other Works, and their Position, Manner of loading and discharging therein respectively, and the Time or Times of opening or shutting the several Gates of the said Docks, Basins, or Works; and in case the Owner or Master or other Person having the Charge or Command of any Ship or other Vessel shall refuse or neglect to moor, unmoor, place, move, or remove his Ship or Vessel, according to such Directions, immediately after Notice to him or them given in Writing, or left with some Person or Persons on board the said Ship or Vessel for that Purpose, every such Owner, Master, or other Person having the Charge or Command of such Ship or Vessel, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Duties of
Harbour
Master.

CXXII. And

CXXII. And be it further enacted, That it shall and may be lawful to and for the said Harbour Master or his Assistants, and he and they is and are hereby required, to moor, unmoor, place, move, or remove such Ship or Vessel, and the Charges and Expenses thereof respectively shall be repaid by such Owner or Master, or other Person having the Charge or Command of such Ship or Vessel, to the Clerk for the Time being of the said Company; and in case of Nonpayment thereof on Demand, such Charges and Expenses may be levied and recovered by such Ways and Means as any Penalties or Forfeitures may by this Act be levied and recovered.

Harbour
Master may
remove
Ships.

CXXIII. And be it further enacted, That every such Harbour Master shall have full Power and Authority to order all Ships and Vessels entering the said Navigation, Docks, or Basins, to be dismantled in such Manner as he may think proper and safe for the said Vessels, and for the Prevention of Accidents or Mischief to other Ships, Lighters, or Craft or other Vessel in the said Docks or Basins, and during the Time of every Ship's Delivery, or when discharged of her Cargo, to have such Quantity of Ballast on board or dead Weight in her Hold, as he may judge requisite for such Ship or Vessel; and no Ship or Vessel shall be allowed to enter the said Navigation, Docks, and Basins, unless she shall be so dismantled, and shall not be unladen so far as to render her insecure through the Want of Weight in her Hold, or such Quantity of Ballast on board as the said Harbour Master may think expedient; and every such Harbour Master shall also have full Power and Authority to give Directions for topping, bracing, or striking Yards and Masts, taking in running Bowsprits, and for having substantial Hawsers and Towlines, and Fasts to the Dolphins, Mooring Craft, Buoys, or Mooring Posts; and also to regulate the Equipment, Rigging, and Lading of all Ships and Vessels in the said Docks or Basins, or any of them, as he shall think necessary; and in case he shall judge any Act or Proceeding in the Rigging, Lading, or Equipment of any Ship or Vessel, injurious to the Safety of such Ship or Vessel, or to the other Ships or Vessels in or entering or departing from the said Docks, or to the said Docks or Works, to give Notice to the Master or Person having the Charge or Command of such Ship or Vessel to discontinue or alter the same; and in such Case such Master or other Person shall not according to such Directions suspend or alter such Act or Proceeding immediately after Notice given to him or them, or some Person or Persons on board the said Ship or Vessel, for that Purpose, or if any Ship, Lighter, or Craft, or Vessel, shall be left in the said Dock or Docks, Basin or Basins, without any Person or Persons on board, every such Master or other Person having the Command of such Ship or Vessel, or the Owner or Owners thereof, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and the Owner or Owners of such Ship or Vessel shall also be answerable for all the Injury that may be sustained by any other Ships or Vessels, or by the said Undertakers, through Neglect thereof.

Harbour
Master to
direct the
dismantling
of Ships, &c.

CXXIV. And be it further enacted, That it shall and may be lawful for the said Company for the Purposes of this Act, out of the

[*Local.*]

35 R

Duties

Salary to
Harbour
Master.

Penalty for
taking Fees.

Duties of Tonnage made payable under this Act, to pay to the said Harbour Master that may hereafter be appointed, or his Deputies, such Salary and Allowance as to the said Company shall appear competent and sufficient for the Performance of his or their Duties under this Act; and if any such Harbour Master or Deputy shall, directly or indirectly, ask or demand or take or receive any Fee, Gratuity, or Reward for the Performance of his Duty under this Act, or under any Pretext or Pretence of any Act done by him in execution of this Act, over or beyond such Salary or Allowance as aforesaid, such Harbour Master or Deputy shall for every such Offence forfeit the Sum of Five Pounds, together with double the Amount of such Fee, Gratuity, or Reward.

Inflammable
or combusti-
ble Matter
not to remain
on the Quays
or Piers
above a cer-
tain Period.

CXXV. And be it further enacted, That no Gunpowder, Pitch, Tar, Rosin, Hemp, Flax, Faggots or Furze, Brandy or other spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or any other inflammable or combustible Matter or Thing whatsoever, shall be suffered to be or remain on any Quay, Pier, or Wharf belonging to the said Navigation, or upon the Deck of any Ship, Boat, Barge, or other Vessel within the said Navigation, above the Space of Twelve Hours after having passed the Custom House Officers, and the Owner or Owners thereof shall and they are hereby required to remove the same from such Place or Places within the Space of Twelve Hours; and in case the same cannot conveniently be removed before Sunset, then the Owner or Owners thereof shall be obliged, and he and they is and are hereby required, to set and employ, at his or their own Expense, such a Number of careful and sober Persons to guard and watch over the same for such and so many Hours from Sunset to Sunrise as the said Committee of Management, or the Harbour Master, Collector or Collectors, or other Person or Persons by them authorized, shall specify and direct; and in case any Owner or Owners, or the Person or Persons having the Command of any Ship or Vessel as aforesaid, shall make default in the Premises, every Person so offending shall for every such Offence forfeit any Sum not exceeding Ten Pounds, and in addition thereto shall pay all Damages occasioned by his or their Default.

Poles, &c.
prohibited,
unless of
certain Di-
mensions.

CXXVI. And be it further enacted, That no Boat, Barge, or other Vessel, or Raft, having on board any Pole, Shaft, or Instrument used or to be used in punting or navigating such Boat, Barge, or other Vessel, or Raft, pointed or spiked with Iron, or otherwise, of less Area at each End thereof than Four square Inches, shall pass along any Part of the said Navigation; and it shall be lawful for the Agents or Servants of the said Navigation Company to seize such Poles, Shafts, or Instruments, in case they shall be found on board any such Boat, Barge, or other Vessel, or Raft, or to stop and detain such Boat, Barge, Vessel, or Raft until such Poles, Shafts, or Instruments shall be delivered up; and the Master, Owner, or Person having the Care of such Boat, Barge, or other Vessel, or Raft, shall forfeit a Sum not exceeding Ten Pounds for every such Pole, Shaft, or Instrument found on board his Boat, Barge, or other Vessel, or Raft.

CXXVII. And

CXXVII. And be it further enacted, That if any Boat, Barge, or other Vessel, or Raft, shall be placed in any Part of the said Navigation, or of the Trenches, Sluices, or Passages belonging thereto, so as to obstruct the Navigation or Passage thereon, and the Persons having the Care of such Boat, Barge, Vessel, or Raft shall not immediately remove the same or alter the Position thereof, upon Request made for that Purpose, he shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings, and shall moreover forfeit and pay a Sum not exceeding Five Shillings for every Hour during which such Obstruction shall continue after such Request for Removal thereof shall be made as aforesaid; and that it shall be lawful for any of the Collectors, Agents, or Servants of the said Navigation Company to cause any such Boat, Barge, Vessel, or Raft to be unladen, if necessary, and to be removed in such Manner as shall be requisite for preventing any further Obstruction therefrom, and to seize and detain such Boat, Barge, Vessel, or Raft, and the Lading thereof, or any Part of such Lading, until the said Penalty or Penalties, and the Charges of such Unloading or Removal, shall be paid; and that if any Boat, Barge, or Vessel, or Raft, shall be sunk in any Part of the said Canal, and the Owner or Owners, or Persons having the Care thereof, shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Navigation Company, or any of them, to cause such Boat, Barge, Vessel, or Raft to be weighed and drawn up, and detain and keep the same until Payment shall be made of all the Expenses thereby necessarily incurred or occasioned.

Penalty for obstructing the Navigation.

Boats, &c. sunk, to be weighed up.

CXXVIII. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Navigation, without having the same properly hooded or otherwise secured, agreeable to the Directions of the Committee of Management of the said Navigation Company, or shall navigate on the said Navigation any Boat or Vessel in such a Way as to obstruct the Passage of any other Boat, Vessel, or Raft, and shall not, immediately upon Notice given of such Obstruction, haul or draw back such Boat or Vessel into such Place or Places as shall be made or be proper for Boats or other Vessels to pass each other, or shall not otherwise remove the same so as to make a free Passage for other Boats, Vessels, or Rafts, or shall cause or permit any Boat, Barge, Vessel, or Raft to be at any Time unloaded without a Stage being laid from the Side of such Boat, Barge, Vessel, or Raft to the Bank of such Navigation, in order to prevent any Dirt or Rubbish falling into the same; or if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing into any Part of the said Navigation, or into any Trenches, Sluices, or Passages for Water to be made in pursuance of this Act; or if any Person or Persons shall wantonly or unnecessarily open or draw, or cause to be opened or drawn, any Lock, Paddle, Valve, or Sluice belonging to the said Navigation, or shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Navigation, or shall leave any of the Gates or Sluices of any Lock open after any Boat, Vessel, or Raft shall have passed through the same, (except in such Cases as herein-before otherwise ordered),

Penalty for floating Timber so as to obstruct the Navigation, for throwing Ballast, &c. into the Navigation, or for wasting the Water.

or

or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act; every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Punishment
of Persons
wilfully de-
stroying
Works.

CXXIX. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, or destroy any Bridge or Bridges, Bank or Banks, Lock or Locks, Erections or Buildings or other Works to be erected and made by virtue of this Act, every Person so offending, being lawfully convicted, shall be transported as Felons are directed to be transported by the Laws and Statutes of this Realm, for any Term not exceeding Fourteen Years; or otherwise the Court before whom such Person shall be convicted may, in mitigation of such Punishment, (if they shall think fit,) award such other Punishment as the Law directs in Cases of Simple Larceny.

Penalty for
leaving Rub-
bish, &c. on
the Towing
Paths.

CXXX. And be it further enacted, That if any Person or Persons shall throw, cast, or lay on any Part of any Bank or Towing Path belonging to the said Navigation, any Dung or other Manure, Dust, Ashes, Rubbish, or other Matter, otherwise than on the Wharfs and other Places to be made and provided for the loading and unloading of Goods, Wares, and Merchandise, every such Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in such Manner as other Penalties under this Act are directed to be recovered and applied.

Owners of
Boats, &c.
answerable
for Damage
done by their
Vessels,
Horses, or
Servants.

CXXXI. And be it further enacted, That the Master or Owner of every Boat, Barge, Vessel, or Raft navigating or passing upon the said Navigation, shall be and he is hereby made answerable for all such Damage, Spoil, or Mischief which shall be done by his Boat, Barge, Vessel, or Raft, or the Horses using or drawing the same, or by any of the Boatmen, Watermen, or others belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Trenches, Sluices, or other Works in, upon, or belonging to the said Navigation, either by loading or unloading or navigating any such Boat, Barge, Vessel, or Raft, or by any other Means whatsoever, and also for any Trespasses or Damage that shall or may be committed or done to the Owners or Occupiers of any Buildings, Lands, or Tenements adjoining or lying near the said Navigation, by leaving open Gates or otherwise, and for any Trespass whatsoever contrary to the said several Directions and Restrictions in this Act contained, or any of them; and every such Master or Owner shall, upon Conviction before any One Justice of the Peace, either upon Confession or upon the Oath or Oaths of One or more credible Witness or Witnesses, (which Oath or Oaths such Justice is hereby empowered and required to administer,) pay the Person or Persons injured the Damages, to be ascertained by such Justice, provided such Damages do not exceed the Sum of Ten Pounds; and upon Nonpayment, on Demand, the same shall be levied by Distress and Sale of the Goods and Chattels of such Master or Owner, in like Manner as any other Penalties or Forfeitures are by this Act directed to be levied; or if the Damages shall exceed the Sum of Ten Pounds,
then

then the same may be sued for and recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Dublin*.

CXXXII. And be it further enacted, That if any Owner or Owners of any Boat, Barge, Vessel, or Raft navigating or passing on the said Navigation shall be compelled to pay any Penalty, or to make Satisfaction for any Damage, by reason of any wilful Act, Neglect, or Default of his or their Servant or Servants, Boatmen or Watermen, or any of them, then and in such Case every such Servant, Boatmen, and Watermen shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof upon Demand, and Oath made by such Owner or Owners of the Payment made by him or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have not been repaid to him or them by such Servants, Boatmen, or Watermen, or any of them, although demanded, (such Oath to be made before any One or more of the Justices of the Peace for the County where such Penalty shall have been recovered,) the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Owners may recover Damages from their Servants.

CXXXIII. And be it further enacted, That if any Lock-keeper, Wharfinger, or other Person employed by or Servant belonging to the said Company shall give any undue Preference or show any Partiality to any Boat, Barge, Vessel, or Raft, in passing through any Lock or Locks upon the said Navigation, or in loading or unloading any Goods or Things at any of the Wharfs, Warehouses, Weighbeams, Cranes, or other Machines belonging to the said Company, every Person so offending shall, upon Conviction, forfeit and pay any Sum not exceeding Forty Shillings.

Penalties on Lock-keepers giving any Preference.

CXXXIV. And be it further enacted, That the said Company do and shall, as soon as conveniently may be after the Day mentioned in such Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and from Time to Time thereafter, provide Ballast for all Ships and Vessels wanting or requiring Ballast within the said Navigation, and furnish the same to such Ships or Vessels at the Rates specified in the Schedule marked (A.) within Six Hours after a Requisition or Notice in Writing shall be given for that Purpose, by the Commanders or Masters of such Ships or other Vessels, to the Person who shall from Time to Time act as Harbour-master under the said Company, or to be left at the Ballast Office to be established by the said Company, so soon as Wind and Weather shall permit the same to be done; and in case Wind or Weather shall not within such Six Hours permit the same to be done, then the said Company, or the proper Officers who shall act under the said Company for that Purpose, shall furnish or cause to be furnished such Ballast to such Ships or Vessels respectively as soon after as Weather shall permit them so to do; such Ballast to be provided as aforesaid to be thrown into such Ships or Vessels by the Persons employed by the said Company for that Purpose: Provided always, that when and as soon as One or more Wharf or Wharfs, Quay or Quays, shall be provided, built, or erected for the saving and storing of Ballast by the

Company to provide Ballast.

[*Local.*]

35 S

said

said Company, and there shall be a sufficient Quantity of Ballast in or upon such Wharf or Wharfs, Quay or Quays, for supplying any Ship or Vessel wanting the same, it shall and may be lawful to and for the said Company, or the Officer or Officers to be appointed by them for that Purpose, to order and direct, at their Discretion, any Ship or Vessel requiring Ballast as aforesaid to go alongside of such Wharf or Wharfs, Quay or Quays, to take in such Ballast from the Side or Sides thereof; and if the Master or Commander of any Ship or Vessel which shall be in said Navigation shall take, or permit or suffer to be taken into such Ship or Vessel, any Ballast whatsoever from any Person or Persons, save only such Person or Persons as shall be thereunto appointed by the said Company, or shall permit or suffer any Ballast whatsoever to be taken from such Ship or Vessel, save only by such Person or Persons as shall be thereunto appointed by the said Company, or cause the same to be thrown from any Ship or Vessel to supply any other Ship or Vessel, or to be thrown out of any Ship or Vessel, Lighter, or Gabbard, or Boat, into the said *Newry* Navigation, or within Five hundred Yards of the Extremities at *Lough Neagh* and Bay of *Carlingford*, or shall, under Pretence of the same, take in or put out of any Ship or Vessel arriving at or sailing from the said *Newry* Navigation, any Street Dirt, Coal Ashes, Dung, Manure of any Kind, Stones, Gravel, or Rubbish, or Matters of the like Nature, without having first obtained a Licence from the Committee of Management aforesaid for that Purpose, then and in every such Case the said Master or Commander or other Officer, and the Person or Persons who shall deliver to or take from or throw out of any such Ship or Vessel, Lighter, Gabbard, or Boat, any such Ballast, Street Dirt, Coal Ashes, Dung, Manure, Gravel, Stones, or Rubbish, or Matters of such like Nature as aforesaid, shall for every such Offence forfeit and pay to the Use of the said Company any Sum not exceeding Ten Pounds, to be recovered as herein is provided.

Company
to appoint
Pilots.

CXXXV. And in order that proper and skilful Persons may be appointed Pilots for conducting Ships and Vessels to and from the said Navigation, be it further enacted, That it shall and may be lawful to and for the said Company, and they are hereby authorized and required, to examine and inquire into the Skill and Ability of all and every Person or Persons who shall tender or offer himself or themselves to be admitted as Pilot or Pilots for the said Navigation and River of *Newry* and Bay of *Carlingford*; and if upon due Examination the Person or Persons so offering himself or themselves as a Pilot or Pilots shall be found well qualified, and shall be approved of by the said Company, the said Company shall and may appoint such Number of Persons so examined as they shall deem sufficient, and shall grant to each of them a Licence to act as Pilots within the said Navigation and River of *Newry* and Bay of *Carlingford*; which Licence shall contain the Name, Age, and Place of Abode of the Person so licensed, and shall certify that he is duly qualified to conduct Ships and Vessels in and out of the said River of *Newry* and Bay of *Carlingford*; and such Licence shall be subscribed with the Names of Three or more of the Committee of Management; and every such Person so receiving such Licence shall from thenceforth be deemed fully

fully qualified to exercise and follow the Business or Occupation of a Pilot for the said Places; and for every such Licence the Sum of One Shilling shall be paid, and no more; and such Licence shall continue and be in force for and during the Term of Two Years from the Date thereof.

CXXXVI. And be it further enacted, That if any Person or Persons whatsoever, not being so licensed as aforesaid, and not belonging to or being of the Crew of the Vessel, shall from and after such Licences shall have been granted by the said Committee of Management as aforesaid, take upon himself or themselves to act as a Pilot in conducting any Vessel into or out of the said Navigation and River of *Newry* and Bay of *Carlingford*, after any Pilot so licensed as aforesaid shall have offered himself for that Purpose, then and in every such Case the Person so offending shall forfeit and pay any Sum not exceeding Five Pounds: Provided that nothing herein contained shall be construed to extend so as to subject any Person or Persons whomsoever to any Penalties or Forfeitures by this Act imposed for aiding or assisting any Ship or Vessel in Distress.

Penalty on Persons acting as Pilots without being licensed.

CXXXVII. And be it further enacted, That if any Pilot so licensed as a Pilot shall refuse or neglect to take the Charge or conducting of any Ship or Vessel outward bound, upon proper Notice being first given such Pilot, or if any such Pilot plying between *Saint John's Point* and *Clogher Head*, or within the said Navigation and River of *Newry* and Bay of *Carlingford*, upon a Gun being fired or Ensign hoisted or other usual Signal given from any Ship or Vessel, or in case such Ship or Vessel cannot be boarded without imminent Danger, if such Pilot shall refuse or neglect to lead the Way or precede such Ship or Vessel with his Boat, every such Pilot shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Pilot refusing or neglecting to take charge of any Ship.

CXXXVIII. And be it further enacted, That in case it shall appear to the said Committee of Management that any Pilot or Pilots so licensed as aforesaid shall have misbehaved himself or themselves in the conducting of any Ship or Vessel, or in the Execution of any other Part of his or their Duty as a Pilot or Pilots, or if any Pilot or Pilots shall refuse to obey any Summons of the said Committee of Management, then and in every such Case it shall and may be lawful for the said Committee of Management, upon Examination thereof, to recall the Licence or Licences of such Pilot or Pilots respectively, and to declare the same to be null and void, or to suspend such Pilot or Pilots for and during such Time as to them may seem proper; and if any Pilot or Pilots whose Licence or Licences shall have been so recalled, or who shall have been suspended as aforesaid, (Notice in Writing having been given him or them, or left at his or their usual Place of Abode,) shall presume to act as a Pilot or Pilots in conducting any Ship or Vessel out of or into the said Navigation and River of *Newry* and Bay of *Carlingford*, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For punishing of Pilots.

CXXXIX. And

Pilot to demand Security from the Master of any Ship, &c. for the Payment of Pilotage.

CXXXIX. And be it further enacted, That if any Person so licensed as aforesaid shall be desired by any Master or Commander of any Ship or Vessel in the said Port of *Newry* or Bay of *Carlingford*, outward bound, to take the Charge or Conduct of any such Ship or Vessel, it shall and may be lawful to and for such Pilot, previous to his taking such Charge or Conduct, to demand the Payment, of a sufficient Security from such Master or Commander for the Payment, of such Pilotage outward, according to the Rates and Prices set forth in Schedule (B.), or as shall be fixed by the said Committee of Management in pursuance of the Directions of this Act; and if such Master or Commander shall refuse to pay such Rates and Prices, or give such Security for the Payment thereof, then and in such Case it shall and may be lawful to and for such Pilots to refuse the Charge or Conduct of such Ship or Vessel, without being subject to or incurring any of the Penalties inflicted by this Act on Pilots refusing to take the Charge or Conduct of any Ship or Vessel as aforesaid.

Damages and Charges in case of Dispute to be settled by Justices.

CXL. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required; on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner hereby directed for levying of any Penalties or Forfeitures.

For Recovery of Penalties.

CXLI. And be it further enacted, That all Complaints and Informations of and for Offences against this Act, or any Rule, Order, or Byelaw to be made in pursuance thereof, except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed, shall and may be made before One or more Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed; and such Justice or Justices is and are hereby authorized and empowered to take cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon appearing or not appearing of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information, by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person such Justice or Justices shall and may issue a Warrant, under his or their Hand and Seal or Hands and Seals, for levying the Fine, Penalty, or Forfeiture, by virtue of this Act, or of any Byelaw made in pursuance thereof, imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall and may be lawful for any such Justice or Justices to order any Person so convicted to be detained and kept in the Custody of

of any Constable or other Peace Officer until it can be ascertained whether such Person hath any Goods or Chattels whereon such Fine, Penalty, or Forfeiture can be levied; and in case sufficient Goods or Chattels of any Person liable to pay any such Fine, Penalty, or Forfeiture cannot be found whereon to make such Distress, and such Fine, Penalty, or Forfeiture shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Six Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Churchwarden of the Parish in which the Offence shall have been committed, and shall be applied and disposed of for the Benefit of the Poor therein; and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

CXLII. And be it further enacted, That it shall be lawful for any Person or Persons who shall see any Offence committed against this Act, by any Person destroying or doing any wilful Damage to the said Navigation or any other Works by this Act authorized to be made, contrary to any of the Provisions herein-before contained, to apprehend and detain any such Offender, without any Warrant or other Authority than this Act, and to convey such Offender, or cause him to be conveyed by some Constable or other Peace Officer, before any Justice of the Peace for the County where the Offence shall be committed, who shall forthwith proceed against such Offender according to the Provisions in this Act contained.

For Apprehension of Offenders in certain Cases.

CXLIII. Provided nevertheless, and be it further enacted, That it shall be lawful for the Committee of Management of the said Company from Time to Time, if they shall think fit, to pay and apply any Part of the said Penalties, Forfeitures, and Fines to and for the Use of the Informer or Informers, or other Person or Persons aiding or assisting in the Apprehension of any Offender or Offenders therein, or any of them.

Power to give Informer Part of the Penalties.

CXLIV. And be it further enacted, That all and every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect; that is to say,

Form of Conviction.

[*Local.*]

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BE

‘ } BE it remembered, That on [Time of
 ‘ to wit. } Conviction] at [Place of Conviction] [Name of Offender]
 ‘ of [Addition of Offender] was duly convicted before me [or us],
 ‘ [Name and Style of convicting Justice or Justices], for that the said
 ‘ [Name of Offender] on [Time of committing Offence] at [Place of
 ‘ committing Offence] did [here state the Offence against the Act
 ‘ according to the Fact], contrary to the Form of the Statute made
 ‘ in the Tenth Year of the Reign of his Majesty King George the
 ‘ Fourth, intituled [here set forth the Title of this Act]; and I [or
 ‘ we] do therefore declare and adjudge, that the said [Name of
 ‘ Offender] has forfeited for the said Offence the Sum of [Fine], or
 ‘ shall be committed to [Place of Imprisonment] for the Space of
 ‘ [Time of Imprisonment]. Given under my Hand and Seal [or our
 ‘ Hands and Seals], the Day and Year first above written.’

Persons tak-
 ing Distress
 irregularly
 not to be
 deemed Tres-
 passers *ab*
initio.

CXLV. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

Proceedings
 not to be
 quashed for
 Want of
 Form or re-
 moved.

CXLVI. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Dublin* or elsewhere.

For compel-
 ling Wit-
 nesses to
 attend.

CXLVII. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace touching any Matter of Fact contained in the Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to 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 Costs and Charges, (without a reasonable Excuse for his, her, or their Refusal or Neglect,) or appearing shall refuse to be examined upon Oath (or, in case of a Quaker or Quakers, on solemn Affirmation), and to give Evidence before such Justice of the Peace, 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.

Sums to be
 in British
 Currency.

CXLVIII. Provided always, and be it enacted, That the several Sums of Money mentioned in this Act shall be deemed and taken to be *British* Currency.

CXLIX. Pro-

CXLIX. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Byelaw, or Order of the said Navigation Company, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Four Calendar Months after such Order shall be made or given, complain to the Justices of the Peace at the General or Quarter Sessions of the Peace to be held in and for the County where the Cause of Complaint shall have arisen, the Person or Persons appealing having first given at least Fourteen Days clear Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the said Company, and forthwith after such Notice entering into a Recognizance before some Justice of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall, in a summary Way, hear and determine such Complaint at such General or Quarter Sessions of the Peace to be held for the said County, or if they think proper, adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace to be held for the said County, and if they see Cause, may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Byelaw, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Appeal to
Quarter
Sessions.

CL. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve upon the said Company any Notice or Notices, Writ or Writs, or other legal Proceeding, or Proceedings in Equity, the Service upon One of the Committee of Management to be appointed by virtue of this Act, or upon the Clerk or Clerks of the said Company, or left at the Office or usual Place of Abode of such Clerk or Clerks, or upon any Agent or Officer of the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively upon the said Company.

For Service
of Notices,
&c. on the
Company.

CLI. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person or Persons for anything done or to be done in pursuance of this Act, or in execution of the Powers and Authorities, or the Orders and Directions hereinbefore given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages, then within Six Calendar Months next after the doing or committing of 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 in such Action or Suit shall and may plead the General Issue and give this

Limitation
of Actions.

General
Issue.

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 after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and in such Case also, or if the Plaintiff or Plaintiffs shall become Nonsuit, 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 any Defendant or Defendants hath or have in other Cases of Law.

Books, &c.
to be open
to the In-
spection of
the Lord
Lieutenant,
who may
appoint a
Person to
superintend
and control
Works, Ac-
counts, &c.

CLII. And be it further enacted, That all Books of Account, Surveys, Estimates, and all other Documents, Papers, and Proceedings of the said *Newry* Navigation Company, shall be from Time to Time and at all Times, hereafter open to the Inspection of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of any One or more Person or Persons to be for that Purpose appointed by such Lord Lieutenant or other Chief Governor or Governors; and that it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors for the Time being to superintend and control all such Proceedings, and the due Execution of all the Works relating to the said Navigation; and that for the Purpose of such Superintendence and Control it shall and may be lawful to and for such Lord Lieutenant or other Chief Governor or Governors for the Time being to appoint One or more Person or Persons to inspect, control, superintend, and examine into and from Time to Time to report upon the several Works, Accounts, Proceedings, and Affairs of the said Company, according to such Orders and Instructions as to such Lord Lieutenant or other Chief Governor or Governors shall seem fitting and expedient; and any Person or Persons so to be appointed shall be entitled to and shall receive such moderate Allowance or Sum or Sums of Money as shall from Time to Time be directed by such Lord Lieutenant or other Chief Governor or Governors, and such Sum or Sums shall be paid to such Person or Persons out of the Funds or Revenues of the said Company.

Dividends
may be made
during Pro-
gress of Im-
provement,
with Consent
of Lord
Lieutenant.

CLIII. And be it enacted, That it shall and may be lawful for the said *Newry* Navigation Company, during the Progress and before the Completion of the said intended Improvements of the said Canal and the Navigation thereof, by and under the Order and Direction or with the Approbation and Consent in Writing of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to be signified by his or their Chief Secretary, but not otherwise, to make such half-yearly or other Dividend or Dividends on the Capital Stock subscribed of the said Company as from Time to Time may be deemed fit and expedient, and as shall be ordered and approved of by such Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

CLIV. And

CLIV. And be it declared and enacted, That from and immediately after the Execution and Completion of the said proposed Improvement in the said *Newry* Navigation, and when and so soon as the said Canal and Navigation shall be put into sufficient Order and Repair for the general Purposes of Navigation and Commerce, and of the Ships, Boats, and Vessels navigating the same and trading to the Port of *Newry*, to the Satisfaction of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to be signified to the said Company by the Chief Secretary of such Lord Lieutenant or other Chief Governor or Governors of *Ireland*, the said Canal and Navigation, with the Docks, Ground, and other Property, Real, Chattel, or Personal, belonging to the same, shall from thenceforth become the sole and exclusive Property of the said Company, freed and discharged from all Interference and Control or Superintendence of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of any other Person or Persons, or Body or Bodies Politic or Corporate whomsoever, but subject nevertheless to the Payment and Satisfaction of all Sums of Money due from, and of all Debts, Charges, and Engagements entered into by, the said Company, and chargeable upon the said Navigation.

When the proposed Improvements are completed, the Property to vest in the Company.

CLV. Provided always, and be it enacted, That in case it shall be made appear, from any Report of any Person or Persons who shall be appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to inspect, superintend, and examine the Proceedings of the said Company, that the Improvement of the said Canal shall be wilfully neglected or abandoned by the said Company, so that the Public cannot have the Benefit of the Navigation thereof to the full Extent which is by this Act intended, or in case the said intended Canal or other Improvement of the Navigation shall not be fully completed and made navigable within the Term of Seven Years, to be computed from the Time when the said *Newry* Navigation Company shall receive Possession of the said Canal under this Act, so that all Ships and Vessels trading to the Port of *Newry* by means of the said Canal or Navigation may pass along the whole Line of such Canal or Navigation to the Town of *Newry*, then and in either of such Cases, at any Time after any such Report shall have been made as aforesaid, or at any Time after the Expiration of the said Term of Seven Years, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to order and direct that the Powers, Authorities, Rights, and Privileges given by this Act to the said *Newry* Navigation Company shall cease and determine, and that the said Canal, and the Works, and Funds and Tolls, and the Property, Real, Chattel, and Personal, belonging or relating to the same, shall be and become vested in the Directors General of Inland Navigation for the Time being, for the Benefit of the Public, in like Manner as the several other Inland Navigations of *Ireland* are vested in the said Directors under or by virtue of the Act of the Fortieth Year of His late Majesty's Reign herein-before recited; and from and immediately after the Signification of such Order to the said *Newry* Navigation Company, by or from the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, all the Powers and Authorities, Rights and Privileges of the said

Manner of proceeding if the Improvement of the Canal be neglected by the Company, or if it be not completed within Seven Years.

Newry Navigation Company shall accordingly cease and determine; and the said Canal and Navigation, and all Works, Funds and Tolls, and Property belonging thereto, and all Books, Papers, Plans, Estimates, and Documents in any way relating to or concerning such Navigation, shall be and become vested in the said Directors of Inland Navigation; and in case such Proceeding shall take place after the Expiration of the said Term of Seven Years, and if a Report shall be made to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by any Person or Persons appointed as aforesaid to inspect, superintend, and examine the Proceedings of the said Company, that the said Company have not been guilty of any wilful Neglect in or Abandonment of the Improvement of the Navigation of the said Canal, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct and authorize the Payment of any such Sum or Sums of Money as such Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall in his or their Discretion think proper, not exceeding the actual Value of any Improvements made by the said Company in pursuance of this Act in or upon the said Navigation, and which shall be then existing and in use in or upon or relating to the said Canal and the Navigation thereof; and such Sum or Sums of Money shall be paid and distributed for the Benefit of the Members or Proprietors of the said Company, in proportion to the Amount of their several Shares, at such Times and in such Manner as shall be ordered and directed by such Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Saving the
Rights of
Lords of
Manors.

CLVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent, hinder, or prejudice the Rights of Fishery and other Manorial Rights, Privileges, and Authorities which the Lords of Manors through which the said Canal and Works extend heretofore held, exercised, and enjoyed in or upon the said Canal, but that such Lords of Manors shall for ever hereafter hold, exercise, and enjoy the same Rights of Fishery, and other Manorial Rights, Privileges, and Authorities, in, over, and upon the Canal and Works executed under and by virtue of this Act, as they heretofore held, exercised, and enjoyed in the said Canal before the passing of this Act.

Public Act.

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

SCHEDULE (A.)

Of the Rates to be paid for Ballast.

	<i>s. d.</i>
For every Ton of Ballast furnished and laid down, at whatever Place the said Navigation Company may appoint from Time to Time, for the Purpose of ballasting Vessels in the Port of Newry - - - - -	1 0
For every Ton of Ballast landed or discharged in the Port of Newry - - - - -	1 0

SCHEDULE (B.)

Of the Rates of Pilotage at the Port of Newry.

	<i>s. d.</i>
For every Foreign Vessel inward bound, boarded Twelve Miles distant from the Bar of Carlingford, Clougher Head bearing N. W. in 25 Fathom Water, and Carlingford Light bearing N. distant 14 Miles, or the Mountain Foot bearing N. N. E. distant 12 Miles, and Carlingford Light bearing W. N. W. distant 12 Miles, the Sum per Foot of Draft of - - -	5 0
For every British Vessel from Foreign Parts - - - - -	3 6
For every Cross-channel Trader or Coaster - - - - -	2 6
For every Foreign Vessel, boarded at any Distance outside the Bar of Carlingford, not exceeding Five Miles therefrom, the Sum per Foot of Draft of - - - - -	3 6
For every British Vessel from Foreign Parts - - - - -	2 6
For every Cross-channel Trader or Coaster - - - - -	1 6
For every Foreign Vessel, boarded between the Point of Greenore, and at any Distance outside the Bar of Carlingford, the Sum per Foot of Draft of - - - - -	2 0
For every British Vessel from Foreign Parts - - - - -	1 6
For every Cross-channel Trader or Coaster - - - - -	0 9
For every Foreign Vessel outward bound, to a safe Distance outside the Bar of Carlingford, per Foot of Draft of - - -	2 6
For every British Vessel bound to Foreign Parts - - - - -	1 9
For every Cross-channel Trader or Coaster - - - - -	1 3

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