



ANNO UNDECIMO

GEORGII IV. REGIS.

Cap. cxxii.

An Act for making and maintaining a Navigable Cut or Canal from Lough *Corrib* to the Bay of *Galway*, and for the Improvement of the Harbour of *Galway*. [17th *June* 1830.]

WHEREAS the Town of *Galway*, and the Wealth and Importance thereof, are by the Extension of Commerce considerably increased, and are likely to increase: And whereas the Commerce of the said Town and its Neighbourhood has been of late much augmented by the Growth of Agriculture along the Banks of Lake *Corrib*, which Lake is navigable from the Town of *Galway* for many Miles: And whereas although the Distance of the said Lake from the Sea at *Galway* is not a Quarter of a Mile, there is yet no navigable Communication between the said Lake and the Sea: And whereas a Canal from the said Lake to the Sea would greatly promote the Improvement of the Counties of *Galway* and *Mayo*, as well as of the said Town, by bringing into Cultivation vast Tracts of Land hitherto unreclaimed for Want of such Communication: And whereas by reason of the contracted and dilapidated State of the Docks and Quays of *Galway*, Vessels of Burden cannot with Safety or Convenience be brought to the said Port, whereby the Trade thereof is greatly impeded: And whereas in addition to the said Canal, the Construction of suitable Docks and Quays would greatly facilitate and augment the Trade of the said Town and

[*Local.*]

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Neigh-

Appointing
Commis-
sioners.

Commis-
sioners to
be a Body
Corporate.

Neighbourhood: And whereas the Inhabitants of the said Town and Neighbourhood have agreed upon the Scite herein-after described for the Construction of the said Canal and Docks and Quays: And whereas it would be highly beneficial to the said Inhabitants that the same should be constructed in manner herein-after mentioned, but the same cannot be effected without the Aid and Authority of Parliament: 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 the Honourable *Martin Ffrench*, the Right Reverend *Edmund Ffrench*, the Very Reverend *James Daly*, Sir *Francis Lynch Blossse* Baronet, Sir *John Burke* Baronet, Sir *George M Staunton* Baronet, *James Daly*, *James Staunton Lambert*, *James O'Hara*, *Richard Adams*, *John Atkinson*, *Anthony R Blake*, *Charles Blake*, *John Blake*, *Henry Blake*, *Valentine Blake*, *Thomas Bodkin*, *James Browne* the younger, *Charles Browne*, *Dominick Geoffrey Browne*, *James Hardiman Burke*, *James Burke*, *Patrick M Burke*, *Laurence Burke*, *Denis Clarke*, *Austin Cooper*, *James Costello*, *John Darcy Clerk*, *James Duggan*, *Robert Hedges Eyre*, *William Henry Ellis*, *Francis Fitzgerald*, *James Fynn*, *Reuben Hughes*, *John Ireland*, *Arthur Ireland*, *James Joyes*, *Patrick Joyes*, *Richard Joyes*, *John Kelly*, *Martin Kineavy*, *Patrick M Lynch*, *Richard M Lynch*, *Mark Anthony Lynch*, *Edward Mac Donnell*, *Lachlan Machlachlan*, *Thomas B Martin*, *Robert Martin*, *John Mitchell* the younger, *David Mitchell*, *John Moore*, *Martin Morris*, *John O'Hara*, *Dudley Persse*, *Burton Persse*, *John L Reilly*, *Richard J Mansergh St. George*, *Arthur French St. George*, *John Stephens*, *James Stephens*, *Samuel Stone*, *John Whaley*, *Thomas L Whistler*, and their Successors, are and shall be One Body Corporate by the Name of "The *Galway Harbour Commissioners*;" and that when any One or more of the said Persons in this Act mentioned by Name as Commissioners, or any Person or Persons to be hereafter elected, shall die or cease to be a Commissioner, then and in every such Case it shall and may be lawful to and for the Commissioners for the Time being, at any Meeting for the Purposes of this Act, to elect and appoint any fit Person or Persons to be a Commissioner or Commissioners in the Place of any such Person or Persons so then deceased or ceasing to be a Commissioner, so as to keep the Number of Commissioners equal to the Number appointed by this Act; and such Commissioners shall have One Common Seal, and shall and may sue and be sued in all Courts of Law or Equity in any Cause or Causes or Suit or Suits by or against them, and may take any Securities upon any Contracts by them for any Purposes authorized by this Act by and in the said Corporate Name as aforesaid, in order to the more effectually carrying this Act into execution.

Qualification
of Commis-
sioners.

II. And be it further enacted, That no Person hereafter to be elected shall be capable of acting as a Commissioner in the Execution of this Act unless he shall in his own Right, or in the Right of his Wife, be possessed of, or in the Receipt of the Rents, Issues, and Profits of Freehold or Copyhold Land, Tenements, or Hereditaments of the clear yearly Valuation of One hundred Pounds above Reprizes,

or possessed of a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Three thousand Pounds above Reprizes, or unless he be Heir Apparent of a Person possessed of or in the Receipt of the Rents, Issues, and Profits of Freehold or Copyhold Lands, Tenements, and Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes; and if any Person not qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath herein-after mentioned, or, being a Quaker, not having made and subscribed the Affirmation herein-after mentioned, shall nevertheless presume to act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Dublin* or elsewhere, by Action of Debt or on the Case, where no Essoign, Protection, or Wager of Law, or more than One Impar lance, shall be allowed; and the Person so prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person had acted as a Commissioner in the Execution of this Act: Provided always, that all Acts that shall have been done by any such Person touching the Execution of this Act, previous to his being convicted of or a Verdict given against him for the Offence before mentioned, shall, notwithstanding such Conviction or Verdict, be as valid and effectual as if such Person had been duly qualified to act as a Commissioner according to the Directions of this Act.

Penalty for acting if not qualified.

III. Provided always, and be it further enacted, That no Person hereafter to be elected shall be capable of acting as a Commissioner in the Execution of this Act (save in administering the Oath or Affirmation following to the other Commissioners) until he shall have taken and subscribed the Oath or Affirmation following before any Two or more of the Commissioners, who are hereby authorized to administer the same; (that is to say,)

Oath of Qualification to be taken before acting.

‘ I *A.B.* do swear, [*or, being one of the People called Quakers, do solemnly, sincerely, and truly affirm and declare,*] That I am truly and *bonâ fide* in my own Right, *or* in the Right of my Wife, [*as the Case may be,*] possessed of, or in the Receipt of the Rents, Issues, and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, [*or am Heir Apparent of* _____ who, to the best of my Knowledge and Belief, is seised and possessed of, or in the Receipt of the Rents, Issues, and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes, *or am possessed of a Personal Estate alone, or of a Real and Personal Estate together, to the Amount or Value of Three thousand Pounds, after the Payment of all my just Debts,*] and that I will discharge the Duty of a Commissioner without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.’

[*Except that in the Case of Persons called Quakers, the Words ‘ So help me God’ are to be omitted.*]

IV. And

Meetings of
Commis-
sioners.

IV. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act, from Time to Time and at all Times hereafter, to meet and assemble whensoever and wheresoever within the said Town of *Galway* as they may think proper for any of the Purposes in this Act; and that unless otherwise specially provided, all Powers and Authorities by this Act granted to the said Commissioners shall and may be exercised by the major Part of the Commissioners who shall attend at any Meeting to be holden in pursuance of this Act, the whole Number of the Commissioners present at such Meeting not being less than Seven; and all the Acts, Orders, and Proceedings of the major Part of such Commissioners present at any such Meeting, for any Purpose whatsoever, shall have the same Force and Effect as if the same were made or done by all the said Commissioners for the Time being; and at every Meeting of the said Commissioners a Chairman shall and may be appointed; and when and as often as it shall happen that there shall be an Equality of Votes on any Question, including the Vote of the Chairman, then and in every such Case the Chairman shall have and he is hereby empowered to give One additional decisive or casting Vote: Provided nevertheless, that if such Chairman so appointed shall leave or quit such Meeting before the Adjournment of the same, then and in such Case the remaining Commissioners present at such Meeting, not less than Seven, shall and may nominate and appoint another Chairman, being a Commissioner present at such Meeting, to replace the said former Chairman, and to preside at such Meeting as aforesaid during the Remainder of the Time of such Meeting, until the same shall be adjourned.

Proceedings
to be entered
in Books,
which may
be read as
Evidence.

V. And be it further enacted, That the Commissioners for the Execution of this Act shall cause to be provided and kept a proper Book and Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Commissioners as shall be present at the several Meetings; and all Entries in such Books, being signed by the Chairman then present, shall be deemed Originals; and the said Entries, or Copies thereof respectively duly attested by the Clerk of the Commissioners for the Time being, and proved to have been compared with the Originals and to be true Copies respectively, shall be allowed to be read as Evidence in all Causes, Prosecutions, Suits, and Actions, and shall be deemed and taken to be, to all Intents and Purposes, good Evidence of all Matters required to be inserted therein, and of all Acts and Proceedings of the said Commissioners touching and concerning any thing done in pursuance of this Act, whether the Commissioners under this Act shall be Parties in such Cause, Prosecution, Action, or Suit, or not; and such Books shall at all Meetings of the said Commissioners, and at all other reasonable Times, be kept open and liable to the Inspection of all and every the Commissioners, and that any of the said Commissioners shall and may have and take Copies thereof.

Commissioners may give
Orders for
Expences,
and appoint
Officers.

VI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time, when and as often as they shall think necessary or expedient, at any such Meeting to give and sign Orders for the Payment of all Expenditures which they shall deem and judge to be necessary for carrying into execution the
Purposes

Purposes of this Act, and to elect and appoint a Treasurer without Salary, a Clerk at a Salary not exceeding One hundred Pounds *per Annum*, and any Receiver or Receivers, Collector or Collectors of the several Tolls, Dues, and Customs herein-after mentioned: Provided always, that such Payment for all such Expenditures and for such Salary shall be made out of such Sums of Money as shall be received by the said Commissioners in pursuance of this Act.

VII. And be it further enacted, That no Person who shall be a Commissioner under this Act shall, during the Time he shall be such Commissioner, hold any Place or Office of Profit or Emolument connected with the Execution of this Act, or enter into any Contract with the said Commissioners, or be Surety for any Person contracting with the said Commissioners; and if any Person being such Commissioner shall accept any Place or Office under this Act, or shall enter into or be concerned or interested in any Contract, or shall be Surety for any Person contracting with the said Commissioners, such Person shall cease to be a Commissioner from the Time of his Appointment to and Acceptance of such Place or Office, or of his entering into or being concerned in such Contract, or becoming Surety for any Person contracting with the said Commissioners, as the Case may be; and in case any Person or Persons so ceasing to be a Commissioner or Commissioners as aforesaid shall do any Matter or Thing in the Execution of this Act after he or they shall so cease to be a Commissioner or Commissioners, he or they shall incur for every such Offence a Penalty of One hundred Pounds, to be recovered in any of His Majesty's Courts of Law in *Dublin* by any Person who shall sue for the same; provided however, that all such Act or Acts as he or they shall do as Commissioner or Commissioners before Conviction, or a Verdict given against him or them for such Offence, shall be good and valid in Law, any thing in this Act contained notwithstanding.

Commissioners not to hold Office or Employment under the Act, or be concerned in Contracts.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, to take such sufficient Security from their Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officer or Officers to be appointed for the Purposes of this Act, for the due and faithful Execution of their respective Offices, as they the said Commissioners shall think fit and proper; and that no such Treasurer, Receiver, Collector, or other Officer shall be permitted to enter upon such their Office respectively until they shall have given such Security.

Security to be taken from Treasurer.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as the Clerk to the said Commissioners in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner or Partners, to be the Treasurer for the Purposes of this Act, nor to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person or Persons in the Service or Employ of any such Treasurer or of his Partner or Partners, the Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Pur-

Clerk and Treasurer not to be the same Person.

poses of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or the Clerk or other Person in the Service or Employ of the Partner of such Treasurer, or of his Partner, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Company (other than as 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 at *Dublin*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

Treasurer to keep Accounts of Money received and paid by him.

X. And be it further enacted, That every Treasurer to be appointed by the said Commissioners shall and he is hereby required and directed to keep distinct Accounts of the Monies by him received and paid for and on account of the said Commissioners, and from Time to Time, by and out of the Monies in his Hands, to pay and discharge all such Sum and Sums of Money as the said Commissioners at any of their Meetings shall from Time to Time direct and appoint.

Officers to account with Commissioners.

XI. And be it further enacted, That every such Treasurer, Clerk, Surveyor, Receiver, Collector, or other Officer so to be appointed shall, as often as they shall be thereunto required by the said Commissioners, render and deliver to the said Commissioners, or to such Persons as they shall appoint, distinct, true, and perfect Accounts in Writing, signed with their own Hands respectively, 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 Officer or Persons respectively received by virtue of such Appointment, or for or on account of the said Commissioners, and how much thereof hath been applied, and for what Purpose or Purposes, together with proper and legal Receipts and Vouchers for such Payments respectively, and shall pay all such Monies as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they the said Commissioners shall from Time to Time direct and appoint; and if any such Officer or Person so appointed as aforesaid shall not render and deliver, signed with his own Hand, all and every such Statement and Accounts within a reasonable Time after he shall have been thereunto required as aforesaid, or shall not produce and deliver up the Receipts and Vouchers relating to all Monies received and paid by him or them, or shall not pay the Monies received or in his Hands to such Commissioners, or to such Person as the said Commissioners shall direct or appoint, or shall not deliver up to such Commissioners, or to any other Person or Persons whom they shall appoint, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, within Two Days next after he or they shall be required so to do by a Notice in Writing signed by the Clerk of the said Commissioners, and delivered to and left at the last or usual

Manner of Proceeding in case of Default.

Place of Abode of such Officer or Officers, then and in such Case it shall be lawful for the said Commissioners, and they are hereby required, authorized, and empowered, to bring or cause to be brought any Action or Actions against any such Officer or Officers, so neglecting or refusing as aforesaid, for the Recovery of the Money that shall be in the Hands of such Officer or Officers, or against the Person or Persons having become Surety for him or them, or his or their or any of their Executors or Administrators; or it shall be lawful for such Commissioners, or any other Person whom they shall direct and appoint for that Purpose, to make Complaint of any such Refusal or Neglect as aforesaid to the Mayor of the said Town of *Galway*, or any One Justice of the Peace for the County of the said Town, or to any One Justice of the Peace for the County, County of a City or Town, Borough, or Place wherein such Officer so neglecting or refusing shall be or reside, and thereupon it shall be lawful for such Mayor or Justice of the Peace, and he is hereby authorized and empowered, by Warrant under his Hand and Seal, to cause such Officer or Officers so neglecting or refusing, and against whom such Complaint shall be made, to be brought before him, and upon his appearing or not being to be found to hear and determine the Matter in a summary Way; and if upon the Conviction of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, or upon the Testimony of any credible Witness or Witnesses of the People called *Quakers* upon Affirmation, which Oath or Affirmation such Mayor or Justice is hereby empowered to administer, it shall appear to such Justice that any of the Monies that shall have been received by any such Officer or Person shall remain due from any such Officer or Person, then it shall be lawful for such Mayor or Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Money, and all Costs, Charges, and Expences incurred and to be incurred by such Complaints to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels of such Officer and Person can be found sufficient to answer and satisfy the said Money, and the full Costs, Charges, and Expences of distraining, removing, and selling the said Goods, Chattels, and other Effects, and all such Costs and Charges as aforesaid, or if it shall in manner aforesaid appear to such Mayor or Justice of the Peace that such Officers or Persons shall not have rendered such perfect and true Accounts signed as aforesaid, or shall have detained any Receipts or Vouchers, Documents, Books, Papers, or Writings as aforesaid, then and in each and every of such Cases such Mayor or Justice shall commit every such Offender to the Common Gaol or House of Correction of the County, County of the City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have rendered, signed, and delivered as aforesaid such true and perfect Accounts as aforesaid, and shall have delivered as aforesaid all Receipts and Vouchers relating thereto, and shall have paid all such Monies remaining in his Hands, or shall have compounded with the said Commissioners for all such Money, to their Satisfaction, and shall have paid the Amount of such Composition in such Manner as they shall approve, and which Composition the said Commissioners are hereby empowered to make
and

and accept, or until he shall have delivered all such Books, Papers, and Writings aforesaid in his Custody or Power, or shall have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no such Officer or Person so committed as aforesaid shall be detained and kept in Prison by virtue of any such Warrant for any longer Space of Time than Six Calendar Months.

Proceedings
against Prin-
cipals not to
release Sure-
ties.

XII. Provided always, and be it enacted, That no Prosecution, nor any Commitment, Action, or other Proceeding of or against any Treasurer or other Officer by the said Commissioners, shall in any Manner acquit, release, or discharge any Security which shall or may have been accepted by or given to or for the said Commissioners for the due and faithful Execution of the Duties of any Office or Appointment, or for the due and punctual Payment and Application of the Monies received by any such Treasurer or Officer in pursuance or by virtue of any such Office or Appointment, or for the proper Observance and Performance of the Duties enjoined on any such Treasurer or other Officer by virtue of this Act, nor shall acquit, release, or discharge in any Manner any Person or Persons who shall have become bound as Surety for or in behalf of such Treasurer or other Officer to the said Commissioners.

Accounts to
be kept, and
published
yearly.

XIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Secretary shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, and laid out and expended under this Act, and the several Articles, Matters, and Things for which any Sum of Money shall be disbursed, laid out, and paid, and in the Month of *August* in every Year to print, publish, and circulate in the said Town an Account of the Sums received and expended in each Year; which Book or Books shall at all seasonable Times be open to the Inspection of every Commissioner, without Fee or Reward, and any such Commissioner shall or may take Copies of or Extracts from any such Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case any such Clerk shall refuse to permit or shall not permit any such Commissioner to inspect the same, or to take such Copies or Extracts therefrom as aforesaid, or shall not print, publish, and circulate such annual Accounts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner by this Act directed.

Certified
Copies of
Orders to be
Evidence.

XIV. And be it further enacted, That in all Proceedings whatsoever, and in all Courts of Law and Equity, and before all Magistrates, a Copy of any Bye Law, Order, or Proceeding or Regulation of the said Commissioners, certified under the Hands of any Three or more of the said Commissioners to be a true Copy of such Bye Law, Order, or Proceeding, or Regulation respectively, shall be deemed and taken to be and shall be sufficient Evidence that the Bye Law, Order,

or

or Proceeding, or Regulation so certified was or is the Bye Law, Order, Proceeding, or Regulation of the said Commissioners in the said Certificate set forth.

XV. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized, by themselves, their Agents, Officers, Contractors, Workmen, and Servants, to commence the cutting, making, forming, and completing, and to cut, make, join, excavate, and complete One Canal or Water Communication from the Bight or Marsh between the Town and Quay of *Galway* on the one Side, and the Lands called *Fort Hill*, on the other Side, into *Lough Corrib*, passing between the Provincial Banking House and *Arthur Ireland's* Stone in the Line of, adjacent to the old Town Ditch, and continued through *William's Gate*, *Puxley's Garden*, *Suckun*, and the Channel of the Wood Quay and *Horse Island*, into the said Lough, and to deepen, widen, or otherwise improve the said Channel, and such other Parts of the Channel in *Lough Corrib* as to them may seem expedient, and also to clear away such Rocks or Shoals, and set up such Beacons or Landmarks for facilitating the said Navigation, as may be deemed expedient; and to make and construct in the said Bight or Marsh situate between the Town and Quay of *Galway* on the one Side, and the Lands of *Fort Hill* on the other Side, One Floating Dock or Floating Docks, and also One Tide Basin or Tide Basins, and all proper and useful Quay and Quays, Wharfs, Landing Places, and Warehouses adjoining thereto, together with all such other Erections as may be advantageous to the Shipping frequenting the said Port of *Galway*; and to lay down Buoys, Perches, and Moorings, and erect and set up Landmarks and Lights, in such Parts and Places of the said Navigation or the adjoining Lands, for the Guidance and Safety of Vessels, as the said Commissioners 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 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 Commissioners 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 Commissioners, 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

Commis-
sioners em-
powered to
make Canal
and other
Works.

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, Stones, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things 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, Merchandize, and other Things to and from the said Navigation; and also to make, build, drive, erect, and set up in, upon, or over the said Navigation, or in or upon the Lands adjoining thereto respectively, such and so many Swivelbridges, Tunnels, Drains, Aqueducts, Culverts, Sluices, Locks, Flood Gates, Weirs, Banks, Drains, 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 Commissioners 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 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 Commissioners shall think proper and expedient; and also to dig, take, and carry away any Soil, Clay, Gravel, Sand, or Stone, 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 Commissioners 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 Commissioners, their 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 true Owners or Proprietors, Tenants or Occupiers of, and all Persons interested in, the Lands, Tenements, Hereditaments, Waters, Water-

courses, 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 Commissioners, and their 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 Provisoos and Restrictions as are herein-after mentioned.

XVI. And whereas a Map or Plan describing the Line or Course of the said Canal and Docks, together with a Book 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 deposited at the Office of the Clerk of the Peace for the said County of *Galway*; be it therefore enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk 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 Sixpence more for every Hour during which such Inspection shall continue after the First Hour, 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 Map or Plan and Book or 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.

Plan and Book of Reference to remain with Clerks of the Peace, and be open to Inspection.

XVII. Provided always, and be it further enacted, That the said Commissioners, in making the said Canal and Docks, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan, and set forth in the said Book of Reference.

Not to deviate more than 100 Yards from Plan.

XVIII. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Commissioners, or any Interruption be given to the making of the said Canal and Docks 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 and for the said County of the Town of *Galway*, and be certified in Writing under their respective Hands, that such Error or Omission proceeded from Mistake.

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

XIX. And be it further enacted, That it shall and may be lawful to and for the Commissioners for the Execution of this Act, and they are hereby authorized and empowered, for the Purposes in this Act mentioned, or any of them, to purchase, pursuant to the Provisions herein-after contained, any Lands, Grounds, Messuages, Tenements, Hereditaments, or Rights whatever which the said Commissioners shall deem it expedient to purchase or make use of for or towards any of the Purposes in this Act mentioned; provided however, that

Commissioners may purchase Lands.

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in case the said Commissioners shall not purchase such Lands and other Premises within the Space of Five Years from the passing of this Act, then and in such Case it shall not be lawful for the said Commissioners to purchase any of the said Lands or other Premises so remaining unpurchased, without the Consent in Writing of the Owners thereof first had and obtained.

All Persons and Bodies Politic, &c. empowered to convey Lands.

XX. And be it further enacted, That it shall be lawful for any Owner or Proprietor, and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whomsoever, or any other Person or Persons, not only for or on behalf of themselves, but also for and on behalf of any Infants, Females Covert, Cestuique Trust, and for all and any other Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any Lands, Grounds, Messuages, Tenements, Hereditaments, or Rights, either for their own Use or Benefit, or for the Use of or in Trust for such Person or Persons as aforesaid, to contract and agree with the Commissioners for the Execution of this Act to sell and convey or to demise to them all or any such Lands and Hereditaments or Rights, or any Part or Parts thereof, which may be required for the Purposes of this Act, and to contract and agree for the Recompence and Satisfaction to be made for any Damage or Loss that may be sustained by any such Persons or Corporations respectively by the Construction and making of such Canal, Docks, and Quays respectively, as Occasion shall be and require; and all Contracts, Sales, and Conveyances which shall be so made shall be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

If Parties cannot agree, a Jury to be called to value the Premises.

XXI. And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, or Trustees, or any other Person or Persons interested in any of the Lands, Grounds, Messuages, Tenements, or Hereditaments mentioned and specified in the Schedule annexed to this Act, upon Notice to him, her, or them given in Writing, or left at the Dwelling House or Houses or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, Messuages, Tenements, Hereditaments, or Rights so to be used or taken or damaged for the Purposes of this Act, shall, by the Space of Fifteen Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises,

Premises, or by reason of Absence shall be hindered from treating, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, authorized, and directed, from Time to Time to issue a Warrant or Warrants or Precept or Precepts to the Sheriffs of the County of the Town of *Galway*, or if either of the said Sheriffs shall be interested in the Lands, Grounds, Messuages, Tenements, or Hereditaments then intended to be purchased, or any of them, or of any Part thereof, then to the other of the said Sheriffs, or if both the said Sheriffs shall be so interested, then to any other Person or Persons, not being a Commissioner or Commissioners or interested as aforesaid, who are hereby authorized, directed, and required accordingly to summon, return, and impanel respectively a competent Number of substantial Persons to serve on Juries, nor less than Sixty nor more than Eighty, out of which Persons so qualified, summoned, returned, and impanelled a Jury of Twelve Persons shall be drawn by some Persons to be by the said Commissioners appointed, in such Manner as Juries for the Trial of Issues joined in His Majesty's Four Courts in *Dublin* shall be by Law directed; which Persons so summoned and returned and impanelled as aforesaid are hereby required to come and appear before the said Commissioners at such Time and in such Place within the County of the Town of *Galway* as in such Warrant or Warrants or Precept or Precepts shall be directed and appointed, and to attend the said Commissioners from Day to Day and Hour to Hour, and Place to Place within the said County of the Town of *Galway*, until discharged by them; and all Persons concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not be at liberty to challenge the Array.

XXII. And be it further enacted, That in all Cases of Trials by Jurors before the said Commissioners, or where, after the Appearance of a full Jury, it shall so happen, either by means of Challenge or otherwise, that there shall be a Default of Twelve Jurors for such Trial, it shall and may be lawful to and for the said Commissioners to issue their Precept as aforesaid, commanding the Person or Persons to whom the same shall be directed as aforesaid to impanel from Time to Time so many other Persons as shall make up a full Jury of Twelve, which Persons so to be impanelled shall be added to the former Panel; and all Parties interested in such Trials shall have their Challenges to the Jurors so added to the former Panel as if they had been originally summoned; and the said Commissioners are hereby authorized, empowered, and directed, by Summons or Summonses, from Time to Time, as Occasion may require, to call before them all and every Person and Persons whatsoever who shall be thought proper and necessary as Witness or Witnesses, and to examine them on their Oath or Oaths touching or concerning the Premises, which Oath any One of the said Commissioners is hereby authorized, empowered, and directed to administer; and the said Commissioners, if they shall think fit, shall and may authorize and require the said Jury, or any Three or more of them, to view the Lands, Grounds, Messuages, Tenements, Hereditaments, or Rights then intended to be valued, or any Part or Parts thereof; and the said Commissioners

Remedy in case of Deficiency of Jurors.

Witnesses may be summoned.

Jury may view the Premises.

[*Local.*]

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shall

Jury to make
due Inquiry,
and assess
the Value or
Recompence
to be paid.

shall have Power to adjourn such Meeting from Day to Day and Place to Place, as Occasion shall require, and to command such Juries and Witnesses and Parties to attend until the Business for which they shall be summoned by virtue of this Act shall be concluded; and the said Jury shall, upon their Oaths, fairly, truly, and impartially inquire of the Value of such Lands, Grounds, Messuages, Tenements, or Hereditaments, and of the respective Estates, Right, Title, Term, and Interest of every Person and Persons seised or possessed thereof or interested therein, or of or on any Part thereof, or of any Estates, Rights, Titles, Terms, and Interests therein, or what Loss or Damages will or may be sustained by, and what Recompence and Satisfaction ought to be made to, any Owner, Proprietor, or Occupier of, or other Person or Persons interested in, any Lands, Grounds, Messuages, Tenements, Hereditaments, or Rights, for the Purposes of this Act, and shall assess or award the Sum or Sums to be paid to every such Person or Persons for the Purchase of such their respective Estates, Rights, Titles, Terms, and Interests therein, or as a Recompence for any such Loss or Damage; and if it shall not be made appear to the said Jurors what Person or Persons is or are entitled to the respective Estates, Rights, Titles, and Interests which may be subsisting therein respectively, then it shall and may be lawful to and for the said Jury to inquire and ascertain and find the Value of such Lands, Grounds, Messuages, Tenements, or Hereditaments, or any of them, as of an Estate in Fee Simple, without specifying the Person or Persons entitled to the same, or to ascertain and find the Value of any Estate or Interest therein, or the Amount of Recompence or Satisfaction for Damages which shall be claimed or shall appear to the said Commissioners, without specifying the Person or Persons entitled to the same respectively; and every such Judgment respectively of such Commissioners shall be fairly written on Parchment, and signed by Three of the Commissioners at the least, and sealed with their Corporate Seal, and shall be entered on the Rolls in His Majesty's High Court of Chancery in *Ireland*; and such Entries respectively, or true Copies thereof, shall be deemed and taken in all Courts of Law and Equity to be good, full, and sufficient Evidence of the several Matters therein set forth, and also of the due Performance of all previous Matters necessary under this Act to the Validity thereof, and shall in all Cases, whether in or out of Court, be taken and received as such Evidence accordingly; and after the said Jury shall have inquired of, ascertained, and settled the Value of such Lands and Premises, or the Amount of such Damage or Recompence, the said Commissioners shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to such Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury; and such Verdict or Inquisition, and Judgment, Order, or Determination, so had and made, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, or Remainder, in Fee, or in Tail, General or Special, or for Life or Lives, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and

Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all Persons whomsoever.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to impose any reasonable Fine not exceeding Twenty Pounds, upon the Sheriffs, their Deputy or Deputies, Bailiffs or Agents respectively, and on all Persons to whom any Precept shall be directed as aforesaid, who shall make default in the Premises, and on any Person or Persons summoned and returned upon such Jury as aforesaid who shall not appear, or who appearing shall refuse to be sworn or to give his or their Verdict, or who shall in any other Manner wilfully neglect his or their Duty, contrary to the true Intent and Meaning of this Act, having no reasonable Excuse, to be allowed by the said Commissioners, and also on any Witness or Witnesses who shall not attend, being duly summoned to give Evidence as aforesaid, or who shall appear and refuse to give Evidence, and from Time to Time to levy such Fine or Fines, by virtue of any Warrant under the Seal of the said Commissioners, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him or them the Overplus, after such Penalty, and the Costs and Charges of such Distress and Sale, shall have been deducted; and all such Fines so recovered shall be applied towards the Purposes of this Act.

Fines may be imposed upon Jurors, Sheriffs, and Witnesses, for Default.

XXIV. And be it further enacted, That all Persons who shall, in any Examination to be taken upon Oath by virtue of this Act, wilfully and corruptly give false Evidence, or otherwise forswear themselves respectively, before such Jury, or any Justice of the Peace acting as such in the Execution of this Act, shall be deemed guilty of Perjury, and shall, upon Conviction thereof, be subject to the same Pains and Penalties as Persons guilty of Perjury are or shall from Time to Time be by the Laws subject and liable to.

Persons swearing falsely may be indicted for Perjury.

XXV. And be it further enacted, That in any Case in which any Jury shall give or deliver a Verdict for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands, Grounds, Messuages, Tenements, or Hereditaments, or for any Loss or Damage to be by him or them sustained, than what shall have been offered by the Commissioners for the Execution of this Act, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any Right, Interest, Property, Loss, or Damage as aforesaid, then and in such Case the Costs and Expences of summoning the said Jury, and summoning and maintaining Witnesses, shall be borne and paid by the Treasurer to the said Commissioners out of any Money to arise by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Sixty Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any of the Goods and Chattels vested in the said Commissioners, or of any of the Goods or Chattels of the said

How Expences of Juries shall be paid.

said Commissioners in Possession of the Treasurer to the said Commissioners, under a Warrant to be issued for that Purpose by the Mayor of the County of the Town of *Galway*, or by any Justice of the Peace for the County of the said Town, which Warrant any such Mayor or Justice is hereby authorized and empowered to issue under his Hand and Seal, on Application made to him for that Purpose by the Party or Persons entitled to receive such Costs and Expences; but if such Jury shall give in and deliver a Verdict of Assessment for the same or a less Sum of Money than shall have been offered by or on behalf of the said Commissioners as aforesaid, before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, then one Moiety of the Costs and Expences of summoning the said Jury, and summoning and maintaining the said Witnesses, and of the Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by the Mayor of the County of the Town of *Galway*, or by some Justice of the Peace for the County of the said Town, not personally interested in the Matter in question, who is hereby required to examine and settle the same at a Time and Place to be by him appointed for the Parties interested therein to attend him for that Purpose, shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so adjudged and assessed; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the Treasurer to the Commissioners by such Ways and Means as are herein-after provided for Recovery of the Penalties and Forfeitures imposed by virtue of this Act; and the other Moiety of the said Costs and Expences shall be borne and paid by the Treasurer of the said Commissioners out of any Money to arise by virtue of this Act; and in case such Moiety of the said Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Twenty-one Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any of the Goods and Chattels vested in the said Commissioners, or of any of the Goods and Chattels of the said Commissioners in the Possession of the said Treasurer of the said Commissioners, under a Warrant to be issued for that Purpose by the Mayor of the County of the Town of *Galway*, or by any Justice of the Peace for the said County of the said Town, which Warrant the said Mayor or Justice is hereby authorized and empowered to issue under his Hand and Seal, on Application made to him for that Purpose by the Party or Person entitled to receive such Moiety: Provided always, that in all Cases where any Valuation shall have been had or made as aforesaid, by reason of the said Commissioners not knowing or not being able to find the Person or Persons entitled to any such Premises, then and
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in such Case all such Expences shall be borne and paid by the said Commissioners out of the Money to be raised or received under and by virtue of this Act.

XXVI. 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, Hereditaments, or Premises, or Compensation for any Damages, as herein-before mentioned, to the Proprietor or Proprietors of any such Lands, Hereditaments, or 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 Commissioners, and their Agents, Servants, or Workmen, immediately to enter upon the said Lands, Hereditaments, or Premises respectively; and then and thereupon the same 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 Commissioners 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 every other Person whomsoever therein.

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

XXVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Grounds, Messuages, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other 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 *Galway* Harbour Commissioners," 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, if the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Grounds, Messuages, Tenements, or Here-

Application of Compensation when amounting to or exceeding 200*l.*

ditaments shall so desire, in or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, or affecting other Lands, Grounds, Messuages, Tenements, or Hereditaments standing settled 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, Grounds, Messuages, 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 Lands, Grounds, Messuages, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchases 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 Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises so hereby directed to be purchased, in case such Purchase or Settlement were made.

When such Compensation is less than 200*l.* and exceeds 20*l.*

XXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, or for any other Matter, Right, or Interest purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any other Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed 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, Grounds, Messuages, 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 said Accountant General of the Court of Chancery, and to 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 the Commissioners appointed under this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Dividends arising 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.

XXIX. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Grounds, Messuages, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners 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.

When less than 20*l.*

XXX. And be it further enacted, That in case the Person or Persons to whom any such Sum or Sums of Money shall be so ordered to be paid as aforesaid for the Purchase of any Lands, Grounds, Messuages, Tenements, or Hereditaments, or for any Recompence or Compensation for Damages, under or by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Grounds, Messuages, Tenements, or Hereditaments, be not known or discovered, or if by reason of Disputes or Differences, or for Defect of Evidence, it shall not appear to the said Commissioners or Jury what Person or Persons is or are entitled to the said Premises in question, then and in every such Case it shall be lawful for the said Commissioners 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, Grounds, Messuages, Tenements, or Hereditaments (describing them), subject to the Order, Controul, 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 in *Ireland*, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Titles or Interest of the Person or Persons making claim thereunto, 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 such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of Refusal or of not making out good Titles, Money to be paid into the Bank of *Ireland*, under the Jurisdiction of the Court of Chancery.

XXXI. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *Ireland* in the Name and with

In case of disputed Titles, Persons in Possession

session to be
deemed law-
fully entitled.

with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Grounds, Messuages, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Grounds, Messuages, 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 Dividends or Interest of any such Stock, the Person or Persons who shall have been in Possession of such Lands, Grounds, Messuages, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Grounds, Messuages, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the 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 to 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, Grounds, Messuages, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court may
order rea-
sonable Ex-
pences of
Purchases to
be paid by
Commis-
sioners.

XXXII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporations 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 Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the Commissioners for the Execution of this Act out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Form of
Conveyance.

XXXIII. And be it further enacted, That all Sales, Conveyances, and Assurances of all Lands, Grounds, Messuages, Tenements, or Hereditaments to be made to the said Commissioners and their Successors, shall be made in the Form and to the Effect following; (that is to say,)

‘ I [or We, as the Case may be] of _____ in consideration
‘ of the Sum of _____ to me [or us] paid by “The
‘ *Gabway Harbour Commissioners,*” do hereby grant and release [or
‘ assign, as the Case may be,] to the said Commissioners and their Suc-
‘ cessors all [here describe the Premises to be conveyed], and all my
‘ [or our] Right, Title, and Interest in and to the same and every
‘ Part thereof, to hold to the said Commissioners and their Successors
‘ for ever, [or as the Case may be,] during all the Remainder of my
‘ [or our] Term, Estate, and Interest in the said Premises. In
‘ witness

‘ witness whereof I [*or we*] have hereunto set my Hand and Seal
 ‘ [*or our Hands and Seals*] this Day of
 ‘ in the Year of our Lord .’

And every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual, to all Intents and Purposes whatsoever, as to and against the Person and Persons making the same, and his, her, or their Cestuique Trusts, and all other Persons claiming or to claim by, from, under, or in Trust for him, her, or them respectively, or in Remainder, Reversion, or Expectancy as aforesaid; and the same shall be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the Commissioners for the Execution of this Act from Time to Time and at all Times hereafter to contract and agree with, or to employ any Person or Persons to contract and agree with, the Owner or Owners of any Stone Quarries or Quarry, or of any Lands containing any Stone Quarry or Quarries, for the Purchase or renting the same respectively for the Purpose of getting Stone from and out of the same, to be used for the Purposes of this Act, and shall and may pay the Purchase or Consideration Money or Rents for such Quarries, or Lands containing Quarries, to be so purchased or rented as aforesaid, with and out of any Monies to be raised by virtue of this Act, and shall and may, if necessary for procuring or obtaining such Lands or Quarries respectively, have and use all and every the Powers given by this Act with respect to the contracting and agreeing for and purchasing and valuing of any Lands, Grounds, Messuages, Tenements, or Hereditaments for the Purposes of this Act.

Power to
contract for
or rent Stone
Quarries, &c.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners, 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 Commissioners, 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 Commissioners 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

Commis-
sioners em-
powered to
resell any
Lands not
wanted.

[*Local.*]

35 U

expressed

expressed to be received, and such Person or Persons shall not be answerable or accountable for any Losses, Misapplication, or Non-application of such Purchase Money, or any Part thereof; which said Money shall be applied by the said Commissioners for the same or for the like Purposes as the Money hereby authorized to be raised is to be applied; provided that the said Commissioners, 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 Commissioners, 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 the Mayor or Justices of the Peace for the said Town of *Galway* 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 Commissioners, 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.

Commissioners may contract for Execution of Works.

XXXVI. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act, and they are hereby authorized and empowered, from Time to Time to contract with any Person or Persons for doing and performing all or any of the Works hereby authorized or directed to be done or performed, in such Manner, and under such Penalties for the due Performance of such Contracts, as the said Commissioners shall think fit; and every such Contract shall be good, valid, and binding as well upon the said Commissioners as upon the other Party or Parties; and in case any Person or Persons who shall enter into any Contract or Contracts with the said Commissioners shall at any Time be guilty of any Breach or Nonperformance thereof or of any Stipulations or Agreements therein, it shall and may be lawful to and for the said Commissioners, in case they shall deem it proper and expedient, to declare such Contract or Contracts to be null and void accordingly; or it shall and may be lawful to and for the said Commissioners to compound for such Sum or Sums of Money with the Person or Persons who shall have so entered into such Contract and Contracts, and for all Costs, Charges, and Expences which shall be occasioned thereby, as to them the said Commissioners shall appear proper and expedient; and it shall and may be lawful to and for the said Commissioners to sue for and recover the full Penalty and Penalties contained and expressed in such Contract or Contracts, or in any Bond or Bonds given and executed for the due Performance of such Contract

Contract or Contracts, by Action of Debt in any of His Majesty's superior Courts of Record in *Dublin*, in which Action no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XXXVII. And whereas by an Act made in the Third Year of the Reign of His present Majesty, intituled *An Act to authorize the further Advance of Money, out of the Consolidated Fund, for the Completion of Works of a public Nature, and for the Encouragement of the Fisheries in Ireland*, it is, among other Things, enacted, that it shall and may be lawful for the Commissioners for the Execution of the said Act, and the Acts therein recited, by and with the Consent and Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to direct any Advance of Money to be made under the said Acts in aid of any public Works whatever in *Ireland*, or for the Purpose of commencing, carrying on, or completing of any public Roads, Railways, Bridges, Canals, Navigations, Embankments, Drainages, Harbours, or Churches, or any public Works whatever, in *Ireland*, or for the making or executing of any Work whatever, whether of a public or private Nature, in *Ireland*, either upon such Real or Personal Securities as in the said Acts are mentioned, or upon Mortgage or Assignment of any Rates, Rents, Tolls, or Profits, or of any expected Rates, Rents, Tolls, or Profits of any such public or private Works, in all Cases in which it shall appear to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* that any such Rates, Rents, Tolls, or Profits, or any expected Rates, Rents, Tolls, or Profits, shall or may be sufficient to pay Interest on such Advance, and the Principal Money so advanced, at or within any such Time or Times and by any such Instalments as the Commissioners for the Execution of the said Acts, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, may think proper in any Case to direct and appoint, and as shall be specified in the Security to be given, or in the Mortgage or Assignment to be made of such Rates, Rents, Tolls, or Profits, or expected Rates, Rents, Tolls, or Profits, and although the Whole or any Part of the estimated Expences of any such public Works shall not be subscribed for or deposited or vested in any public Fund; be it enacted, That at any Time after the passing of this Act it shall and may be lawful for the Commissioners for the Execution of this Act for the Time being to apply to the Commissioners for the Execution of the said Act of the Third Year of His present Majesty, and the several Acts therein recited, for the Advance of any Sum or Sums of Money upon the Security of the Tolls, Rates, and Duties expected to arise and be payable, or which shall arise and be payable, under this Act; and in case the Commissioners for the Execution of the said recited Acts shall think fit to direct any Sum or Sums to be advanced for the Purposes of this Act, under the Regulations and Conditions of the said recited Act, it shall be lawful for the Commissioners for the Execution of this Act to mortgage or assign all or any of the Rates, Tolls, or Duties expected to arise and be payable, or which shall arise or be payable, under this Act, to the Commissioners for the Execution of the said recited Acts, as a Security for the Payment of the Interest and Principal of any Sum

3 G. 4. c. 112.
s. 3.

Commissioners under this Act may apply for Advances under recited Act of 3 G. 4., and mortgage or assign the Rates, &c. for securing Payment of the Principal and Interest.

or

Such Mortgages and Assignments to have the Preference over any other Mortgages, &c. under this Act.

or Sums so to be advanced, at or within any such Time or Times and by any such Instalments as the Commissioners for the Execution of the said recited Acts, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall think proper to direct and appoint, and as shall be specified in such Mortgage or Assignment, pursuant to the Regulations contained in the said recited Act of the Third Year of His present Majesty; and every such Mortgage or Assignment, and the Sums payable under or by virtue of the same, shall in all Cases have Preference and Priority over any Mortgage or Assignment of any of the said Tolls, Rates, or Duties, or any Grant of any Annuity payable out of the said Tolls, Rates, and Duties, made to any other Person or Persons under this Act; and the Interest of all such Sums so advanced shall be fully paid and satisfied before the Payment of any Interest or Annuities under any other Security granted under the Authority of this Act; and the Principal Sums secured by such Mortgage or Assignment to the Commissioners for the Execution of the said recited Acts shall be paid and satisfied at such Time or Times and by such Instalments as shall be specified in the Mortgage or Assignment given for Security of the same, in preference and priority to all other Payments under the Authority of this Act.

Commissioners may also borrow Money by Assignment of the Rates.

XXXVIII. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act from Time to Time to borrow and take up at Interest such other Sum or Sums of Money, not exceeding in the whole, together with the Sums which may be advanced under the said recited Act of the Third Year of His present Majesty, the Sum of Fifty thousand Pounds, for the Purposes of this Act, upon the Credit of the Tolls, Rates, and Duties to be levied, collected, and raised, and to be payable to the said Commissioners by virtue of this Act, and to assign all or any Part of the said Tolls and Duties to such Person or Persons as shall lend and advance any Money thereon, or to his or their Trustee or Trustees, as a Security for the Principal Money to be advanced, and Interest for the same; and the Costs of every such Assignment shall be defrayed by the said Commissioners out of the Monies to be borrowed; and every such Assignment shall be in the Words and to the Effect following:

Form of Assignment.

‘ WE, the *Galway Harbour Commissioners*, appointed by an Act of
 ‘ Parliament made in the Eleventh 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
 ‘ advanced and lent by _____ of
 ‘ upon the Credit and for the Purposes of the said Act, do hereby
 ‘ grant and assign unto the said _____ or to
 ‘ his said Trustee or Trustees, [*as the Case may be,*] his Executors,
 ‘ Administrators, and Assigns, such Proportion of the Tolls and
 ‘ Duties payable to us by virtue of the said Act as the said Sum of
 ‘ _____ doth or shall bear to
 ‘ the whole Sum which may at any Time be borrowed or become
 ‘ due or owing, or be charged upon the Credit of the said Act; to be
 ‘ holden from this _____ Day of _____ until the said
 ‘ Sum _____

‘ Sum of _____ with Interest at the Rate of
 ‘ _____ *per Centum per Annum* for the same, shall be repaid
 ‘ and satisfied : Provided always, that the Grant and Assignment, and
 ‘ the Payment of the Interest and Principal thereon, shall be subject
 ‘ and liable to the Priority and Preference given by the said recited
 ‘ Act in favour of any Mortgage or Assignment of the said Tolls
 ‘ made or to be made to the Commissioners for the Execution of an Act
 ‘ made in the Third Year of His said Majesty’s Reign, for authorizing
 ‘ the Advance of Money out of the Consolidated Fund. In witness
 ‘ whereof we the said Commissioners have hereunto caused our
 ‘ Common Seal to be affixed the _____ Day of
 ‘ in the Year _____ .’

And every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same be made, his, her, or their Executors, Administrators, or Assigns, to the Payment thereof, and to all Profits and Advantages therein, according to the true Intent and Meaning of this Act, and as so expressed in such Security.

XXXIX. And be it further enacted, That in case the said Commissioners 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 Commissioners, and they are hereby authorized and empowered, to grant Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the said Commissioners any Sum or Sums of Money as to the said Commissioners 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 Expence of every such Grant shall be defrayed by the said Commissioners ; 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 *Galway* Harbour Commissioners, appointed by an Act
 ‘ of Parliament made in the Eleventh 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 Commissioners by virtue of the said Act, which Annuity or
 ‘ yearly Sum of _____ shall be paid
 ‘ to the said _____ his Executors, Adminis-
 ‘ trators, 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: Provided always, that this Grant
 ‘ and the Payment of the said Annuity shall be subject and liable to
 ‘ the Priority and Preference given by the said recited Act in favour
 ‘ of _____

Form of Grant of Annuity.

[Local.]

from Time to Time, or at any Time or Times after the Expiration of Ten Days next after the passing of this Act, and they are hereby authorized and empowered, to fix, appoint, settle, establish, and impose such Rates or Duties as they shall think necessary for the Purposes of this Act, to be paid upon the Exportation or Importation from or to the said Port of *Galway* of any Goods, Wares, Merchandizes, or Commodities, (Coals excepted,) so as such Rates or Duties shall not exceed the several Rates contained in the Schedule of Duties, specified in the Schedule marked B. to this Act annexed; and that such last-mentioned Rates and Duties shall be paid to the said Commissioners, or to such Person or Persons as the said Commissioners shall think fit to appoint to collect and receive the same, by the Merchant or Merchants or other Person or Persons exporting or importing such Goods, Wares, Merchandizes, or into whose Custody or Possession the same shall be delivered, or by whom the same shall be shipped respectively, upon every unloading or shipping thereof respectively.

be paid on
importing or
exporting
Goods.

XLIV. And be it further enacted, That all such Goods, Wares, and Merchandizes as shall be brought into the Port of *Galway*, which shall be charged with Duties under this Act according to the Weight, Gauge, or Measure thereof, shall be respectively weighed, gauged, or measured, as the same shall require, immediately, or so soon as may be convenient, before the same shall be shipped, or after the same shall be landed or unshipped, as the Case may be, and before any Sample shall be taken from the same for Sale or otherwise.

Weight and
Measure of
Goods to be
ascertained.

XLV. Provided always, and be it further enacted, That a Table of the several Rates and Duties so to be appointed, settled, established, and imposed by the said Commissioners, shall be posted and fixed up in some conspicuous Place or Places on the Outside of or adjoining to the Office of the said Commissioners, or in some conspicuous Place in the said Port, and renewed as often as the same shall be obliterated, defaced, or altered.

Table of
Rates to be
fixed up.

XLVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to reduce or lessen any Tolls, Rates, or Duties granted and made payable by this Act, from Time to Time as they shall see fit, and also from Time to Time to advance and raise such Tolls, Rates, and Duties, as the said Commissioners shall seem fit and proper, and in such Case a new Table or Tables shall be from Time to Time made and posted: Provided always, that such Tolls, Rates, or Duties shall not at any Time exceed the Tolls, Rates, and Duties hereby authorized as aforesaid respectively.

Commission-
ers may alter
or vary Tolls.

XLVII. And be it further enacted, That if any Person or Persons shall at any Time or Times wilfully and designedly pull down, destroy, obliterate, or deface any Table of Tolls, Rates, or Duties which shall be affixed under the Authority of this Act, or any Part of any such Table, or any of the Words or Figures thereon, every Person so offending shall for every such Offence forfeit and pay to the Use of the said Commissioners any Sum not exceeding Forty Shillings.

Penalty on
Persons in-
juring Table
of Rates.

XLVIII. And

For prevent-
ing Toll Col-
lectors from
misbehaving.

XLVIII. And be it further enacted, That all and every Toll Collector, being Lessee or Tenant of the said Tolls and Duties, or appointed either by the said Commissioners or by any such Lessee or Lessees, Tenant or Tenants, to collect the Tolls and Duties by this Act granted, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Houses or Toll Gate or Toll Gates, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and every such Collector shall place or cause to be placed on the Front of the Toll House or Toll Houses at which such Collector shall be stationed the Board herein directed to be provided by the Commissioners, and also the List of the Tolls and Duties payable at the Gate where such Collector shall be stationed as aforesaid; and if any Collector of the said Tolls and Duties shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll or Duty from any Person than he shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the Commissioners made in pursuance thereof, or shall refuse or permit or suffer, or shall in anywise hinder, any Person or Persons from reading such Board, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or Duties or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Toll or Duty being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Ship, Vessel, Boat, or Barge from passing into or out of the said Harbour, or any Boat, Barge, or other Vessel from passing through the said Canal, or shall make use of any scurrilous or abusive Language to any Commissioner, Treasurer, Clerk, Surveyor, or other Officer, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, to be recovered and applied as herein-after mentioned.

Disputes
concerning
Tolls may be
settled by a
Justice.

XLIX. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking the Payment of Toll or Duty, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by any Justice of the Peace for the County, City, or Place in which the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses, (which Oath every such Justice is hereby authorized and empowered to administer,) and shall determine the Amount of the Toll due and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by
Distress

Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue); and the Overplus (if any), after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

L. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, to erect and build a Toll House or Toll Houses and a Toll Gate or Toll Gates on or near to the said Dock and Quay and Canal, and the said Commissioners shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every such Toll House or Toll Gate, a Table, painted on a Board in distinct and legible Letters in Black on a White Ground or in White on a Black Ground, containing a List of all the Tolls and Duties payable at such Toll House or Gate, distinguishing the several Tolls and Duties which are to be paid respectively: Provided always, that it shall not be lawful for the said Commissioners to demand or take, or cause to be demanded or taken, any of the Rates, Tolls, or Duties herein-before mentioned or referred to, but for and during such Time only as such Table shall remain posted and fixed up where such Rates, Tolls, and Duties shall be demanded or taken as aforesaid.

Commissioners to erect a Toll House and Gates.

LI. And be it further enacted, That if any Person or Persons shall assault or obstruct any Collector, or any other Person or Persons whomsoever employed by the Commissioners, or assisting or acting for any Person so employed, in the Collection of any Tolls and Duties, in the Performance and Execution of his Duty under this Act, each and every Person and Persons so offending, and being convicted thereof by the Oath of One or more credible Witness or Witnesses before the Mayor of the said City, or One or more Justice or Justices of the Peace of the County of the said City, shall for every such Offence forfeit the Sum of Five Pounds, to be recovered and applied as herein-after mentioned.

Penalty on injuring Toll House or obstructing Collectors.

LII. And whereas it may be found expedient for the said Commissioners to make, build, and erect proper Wharfs and Cranes for loading and landing the Goods, Wares, Merchandize, 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 Expences which the said Commissioners 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 Commissioners 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, Merchandize, 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 Nine-pence, and for every Day or Part of a Day that they shall so remain after the first Seventy-

For Payment of Wharfage.

two Hours, such further Sum as shall be determined by the said Commissioners, not exceeding Sixpence.

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

LIII. 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 Merchandize, 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 said Commissioners, or the Agent or Collector of the said Commissioners at any such Wharf, Quay, or Landing Place, first had and obtained for that Purpose; and if any such Goods, Wares, or Merchandize, 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 Commissioners, or other Person authorized by them for that Purpose, to remove such Goods, Wares, and Merchandize, 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 Commissioners, the Goods and Chattels so removed, or a sufficient Part thereof, shall and may be sold for Payment of such Charges and the Expences attending such Sale, such Charges and Expences, in case of Dispute, to be settled and determined by the Mayor or Justice or Justices of the Peace for the said Town of *Galway* where the Cause of Dispute shall arise.

Table of Tolls for Wharfage to be fixed up.

LIV. 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.

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

LV. 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 Commissioners, 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.

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

If they refuse, Commissioners may erect Wharfs, &c.

LVII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners 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

Private Wharfs not to be used by Commissioners without Consent.

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.

Commissioners may appoint Harbour Masters and Deputies.

LVIII. And be it further enacted, That it shall and may be lawful to and for the Commissioners for the Execution of this Act from Time to Time under their Seal to appoint, at such Salary or Salaries as to the said Commissioners shall seem fit, a proper and discreet Person to be Harbour Master of and for the Port and Harbour of *Galway*, and One proper Person to be Deputy Harbour Master thereof, and that such Harbour Master and Deputy Harbour Master shall and may place and remove, or order or cause to be placed or removed, all or any Ships or Vessels within the said Harbour and Quays to be made or erected under this Act, and in such Places and Situations such Ships and Vessels can in his or their Judgment most conveniently moor or lie; and in case any Master or Owner of any Ship or Vessel shall refuse or neglect to place or remove any Ship or Vessel according to the Orders of such Harbour Master or Deputy Harbour Master, then and in such Case it shall and may be lawful for any such Harbour Master or Deputy Harbour Master to hire and employ proper Persons to remove and place such Ship or Ships, Vessel or Vessels, to or in such Part or Place in the said Harbour, Canal, or Dock as such Harbour Master or Deputy Harbour Master shall appoint; and the Expence and Hire of every such Person so employed in the said Service shall be paid and borne by the Master or Owner of such Ship or Vessel, together with a Sum not exceeding Five Pounds, as a Fine or Penalty, the said several Sums to be recovered as herein-after directed; and such Sum, together with such Fine or Penalty, shall be paid before any Clearance or Discharge shall be allowed or granted for such Ship or Vessel; and it shall also be lawful for such Harbour Master or Deputy Harbour Master, and he and they is and are hereby empowered, in case of urgent Necessity, and for preventing the Loss of any Ship or Vessel, to cut the Rope or Cable of any Ship or Vessel lying within the said Harbour of *Galway*, not being any of His Majesty's Ships of War, which may obstruct the Navigation or endanger the Safety of any other Vessel: Provided always, that no Merchant Trader, Ship Owner, Ship Broker, or Pilot, or any Person in his or their Employment, shall be eligible to fill the Situation of Harbour Master or Deputy Harbour Master of the said Port of *Galway*; and provided also, that nothing herein contained shall be construed in any Manner to interfere with or controul the Rights, Privileges, and Jurisdiction of the Mayor of *Galway* as Admiral of the Bay of *Galway*.

Power to remove Rafts floating.

LIX. And be it further enacted, That it shall be lawful for every such Harbour Master and Deputy Harbour Master, and he is hereby empowered, to remove Timber in Rafts floating upon any Part of the said Lake or within the said Canal or Docks, when it may appear that the same may in any Manner impede or obstruct the Navigation or endanger the Safety of Ships or Vessels, and also to remove all Wrecks and all other Obstructions and Impediments to Navigation, at the Expence of the Owner or Owners of such Timber, Wrecks, or other

other Matters causing such Obstruction or Obstructions as aforesaid; and in case such Owner or Owners shall refuse to pay the same, or if no such Owner or Owners shall appear within Ten Days, then and in every such Case such Harbour Master or Deputy Harbour Master respectively shall report the same to the Commissioners for the Execution of this Act, and it shall be lawful for the said Commissioners, and the said Commissioners are hereby authorized and empowered thereupon to issue their Warrant to such Harbour Master, directing him to sell by public Cant or Auction such Timber, Wrecks, and other Matters, or any of them, or so much thereof as shall be sufficient to pay the Expence of removing the same as aforesaid; and after paying and defraying such Expence, such Harbour Master or Deputy Harbour Master shall return the Overplus of the Monies arising by such Sale (if any), and the unsold Part of such Timber (if any), to such Person or Persons as shall appear to be Owner or Owners of such Timber or Wrecks or other Matter respectively.

LX. And be it further enacted, That if any Person or Persons shall hinder, obstruct, or maltreat such Harbour Master or Deputy Harbour Master in the Execution of his or their Duty or Business, or in the doing of any Matter or Thing which the said Harbour Master or Deputy Harbour Master are or is by this Act empowered to do, such Person or Persons shall severally forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds, to be recovered and levied as herein-after mentioned.

Penalty on obstructing Harbour Master in Execution of his Duty.

LXI. And be it further enacted, That if the Master or Commander of any Ship or Vessel casting Anchor within the said Harbour shall not immediately in so doing tie or fasten, or cause to be tied or fastened, a Buoy to such Anchor in such Manner as that such Buoy shall float in a conspicuous Manner, so as that it may be plainly and easily seen in what Place such Anchor is cast, placed, or fixed, such Master or Commander shall for every such Offence or Neglect forfeit and pay the Sum of Forty Shillings Sterling, and shall also forfeit and pay the Sum of Twenty Shillings for every Tide in or during which such Anchor shall remain without such Buoy being tied or fastened thereto as aforesaid, the said Penalties to be recovered and levied as is herein-after directed; and the enforcing of any such Penalties shall not in any Manner affect any Remedy which any Person or Persons shall or may have by Action or otherwise against such Master or Commander for any Damage or Injury which may be done to such Person or Persons by means of such Neglect as aforesaid.

Penalty on Masters not fastening Buoys to Anchors.

LXII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any Ship, Vessel, or Boat belonging to or employed in the Service of His Majesty, His Heirs and Successors, or in the Service or Employ of the Customs, Excise, Ordnance, or Post Office, coming into or using the said Harbour.

Exemption of Ships in His Majesty's Service.

Recovery of Rates.

LXIII. And to the Intent that the Rates and Duties imposed by this Act in respect of the Tonnage of Vessels, or of any Goods imported or exported, may be more effectually collected and levied; be it enacted, That in case any Owner or Master or any other Person or Persons having the Charge or Command of any Ship, Boat, Barge, or other Vessel, or any Factor or Consignee of Goods, Wares, or Merchandize chargeable with the Rates or Duties granted by this Act, shall refuse or neglect to pay such Rates or Duties, then and in such Case it shall and may be lawful to and for the Commissioners for the Execution of this Act, or for any Person or Persons appointed by the said Commissioners in pursuance of this Act to receive such Rates and Duties, to go on board any such Ship or other Vessel to demand, collect, and receive such Rates and Duties, and on Non-payment thereof to take and distrain any such Ship or other Vessel, and all the Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and all or any Part of the Goods, Wares, and Merchandizes in respect whereof such Rates and Duties shall be payable, either on board such Ship or other Vessel, or on Land, and the same to retain until the respective Rates and Duties shall be satisfied and paid; and in case of Neglect or Default in Payment of the said Rates and Duties for the Space of Ten Days after any Distress so made and taken, it shall and may be lawful to and for the said Commissioners, or of the Person or Persons appointed as aforesaid, to cause the said Distress to be appraised by Two or more sworn Appraisers, or other sufficient Persons, and afterwards to sell the same or any Part thereof, and out of the Produce of the Sale thereof to satisfy themselves or himself, as well for and in respect of their or his reasonable Charges in taking, keeping, appraising, and selling such Goods, Wares, or Merchandize, as also for or in respect of the Rates and Duties payable in respect of the same and every of them, rendering the Overplus to the Owner, if any such there be, upon Demand; and that it shall and may be lawful for the said Commissioners, in case of Nonpayment of any such Rates and Duties, instead of recovering the same in manner aforesaid, or in case the whole shall not be recovered, to proceed for the Recovery of such Rates and Duties, or so much thereof as shall not have been recovered, by Action of Debt in any superior Court of Record in *Dublin*, in which Action no *Essoign*, Protection, or Wager of Law, nor more than One *Imparlance*, shall be allowed.

Persons evading Payment of Rates to remain liable.

LXIV. And be it further enacted, That if any Master or other Person having the Charge or Command of any Ship or Vessel, or if the Owner, Factor, or Consignee of any Goods, Wares, or Merchandize, shall, by any Means whatsoever, at any Time or Times elude, evade, or avoid the Payment of any of the Duties and Rates hereby made payable in respect of the Tonnage of any such Ship or Vessel, or in respect of any such Goods, Wares, or Merchandize, every Person eluding, evading, or avoiding Payment as aforesaid shall forfeit and pay to the said Commissioners a Sum equal to the Amount of such Rate and Duty, and which shall and may be recovered from such Master or Owner, Factor or Consignee, or such other Person having such Charge or Command respectively, either

at the Time and Times, by the Means herein-before prescribed for the levying the said Duties and Rates, or in such Manner as is herein-after directed for levying and recovering any Fines, Forfeitures, and Penalties imposed by this Act, and with the like Costs.

LXV. And be it further enacted, That the Tonnage and Ad-measurement of all Ships and Vessels required to be registered by an Act or Acts of Parliament in force in *Great Britain* or *Ireland*, and trading and coming to and departing from the said Harbour, and liable to the Payment of any Rates or Duties of Tonnage imposed under the Authority of this Act, shall be ascertained according to the certified Tonnage in the Ship's Register; and the Master or other Person having the Command of any such Ship or Vessel is hereby required to produce such Certificate of Registry at the Time of Payment, when the said Rates and Duties shall be required, to the Person or Persons who shall be duly authorized to collect and receive such Duties; and in case of any Dispute in respect to any such Duties and Rates, or in case of any Dispute in respect of the Tonnage of any Ship or Vessel not required to be registered, or of any Foreign Ship or Vessel, the Tonnage of any such Ship or Vessel shall be ascertained in the Manner and according to the Directions of an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the registering of British Vessels*.

Mode of
ascertaining
Tonnage.

6 G. 4. c. 110.

LXVI. And be it further enacted, That if the Collector or Collectors of any of the said Rates or Duties, or such other Person or Persons as the said Commissioners shall in that Behalf nominate and appoint, and the Master or other Person or Persons having the Charge or Command of any Ship or other Vessel, cannot agree about or otherwise ascertain the Tonnage of any Ship or Vessel, then and in every such Case it shall and may be lawful for such Collector or Collectors or Person or Persons appointed as aforesaid from Time to Time and at all convenient and reasonable Times to stop, detain, enter into, and measure and gauge such Ship or Vessel; and in case the same shall upon such measuring and gauging appear to be of greater Tonnage than shall be set forth and contained in the Account which shall be given thereof, then the Master or Owner or other Person in Charge or Command of such Ship or Vessel, or the Person giving such Account, shall pay the Costs and Charges of such measuring and gauging, all which Costs and Charges, upon Refusal of Payment thereof and Demand, shall and may be recovered and levied by such Ways and Means and in such a Manner as the said Rates and Duties hereby granted or imposed may by this Act be recovered and levied; but if any such Ship or Vessel shall be found not to be of greater Tonnage than shall be set forth as aforesaid, then the said Collectors or Collector or other such Person or Persons as aforesaid respectively shall pay the Costs and Charges of such measuring or gauging, and also shall pay such further Damages as shall appear to any Two or more Justices of the Peace for the County of the Town of *Galway*, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and such Costs and Charges and Damages shall be recovered and levied on the Goods and Chattels of the said Commissioners

For settling
Differences
respecting
Tonnage of
Vessels not
registered.

missioners in the same Manner as any Fine, Penalty, and Forfeiture can or may be recovered and levied under this Act; and if any Master, Commander, or Officer, or Person having the Charge or Command of any Ship or Vessel, or any Person or Persons whatsoever, shall obstruct or hinder any Person or Persons so employed in or from measuring or gauging such Ship or Vessel in pursuance of this Act, every such Master, Commander, or other Person shall for every such Offence forfeit and pay any Sum that shall be adjudged or ordered in that Behalf, not exceeding Five Pounds, over and above the said Rates, to be recovered in like Manner as other Penalties are recoverable by this Act.

Application
of Rates.

LXVII. And be it further enacted, That all the Tolls, Rates, and Duties payable to the Commissioners for the executing of this Act, as the several Rates and Duties on Goods, Wares, and Merchandize, and the Duties on Ships, Vessels, and Boats, in respect of their Tonnage or otherwise, and which shall at any Time be imposed and made payable by virtue of this Act, shall constitute and form a joint Fund for the Purposes of this Act; and the Produce thereof, and all other Sum and Sums of Money to be received by the said Commissioners by virtue of this Act, shall be applied in Payment of the Purchase Money of such Ground and Premises as by the said Commissioners shall be judged necessary for the Purposes of this Act, and the Expences of building, erecting, or forming, and repairing and maintaining, the said Canal and the said Dock and Quays, and all other Works and Buildings necessary for the Purposes of this Act, and in Payment of the Principal and Interest of all Sums of Money advanced to or borrowed by the said Commissioners under the Authority of this Act, and of the Salaries of the Officers and Servants employed in the Execution of this Act, and of all other Expences incidental to and which shall from Time to Time attend the carrying this Act into execution and effect, according to the true Intent and Meaning of this Act, and in such Manner as the said Commissioners shall from Time to Time direct, pursuant to this Act, and to no other Use or Purpose whatsoever.

Expences
of Act.

LXVIII. And be it further enacted, That all the Costs, Charges, and Expences of and incidental to obtaining and passing this Act, and of carrying the same into effect, shall and may be defrayed and paid by the said Commissioners out of the Monies received or to be received by them under the Authority of this Act, in preference to any other Payment.

Receipts for
Tonnage
Duties to be
produced to
Collector of
Customs.

LXIX. And for preventing any Delay or Evasion in the Payment of the said Rates and Duties imposed by this Act on Ships and Vessels in respect of their Tonnage, be it enacted, That from and after the passing of this Act there shall be produced to the Collector or other proper Officer of His Majesty's Customs for the Port of *Galway*, by the Master or Owner of any Ship or Vessel which shall come into or shall sail out of the said Port or Harbour, a Receipt or other sufficient Voucher from the Officer or Officers appointed by the said Commissioners for the Collection of such Tonnage Rates and Duties, which Receipt or other sufficient Voucher such Officer or Officers appointed

appointed by the said Commissioners is and are hereby required to give upon Payment of such Rates and Duties respectively, without Fee or Reward, or Delay, under a Penalty of Five Pounds for any Refusal or Delay, the same to be recovered before the Mayor of the Town or any Justice of the Peace for the County of the Town of *Galway*, and levied in manner directed by this Act.

LXX. And be it further enacted, That the Collector or other Officer of His Majesty's Customs is hereby authorized to refuse to take or receive, or grant, make or issue, any Entry, Report, Cocket, Permit, Sufferance, or other Dispatch, inwards or outwards, for any Ship or Vessel, unless all Rates and Duties payable in respect of the Tonnage of such Ship pursuant to this Act shall be first fully paid and satisfied.

Collector shall not receive Entries, &c. before Payment of Duties.

LXXI. And be it further enacted, That if any Person or Persons shall throw or cast any Ballast, Rubbish, or other Matter or Thing into the Canal or Floating Dock to be made under the Provisions of this Act, or shall take and remove any Ballast or other Materials, the Removal of which may be injurious or prejudicial to such Canal or Dock, every such Person so offending shall for every such Offence forfeit and pay the Sum of Forty Shillings, to be recovered as hereinafter mentioned.

No Ballast to be thrown into the Dock.

LXXII. And be it further enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, and they are hereby authorized and empowered, from Time to Time, at any General Meeting or Assembly of such Commissioners to be held pursuant to this Act, to enact, make, and ordain such Rules, Bye Laws, Orders, and Regulations as they shall think proper and necessary for the whole, complete, and total Superintendence and Management of the said Canal and Docks and Quays authorized to be built, erected, and made under this Act, and for the Position of Ships, Vessels, and Boats using the said Canal Navigation or Docks, and the governing the Masters, Mariners, Pilots, Watermen, Boatmen, and others employed in and about such Ships, Vessels, and Boats, and the piloting, taking charge, mooring, unmooring, navigating, and conducting all such Ships, Vessels, and Boats, and the Rates and Pilotage thereof, and for collecting the Tolls, Rates, and Duties payable under this Act, and the Conduct of the Persons employed in collecting the same, and for preventing all Obstructions, Annoyances, and Nuisances in or about the said Canal Navigation and Docks and Quays respectively, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against any such Rules, Bye Laws, Orders, or Regulations as to such Commissioners shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; and the said Rules, Bye Laws, Orders, and Regulations, being reduced into Writing, shall be binding upon and shall be observed by all Parties using or in any way concerned in the said Canal Navigation or Docks or Quays, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that they be not inconsistent with or repugnant to the Laws of this Realm, or to the

Commissioners empowered to make Bye Laws

Provisions and Directions in this Act contained, or to any of them; and provided that Copies of such Rules, Orders, and Bye Laws shall be painted on Boards, and be affixed and continued in some conspicuous Places in, upon, or near adjoining to the said Canal Navigation or Docks or Quays, and shall be renewed as often as the same shall be obliterated or defaced.

Authent-
icated Bye
Laws to be
Evidence.

LXXIII. Provided always, and be it enacted, That in all Cases of Prosecution for Offences against such Bye Law, Rule, Order, or Regulation, the Production of a printed or written Paper purporting to be the Bye Law, Rule, Order, or Regulation in question of the said Commissioners, and authenticated and certified by the Signature of the Clerk to the said Commissioners, shall be sufficient Evidence of the Existence of such Bye Law, Rule, Order, or Regulation respectively; and it shall be sufficient to prove that Copies of the same were painted on Boards in Characters sufficiently plain, and were affixed and published in manner aforesaid, and in case any Copy having been afterwards displaced or damaged, was replaced as soon as conveniently might be, in some conspicuous Place upon or near adjoining the Place where the same was affixed, unless Proof shall be adduced by the Defendant that such printed Paper is not a Copy of such Bye Law, Rule, Order, or Regulation respectively, or that such Copy was not duly kept up and generally continued at or near the Place where the same was affixed in manner aforesaid.

Masters to
recover from
their Ser-
vants any
Sums for
their De-
faults.

LXXIV. And be it further enacted, That in case the Master or Masters or Owner or Owners of any Ship, Boat, Barge, or other Vessel as aforesaid, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespass, by reason of any wilful Neglect or Default done or committed by his, her, or their Servants, Boatmen, or Watermen, or any of them, such Servants, Boatmen, or Watermen, and each and every of them, shall be liable to repay such Penalty or Damage, with the Costs thereof, to such Master or Masters or Owner or Owners; and in case of Nonpayment thereof upon Demand, and Oath made by such Master or Masters or 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 or hath 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 the Mayor of the City, or any One Justice of the Peace for the County of the Town of Galway,) the Amount thereof shall be recovered, in like Manner as any Penalty is hereby directed to be recovered, before such Mayor or Justice.

Masters of
Vessels an-
swerable for
their Crews.

LXXV. And be it further enacted, That the Master or Owner of every Ship, Boat, Barge, or other Vessel navigating or lying or being in the Canal Navigation or Docks authorized to be made under this Act, shall be and is hereby made answerable for any Trespass, Damage, Spoil, or Mischief that shall be done by his Ship, Boat, Barge, or other Vessel, or by any of the Mariners, Boatmen, Watermen, or other Person or Persons belonging to or employed in or about the same respectively, and the Canal Navigation or Docks or

Quays to be made by virtue of this Act, either by the lading or unloading of any Boat, Barge, or other Vessel, or by the Misconduct of any such Mariners, Boatmen, Watermen, or other Persons, or by any other Means whatsoever, provided the Amount of such Damage shall not exceed the Sum of Five Pounds; and the Amount of such Damage shall and may be recovered, in like Manner as any Penalty is directed to be recovered under this Act, before the Mayor of the Town or any Justice of the Peace for the County of the Town of *Galway*.

LXXVI. And be it further enacted, That if any Owner or Master of any Ship or Vessel, or any other Person or Persons, shall give or tender or offer any Sum of Money or other Thing whatsoever by way of Reward or Bribe to any Harbour Master, Deputy Harbour Master, or other Officer under the Commissioners for the Execution of this Act, for the Purpose of inducing such Harbour Master, Deputy Harbour Master, or other Officer to do or to omit to do any Act, Matter, or Thing touching or in anywise relating to the Office or Offices which they or any of them shall so hold, whether such Sum of Money shall or shall not be accepted by any such Officer, or if any such Harbour Master, Deputy Harbour Master, or other Officer shall take or receive any Sum or Sums of Money, or other Matter or Thing whatsoever, in the Nature of or as a Reward or Bribe as aforesaid, every such Offender who shall give, tender, or offer such Reward or Bribe, and every such Officer who shall receive any such Reward or Bribe, and every of them, shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered as herein-after mentioned; and every such Officer who shall receive any such Reward or Bribe shall, upon his Conviction for such Offence, be removed and discharged from his Office, and for ever after such Conviction shall be and is hereby declared to be disqualified from and incapable of holding any Office or Place under the Commissioners for the Execution of this Act.

Penalty on offering Bribes.

LXXVII. And be it further enacted, That if any Receiver or Receivers or Collector or Collectors of any Tolls, Rates, or Duties payable under or by virtue of this Act, shall exact from or compel any Person to pay any Rate, Duty, or Toll not authorized by this Act, or any Sum or Sums of Money, in respect and under Pretext of any such Toll, Rate, or Duty, higher or greater than the Toll, Rate, or Duty payable by this Act, such Receiver or Receivers or Collector or Collectors shall for any such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered as herein-after mentioned, and upon Conviction of such Offence shall be discharged from his Office, and shall be and is hereby declared to be disqualified and incapacitated from holding any Office or Place under the Commissioners for the Execution of this Act.

Penalty on taking more Toll than is authorized.

LXXVIII. Provided always, and be it enacted, That it shall and may be lawful for the Execution of this Act, on the First *Monday* in the Month of *August* in every Year, after giving Ten Days Notice in One or more public Newspaper or Newspapers, and posting such Notice at some Place in the Court House of the said City, to demise

Tolls may be let by public Auction.

or

or let all or any and every of the Tolls, Rates, or Duties from Time to Time payable by virtue of this Act, by public Cant or Auction, in the Court House, for any Term not exceeding Three Years, at the highest Rent that shall be offered and bid for such Rates, Tolls, or Duties, or any of them, by any solvent Person or Persons, and to appoint the Person or Persons to whom any such Tolls, Rates, or Duties shall be so let or demised, to receive or collect any such Tolls, Rates, or Duties for such Term as aforesaid; and it shall be lawful for the said Commissioners to make and give such Rules, Regulations, and Orders as they shall adjudge necessary and expedient for the better collecting the Tolls, Rates, and Duties aforesaid by such Person or Persons.

For securing
transient
Offenders.

LXXIX. And whereas Offences may be committed against this Act by Persons unknown to the Officers appointed to carry the same into execution; be it therefore enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, and their Officer or Officers respectively, or such other Person or Persons as such Officer or Officers shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any Offence or Offences against this Act, and to take such Person or Persons before the Mayor of the Town or any Justice of the Peace for the County of the said Town of *Galway*, to be dealt with according to Law; and such Mayor or Justice is hereby empowered and directed to proceed immediately to the hearing and determining of such Complaint.

Recovery
and Appli-
cation of
Penalties.

LXXX. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not hereby particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of the Mayor of the Town of *Galway*, or some Justice or Justices of the Peace for the County of the Town of *Galway*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such respective Mayor, Justice or Justices, who is and are hereby authorized and required to summon and examine Witnesses upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall have been issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; and one Moiety of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and the other Moiety shall be paid to the said Commissioners for the Execution of this Act; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for the said Mayor, Justice or Justices, to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant or Warrants of
Distress,

Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Mayor, Justice or Justices, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Three Days from the Time of taking any such Security, and which Security the said Mayor, Justice or Justices, is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of the Mayor or Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they have or hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Mayor, Justice or Justices, shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Mayor, Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or to any House of Correction in the County of the Town of *Galway*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalty, and all Costs and Charges incident to and attending such Proceedings as aforesaid, (to be ascertained by such Mayor, Justice or Justices,) shall be sooner paid or discharged.

LXXXI. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before such Mayor or Justice of the Peace touching any Matters contained in any Information or Complaint for any Offence committed against this Act, or on the Hearing of such Complaint, either on the Part of the Prosecutor or of the Person or Persons accused, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place to be for that Purpose appointed, a reasonable Sum having been paid or tendered to such Person for his Charges, or when appearing shall refuse to be examined upon Oath, or, in case of a Quaker, on solemn Affirmation, and to give Evidence before such Mayor or Justices of the Peace, then and in any of the said Cases every such Person shall forfeit and pay for every such Offence any Sum of Money not exceeding Ten Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Penalty on
Witnesses
for Default.

LXXXII. Provided always, and be it enacted, That it shall be lawful for any Person who shall think himself or herself aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the Commissioners for the Execution of this Act, or by the Conviction or Determination of any Mayor or Justice of the Peace, in pursuance of this Act, within Three Calendar Months after such Order, Judgment, Conviction, or Determination shall be made or given, to appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be held in and for the said County of the Town of *Galway*, the Person or Persons appealing

Appeal.

[*Local.*]

36 B

giving

giving first at least Ten Days clear Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the said Commissioners, as the Case may be, and within Three Days after such Notice entering into Recognizance before the Mayor of the said City, or some Justices of the Peace of the County of the said City, with Two sufficient Securities, conditioned to prosecute such Appeal, and to abide the Order and Award of the said Court thereupon; and it shall be lawful for the Justices, upon due Proof of such Notice and Recognizance having been given and entered into, to hear and determine such Complaint, either at the General Quarter Sessions, or, if the said Justices think proper so to do, to adjourn the Hearing thereof until the next General Quarter Sessions; and it shall be lawful for the said Justices at such Sessions, if they see Cause so to do, to mitigate any Forfeiture or Fine, and to order any Money to be returned which may have been levied, and to award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall adjudge 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.

Conviction.

LXXXIII. And be it further enacted, That the Mayor or Justices of the Peace before whom any Offender shall be convicted of any Offence under this Act shall cause such Conviction to be made in Manner and Form following, or in any other Form of Words to the like Effect, *mutatis mutandis*; which Conviction shall be good and effectual to all Intents and Purposes, without setting forth the Evidence or stating the Case in any more particular Manner; (that is to say,)

‘ County } BE it remembered, That on the Day
 ‘ to wit, } of in the Year of our Lord
 ‘ is [or are] convicted
 ‘ before me [or us], [Mayor of the Town of *Galway*, or One of
 ‘ His Majesty’s Justices of the Peace for the County of the Town
 ‘ of *Galway*,] by virtue of an Act passed in the Eleventh Year of
 ‘ the Reign of King George the Fourth, intituled [*here set forth*
 ‘ *the Title of this Act*], of having [*specifying the Offence, and the*
 ‘ *Time when the same was committed, as the Case may be*], con-
 ‘ trary to the said Act; and for which I do adjudge the said
 ‘ to have forfeited
 ‘ the Sum of . Given under
 ‘ my Hand and Seal the Day and Year first above written.’

And every such Conviction shall, if required, be written fairly upon Parchment, and be returned to the Clerk of the Peace of the County of the Town of *Galway*, to be filed by him, and to remain and to be kept among the Records of the County of the said City.

Form of
Warrant
for levying
Penalties.

LXXXIV. And be it further enacted, That any Warrant to be issued by such Mayor or Justice of the Peace, for levying any Penalty under any such Conviction from the Goods of such Offender, shall be in the Form following, or in some other Form of Words to the like Effect; and such Warrant shall be good and valid to all Intents and Purposes; (that is to say,)

‘ County of } To and
 ‘ to wit. } each of them, and each of their Assistants.

‘ WHEREAS on the Day of now
 ‘ last past, of was duly
 ‘ convicted before me [or us], Mayor, [or One or Two of His
 ‘ Majesty’s Justices of the Peace for the County of the Town of
 ‘ *Galway*,] by virtue of an Act passed in the Eleventh Year of the
 ‘ Reign of King *George* the Fourth, intituled [*here insert the Title of*
 ‘ *this Act*], of having [*specifying the Offence, and the Time when the*
 ‘ *same was committed, as the Case may be*], contrary to the said Act,
 ‘ and thereupon the said hath become
 ‘ liable to a Fine or Penalty of I [or we] do
 ‘ therefore, by these Presents, authorize and command you, and each
 ‘ of you, to take into your Custody the Goods of the said
 ‘ or a Sufficiency thereof for the levying the said Sum thereout,
 ‘ wherever you shall find the said Goods in the County of the said
 ‘ City; and if such Goods shall not be redeemed by Payment of the
 ‘ said Sum within Days after taking the same, you
 ‘ are hereby authorized and required, by public Sale thereof, to levy
 ‘ the said Sum, rendering unto the said the
 ‘ Overplus (if any); and the said Sum so levied you shall bring to
 ‘ me without Delay, to be disposed of according to Law. Given
 ‘ under my Hand and Seal this Day of .’

And if Goods sufficient cannot be found to answer the Penalty, a Warrant shall thereupon be issued for committing such Offender, and such Warrant shall be in the same Form as the said Warrant last mentioned to the Words ‘ I do therefore by these Presents,’ which Words, and all from thence to the Words ‘ disposed of according to Law’ inclusive, shall be omitted, and the Form following, or some other Form of Words to the like Effect, shall be inserted in their Places; to wit,

‘ And whereas on the Day of a Warrant was
 ‘ issued to levy the said Sum from the Goods of the said
 ‘ and such Goods cannot be found to answer the said Sum, I do
 ‘ therefore hereby authorize and command you, and each of you, to
 ‘ take the Body of the said wheresoever
 ‘ you shall find him in the County of the Town of *Galway*, and
 ‘ bring him before me or any other Magistrate of the County of the
 ‘ said Town.’

And the Form of Committal for committing any such Offender to Prison shall follow the Form of such Warrant, save only that the Direction thereof shall be to the proper Gaoler, and that from and after the Words ‘ I do therefore hereby authorize and command,’ then shall follow these Words, ‘ to receive into your Custody the
 ‘ Body of the said and him or her safely keep
 ‘ for from the Date hereof, unless the said
 ‘ Sum shall be sooner paid. Given under my Hand this
 ‘ Day of .’

And each and every of the said Warrants, or any Form of Warrant to the like Effect respectively, shall be good and valid in the Law to all Intents and Purposes.

Distress not to be unlawful for Want of Form.

LXXXV. And be it further enacted, That when any Distress shall be made for any Sum 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 Notice, Information, Summons, Conviction, Warrant, or Distress, or other Process relative 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 so aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

Process not to be quashed for Want of Form.

LXXXVI. And be it further enacted, That no Verdict, Judgment, or other Proceeding made or had or given touching or concerning any Matter under this Act, nor any Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record in *Dublin*, any Law or Statute to the contrary thereof in anywise notwithstanding.

Directing what may be deemed a Service of Notice, &c. on the Commissioners.

LXXXVII. 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 any Notice or Notices upon the Commissioners for the Execution of this Act, or any Writ or Writs, or other legal Proceedings, the Service thereof upon the Clerk of the said Commissioners, or at the Office of such Clerk, or left at his last or usual Place of Abode, or at the Office of the said Commissioners, or upon any Agent or other Officer employed by the said Commissioners, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

Notice of Action to be given, and Plaintiff not to recover after Tender of Amends.

LXXXVIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Ten Days before such Action shall have been commenced, of such intended Action, signed by the Attorney for the Plaintiff, and stating his Place of Residence, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him or them, or to his or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXXXIX. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance

suance of this Act, in relation to the Matters therein contained, after Six Calendar Months after the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall have risen, and not elsewhere; and the Defendant and Defendants in every such Action shall and may at his and their Election plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance of and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall appear to have been brought without such previous Notice thereof, or before the Expiration of Ten Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover his, her, or their Costs, and have such Remedy for recovering the same as any Defendant or Defendants has or have in other Cases by Law, such Defendant first suggesting, by Leave of the Court, such special Matter on the Record, if the same shall not otherwise appear.

General Issue.

XC. And be it further enacted, That in all Cases where Cognizance is given to any Justice or Justices of the Peace by this Act, it shall and may be lawful to and for such Justice or Justices of the Peace to administer an Oath or Affirmation to any Person or Persons, for his or their more certain Information in the Matter then pending; and if any Person or Persons shall, upon his or their Examination upon Oath or Affirmation before any Justice or Justices, wilfully and corruptly give false Evidence, such Person or Persons so offending, and being convicted thereof, shall be and is and are hereby declared to be subject and liable to such Pains and Penalties as by any Law in force and effect in *Ireland* Persons convicted of wilful and corrupt Perjury are subject and liable to.

Penalty for Perjury.

XCI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be deemed or construed to extend, to repeal, alter, or affect any of the Duties of His Majesty's Revenues, or any of the Laws, Regulations, Provisions, or Authorities relating thereto.

Not to affect His Majesty's Revenue.

XCII. 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.

Public Act.

SCHEDULE A. to which this Act refers.

| | |
|---|-------|
| For and upon every Ton of the Measurement of every Vessel reporting at the Custom House of Galway, a Sum not exceeding (to be calculated on the Register Tonnage) - - - | s. d. |
| | 0 3 |
| For and upon every Ton of the Measurement of every Vessel lying in the Floating Dock, for any Time not exceeding One Month, a Sum not exceeding - - - - - | 1 0 |
| And for every Week after One Month, a Sum not exceeding - - - - - | 0 2 |
| For and upon every Turf Boat laden, passing into or through the Floating Dock or Canal, a Sum not exceeding - - - | 0 6 |
| And for and upon every Boat discharging or loading Turf in the Floating Docks or Canal, a Sum not exceeding - - - | 1 0 |
| For every Corn Boat or Pleasure Boat, or other Boat, laden, passing into or through the Floating Dock or Canal, a Sum not exceeding - - - - - | 1 0 |
| And for every Boat discharging or loading Corn or other Goods in the Floating Docks or Canal, a Sum not exceeding - - - | 2 6 |
| For and upon every Boat or other Vessel which shall enter the said Canal, a Sum not exceeding - - - - - | 1 0 |
| For and upon each Boat trading to the Port of Galway, an annual Sum not exceeding - - - - - | 5 0 |

SCHEDULE B. to which this Act refers.

| <i>On Imports.</i> | A Sum not exceeding | |
|--|---------------------|----|
| | s. | d. |
| Agriculture and Garden Seeds, per Cwt. - - - - - | 0 | 6 |
| Ashes, Pot and Pearl, per Barrel - - - - - | 0 | 4 |
| Alum and Copperas, per Ton - - - - - | 0 | 6 |
| Barilla, per Ton - - - - - | 1 | 0 |
| Beer, Porter, or Ale, per Barrel of Thirty-two Gallons - - - | 0 | 2 |
| Books and Paper, per Bale or Box - - - - - | 0 | 6 |
| Brimstone, per Cwt. - - - - - | 0 | 1 |
| Bricks and Tiles, per Thousand - - - - - | 1 | 0 |
| Cheese, per Cwt. - - - - - | 0 | 2 |
| Coaches or Chariots, each - - - - - | 5 | 0 |
| Coals, per Ton - - - - - | 0 | 3 |
| Copper, per Cwt. - - - - - | 0 | 6 |
| Cotton Wool, per Bale or Bag - - - - - | 1 | 0 |
| Cordage, per Ton - - - - - | 3 | 0 |
| Cider, per Pipe - - - - - | 0 | 4 |
| Ditto, per Hogshead - - - - - | 0 | 2 |
| Coffee, per Cwt. - - - - - | 0 | 3 |
| Cork-wood, per Ton - - - - - | 2 | 0 |
| Dye Woods, per Ton - - - - - | 1 | 0 |
| Earthenware, per Cwt. - - - - - | 0 | 1 |

| | | A Sum not exceeding | |
|---|---------|------------------------|-----------|
| | | <i>s.</i> | <i>d.</i> |
| Fish — Herrings, per 100 Barrels | - - - - | 5 | 0 |
| Ditto, per 1,200 in Bulk | - - - - | 0 | 1 |
| Ditto, Cod or Ling, per Ton | - - - - | 0 | 4 |
| Fire Blocks, per Score | - - - - | 0 | 1 |
| Flax Seed, per Hogshead | - - - - | 0 | 4 |
| Ditto, per Half Hogshead | - - - - | 0 | 2 |
| Fruit — Lemons or Oranges, per Chest or Box | - - - - | 0 | 2 |
| Glass, per Crate or Cribb | - - - - | 0 | 4 |
| Ditto Bottles, per Gross of Twelve Dozen | - - - - | 0 | 3 |
| Gunpowder, per Cwt. | - - - - | 1 | 0 |
| Hats, per Case | - - - - | 2 | 0 |
| Hardware, per Hogshead or other Cask | - - - - | 1 | 0 |
| Hemp and Flax, per Ton | - - - - | 2 | 0 |
| Hides, per Cwt. | - - - - | 0 | 1 |
| Hops, per Bag | - - - - | 0 | 4 |
| Ditto, per Pocket | - - - - | 0 | 2 |
| Iron and Steel, per Ton | - - - - | 0 | 4 |
| Indigo, per Cwt. | - - - - | 3 | 0 |
| Kelp, per Ton | - - - - | 0 | 6 |
| Leather, per Cwt. | - - - - | 0 | 3 |
| Lead and Lead Shot, per Ton | - - - - | 1 | 0 |
| Mahogany, per Ton | - - - - | 1 | 0 |
| Marble, per Ton | - - - - | 1 | 0 |
| Metal Ware, per Ton | - - - - | 0 | 6 |
| Mats, Russia or Bass, One hundred and twenty | - - - - | 0 | 3 |
| Molasses, per Ton | - - - - | 1 | 0 |
| Musical Instruments, per Case | - - - - | 2 | 0 |
| Oak Bark, per Ton | - - - - | 0 | 6 |
| Oil, per Ton | - - - - | 1 | 0 |
| Ditto, Blubber, per Ton | - - - - | 0 | 6 |
| Oil of Vitriol, per Carboy | - - - - | 0 | 4 |
| Paints and Colours, per Cwt. | - - - - | 0 | 3 |
| Pepper, Pimento, and Ginger, per Cwt. | - - - - | 0 | 6 |
| Pitch, Tar, Rosin, and Turpentine, per Barrel | - - - - | 0 | 1 |
| Portland Stone, per Ton | - - - - | 1 | 0 |
| Plaster of Paris, per Cwt. | - - - - | 0 | 1 |
| Raisins, Figs, and Currants, per Cwt. | - - - - | 0 | 2 |
| Rice, per Cwt. | - - - - | 0 | 1 |
| Sacks of Hemp, Flax, or Tow, per One hundred and twenty | - - - - | 1 | 0 |
| Sail Cloth, per Piece or Bolt | - - - - | 0 | 1 |
| Salt, White or Bay, per Ton | - - - - | 0 | 4 |
| — Rock Salt, per Ton | - - - - | 0 | 3 |
| — Saltpetre, per Cwt. | - - - - | 0 | 1 |
| Slate, per Ton | - - - - | 1 | 0 |
| Sugar, per Hogshead | - - - - | 1 | 0 |
| — per Cask under Ten Cwt. | - - - - | 0 | 6 |
| Sugar, East India, per Bag | - - - - | 0 | 2 |
| Stones, per Ton | - - - - | 0 | 10 |
| Scythes, per Dozen | - - - - | 0 | 2 |
| Sickles, per Dozen | - - - - | 0 | 1 |
| Staves, Pipe, per Thousand | - - - - | 1 | 0 |
| — Hogshead, per Thousand | - - - - | 0 | 6 |
| — Barrel, per Thousand | - - - - | 0 | 4 |
| Tallow, per Cwt. | - - - - | 0 | 3 |
| Tea, per Chest or Package | - - - - | 0 | 6 |
| Tin, per Box | - - - - | 0 | 2 |

| | A Sum not exceeding | |
|---|------------------------|-----------|
| | <i>s.</i> | <i>d.</i> |
| Tobacco, per Hogshead - - - - - | 1 | 0 |
| Vinegar, per Tierce - - - - - | 0 | 4 |
| Wine, per Pipe - - - - - | 1 | 6 |
| — per Hogshead - - - - - | 0 | 6 |
| — per Quarter Cask - - - - - | 0 | 3 |
| Wood, Timber, per Ton - - - - - | 0 | 4 |
| — Deals, over 12 Feet long, per 120 - - - - - | 0 | 6 |
| — under 12 Feet long, per 120 - - - - - | 0 | 4 |
| — Lathwood, per Fathom - - - - - | 0 | 4 |
| Woollen or Cotton Goods, per Bale - - - - - | 2 | 0 |
| Wood Hoops, per Thousand - - - - - | 1 | 0 |
| All other Articles of Import not enumerated, for each Entry | 1 | 0 |
| <i>On Exports.</i> | | |
| Bacon and Hams, per Ton - - - - - | 0 | 3 |
| Butter, Lard, and Tallow, per Ton - - - - - | 0 | 6 |
| Calf Skins, per Dozen - - - - - | 0 | 1 |
| Calves Vells, per Barrel - - - - - | 0 | 1 |
| Candles and Soap, per Ton - - - - - | 1 | 0 |
| Flour, per Ton - - - - - | 0 | 3 |
| Glue, per Ton - - - - - | 1 | 0 |
| Hides, per 100 - - - - - | 1 | 0 |
| Leather, per Cwt. - - - - - | 0 | 1 |
| Marble, per Ton - - - - - | 1 | 0 |
| Oatmeal, per Ton - - - - - | 0 | 2 |
| Oats, Barley, and Malt, per 100 Barrels - - - - - | 0 | 6 |
| Provisions, salted, per 100 Tierces - - - - - | 2 | 0 |
| — per 100 Barrels - - - - - | 1 | 0 |
| Quills or Feathers, per Bag - - - - - | 0 | 2 |
| Rags, per Ton - - - - - | 0 | 3 |
| Rape and Linseed Oil, per Ton - - - - - | 1 | 0 |
| — Cake, per Ton - - - - - | 0 | 2 |
| Spirits, per Puncheon - - - - - | 1 | 0 |
| — per Hogshead - - - - - | 0 | 6 |
| Wheat, Rapeseed, Peas, and Beans, per 100 Barrels - - - - - | 1 | 0 |
| Wool, per Pack - - - - - | 0 | 6 |
| All other Goods exported and not herein enumerated, per } each Entry - - - - - } | 1 | 0 |