



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

Cap. lxxiii.

An Act for the Improvement of the Navigation of
the River *Moy* in the Counties of *Mayo* and *Sligo*
in *Ireland*. [4th July 1839.]

WHEREAS the Town of *Ballina* is a Place of considerable Commercial Importance, and the Merchants, Traders, and other Inhabitants thereof, and the Towns and Villages in its Neighbourhood, carry on an extensive Import and Export Trade of general public Utility by means of the River *Moy*, which is a Tidal River communicating with the said Town of *Ballina*: And whereas the Navigation of the said River is very imperfect, and it would be of great public Benefit if it were improved, and the Channel of the said River made more straight, direct, commodious, and safe, whereby greater Facilities would be given for carrying on the Trade and Commerce of the said Town and Neighbourhood: And whereas the several Parties herein-after named have agreed and are willing to become Commissioners for improving and maintaining the Navigation of the River *Moy* as aforesaid, provided sufficient Powers shall be given to them for that Purpose; but inasmuch as the same cannot be done, nor the necessary Funds be provided and raised, without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty,
[Local.] 22 X by

Commissioners appointed.

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 *Colonel Knox Gore*, the Honourable Colonel *Wingfield*, *William Atkinson*, *George Vaughan Jackson*, *John Perkins*, *Joseph S. Joyner*, *Andrew Gallagher*, *William Mally*, *Edward Atkinson*, *Edward Howley*, *James Brennan*, and *Thomas Jones*, and the several other Persons, and their Successors, from Time to Time to be elected and appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying this Act into execution.

Power to appoint additional Commissioners.

II. And be it further enacted, That it shall be lawful for the said Commissioners, at any Meeting to be appointed as herein-after mentioned, and they are hereby authorized and empowered, to elect any Number of Persons, not exceeding Five in the whole, to be Commissioners for the Purposes of this Act, in addition to the Commissioners hereby appointed; and such Commissioners so elected, and being duly qualified according to the Directions herein-after expressed, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

Appointment of new Commissioners.

III. And be it further enacted, That in case any of the Commissioners appointed or hereafter to be appointed under or by virtue of this Act shall refuse to act, die, or become disqualified or disabled from acting as a Commissioner by virtue of this Act, then and so often it shall be lawful for the surviving or remaining Commissioners under this Act, or any Five or more of them, assembled at the then next or some subsequent Meeting which shall be held by virtue of this Act, and they are hereby required, to elect and appoint a Commissioner, qualified as herein-after mentioned, in the Room and Stead of every such Commissioner so refusing to act, or so dying, or becoming disqualified or disabled to act, as before mentioned; and every such Commissioner so from Time to Time elected and appointed as herein-before is directed shall be joined with the other Commissioners, and have the like Power and Authority vested in him in all respects whatsoever, for putting this Act in execution, as if he had been named a Commissioner in and by this Act.

Qualification of Commissioners.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act unless at the Time of his acting he shall be a Householder, and be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of a Real Estate, or of an Estate for a Term of Years, lying and being within the Counties of *Mayo* or *Sligo*, of the clear yearly Value of One hundred and twenty Pounds, or of a Personal Estate of the Value of Two thousand Pounds above Reprizes, or shall be the Heir Apparent of a Person possessed of such Estate, or shall hold a Situation, Civil or otherwise, in the Counties of *Mayo* or *Sligo*, producing not less than Two hundred Pounds *per Annum*, and shall have taken and subscribed, before any Five or more of the said Commissioners, a Declaration in lieu of an Oath to the following Effect, which Declaration any one

of the said Commissioners is hereby empowered to administer; (that is to say,)

I do solemnly and sincerely declare, That I am truly, in my own Right, *or* in the Right of my Wife, in the actual Possession or Enjoyment [*or* in the Receipt of the Rents and Profits] of a Real Estate, *or* of an Estate for a Term of Years, situate and being within the Counties of *Mayo* or *Sligo*, of the clear yearly Value of One hundred and twenty Pounds, *or* a Situation, Civil or otherwise, producing not less than Two hundred Pounds *per Annum*, *or* of a Personal Estate of the Value of Two thousand Pounds [*as the Case may be*], above Reprizes; and that I will well and truly execute and perform all and every the Powers and Authorities vested in me in pursuance of an Act passed in the Second and Third Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for the Improvement of the Navigation of the River Moy in the Counties of Mayo and Sligo in Ireland*, according to the best of my Skill and Judgment, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

Form of Affirmation.

V. And be it further enacted, That if any Person shall act as a Commissioner in the Execution of this Act, not being duly qualified as aforesaid, or if any Person duly qualified as aforesaid shall act as a Commissioner during such Time as he shall hold any Place or Office of Profit, or shall be in any way interested or concerned in any Contract to be established or made by virtue of this Act, or in any Work or Business to be done under the same, or shall not have taken the said Declaration, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, together with full Costs of Suit, to any Person who shall sue for the same in any of Her Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or otherwise, wherein no Essoign, Protection, or Wager at Law, or more than One Imparlance, shall be allowed; and every Person so to be sued for acting as a Commissioner, not being duly qualified, shall prove that he is duly qualified as aforesaid, or shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act; Provided always, that it shall be lawful for any Justices of the Peace for the said Counties of *Mayo* or *Sligo* to act as such in the Execution of this Act, notwithstanding their being Commissioners under the same.

Penalty on acting if not qualified, or if concerned in any Contract.

Commissioners may act as Justices.

VI. And be it further enacted, That the said Commissioners shall meet in the Town of *Ballina* aforesaid on the first *Monday* in the Month of *September* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of the same Day, in order to put this Act in execution; and the said Commissioners for executing this Act shall thereafter hold a yearly General Meeting for the Purposes of this Act on the first *Monday* which shall happen in the Month of *September* in every succeeding Year, and shall and may then, and from Time to Time afterwards, adjourn themselves to and meet at the Place aforesaid, or any other convenient Place within the

Meetings of Commissioners.

Commissioners to defray their own Expences. No Act valid except at a Meeting. Regulations of Meetings.

the Limits of the said Navigation ; and if at any Time there shall not appear at any such Meeting a sufficient Number to act of the Commissioners appointed or to be appointed by virtue of this Act, the Commissioners present, or the major Part of them, or if only One be present then such One Commissioner present, may adjourn the Meeting to another Day ; and in case of any Neglect or Omission to adjourn, any Two of the said Commissioners, or their Clerk, shall and may appoint a Meeting, to be held at the Place where the last Meeting of the Commissioners was appointed to be held or was held, so as Notice in Writing thereof shall be left at such Place of Meeting, and advertised once in some One Newspaper published in the Counties of *Mayo* or *Sligo* at least Fourteen Days before the Time to be appointed for the same ; and at all Meetings to be held in pursuance of this Act the said Commissioners shall defray their own Expences, except for the Use of the House, Apartment, or Office where such Meeting shall be held, which shall be paid for out of any Monies received by virtue of this Act ; and no Act of the said Commissioners shall be valid unless made or done at some Meeting to be held by virtue of this Act (except as herein-after mentioned) ; and all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part of them present at their respective Meetings to be holden as aforesaid, the Number of Commissioners present at such Meetings not being less than Seven for the Purpose of borrowing Money, and not less than Five for the Purpose of making Contracts by virtue of this Act, or in any other Case, unless when herein otherwise particularly provided for ; and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote) the Chairman shall have the casting Vote ; and at any Meeting to be held under or in pursuance of this Act the first Business thereof shall be to elect a Chairman to preside at the same.

Special Meetings.

VII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized to hold any Special Meeting between their then last Meeting and the Day to which any subsequent Meeting shall have been adjourned, so as that such Meeting shall be required by Three or more of the said Commissioners, and Notice of such Special Meeting shall be left at the Office of the said Commissioners, and also advertised once in some One of the Newspapers published in the Counties of *Mayo* or *Sligo* at least Fourteen Days before the Time to be appointed for the same, and so as that such Notices shall specify the Cause or Causes of such Special Meeting, and also the Place of Meeting.

Restrictions on revoking Orders.

VIII. Provided always, and be it further enacted, That no Order made by the said Commissioners shall be revoked or altered, unless at some Meeting of the said Commissioners to be held for that especial Purpose, and at which Seven Commissioners at least shall be present.

Proceedings to be entered in Books.

IX. And be it further enacted, That regular Entries shall be made, in a Book or Books to be provided for that Purpose, of all Acts, Orders, and Proceedings of the said Commissioners, and of the Names of the Commissioners

Commissioners who shall be present at the respective Meetings, and the Chairman to the said Commissioners shall subscribe his Name at the End of the Proceedings of each respective Meeting; and all such Entries so made and signed shall be deemed Originals, and the same, or true Copies thereof, shall be admitted as Evidence in all Causes, Suits, Actions, Informations, Appeals, and other Proceedings touching any thing done in pursuance of this Act, or touching any Penalty or Forfeiture hereby made recoverable, or any other Matter relating to the Execution thereof; and such Books shall at all seasonable Times be open to the Inspection of the said Commissioners.

X. And be it further enacted, That the said Commissioners shall and may have and occupy an Office or Place of Meeting and Business in the Town of *Ballina*, or at any other convenient Place within the Limits of the said Navigation, and shall or may, from Time to Time as they shall find it expedient, by Writing under their Hands, appoint a Treasurer, Clerk, Collector or Collectors, Engineer or Engineers, Surveyor or Surveyors, and such other Officers and Persons as they shall think necessary, and may remove any such Officers and Persons as they shall think proper, and appoint others in their Stead, and shall pay such Salaries and make such Allowances to all such Officers and Persons as they the said Commissioners shall think reasonable; and the said Commissioners are hereby authorized and required to take good and sufficient Security from every such Treasurer, Clerk, Collector or Collectors, for the due Execution of their respective Offices, and a faithful Account of all Monies received or paid by them respectively, as they the said Commissioners shall in their Discretion think proper.

Officers to be appointed, who shall give Security.

XI. 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 their Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Person in the Service or Employ of any such Clerk or of the Partner of such Clerk, to be the Treasurer for the Purposes of this Act, nor to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or any Person in the Service or Employ of any such Treasurer or of the Partner of such Treasurer, to be Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any other Person in the Service or Employ of such Clerk, or of the Partner of such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of such Treasurer or of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy for such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall, for every such Act, Matter, or Thing done or executed by him or them respectively as such Clerk and Treasurer, forfeit and pay the Sum of Fifty Pounds to any Person or Persons

Same Person not to be Clerk and Treasurer.

who shall sue for the same, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers to
make Entries
of their
Accounts.

XII. And be it further enacted, That every such Clerk, Treasurer, Receiver, Collector, and other Officer so to be appointed as aforesaid shall fairly enter, in proper Books to be kept for such Purpose, an Account of all Monies by him received and paid on account of the said Commissioners for executing this Act, or for any of the Purposes of this Act, specifying the Times when, and the Persons from and to whom, and the several Purposes for which such Monies were received and paid; all which said Books, or true Copies thereof, signed by such Clerk, Treasurer, Receiver, Collector, or other Officer, together with the Vouchers for the Payments therein expressed, and all Books and Papers in his Custody relating to his said Office, or otherwise to the Execution of this Act, shall be delivered to the said Commissioners for executing this Act, if required by them, once at least in every Year, on the Day herein-before appointed for the said yearly General Meeting, and at such other Time or Times as the said Commissioners shall require.

Collectors to
pay over
Monies to the
Treasurer.

XIII. And be it further enacted, That every Collector and Receiver to be appointed by the said Commissioners for executing this Act for the collecting or receiving of any Rates, Taxes, or Monies, under the Authority of this Act, shall from Time to Time pay over all and every such Rates, Taxes, and Monies which he shall from Time to Time have collected or received unto the Treasurer or Treasurers for the Time being of the said Commissioners, at least twice in every Year, in such Manner as the said Commissioners at any General or other Meeting shall order, direct, and appoint.

Officers to
account
when re-
quired.

XIV. And be it further enacted, That every Clerk, Treasurer, Collector, Receiver, and other Officer to be appointed as aforesaid shall, as often as required by the said Commissioners for executing this Act, render and give to them the said Commissioners, or to such Person or Persons as they shall for that Purpose appoint, a true, exact, and perfect Account in Writing under their respective Hands, and produce and deliver up to the said Commissioners, or to such Person or Persons as aforesaid, proper Vouchers of and for all Monies which they shall respectively to the Time of rendering such Accounts have received, paid, and disbursed by virtue of this Act, or for or on account or by reason of their respective Offices; and in case any Money so received by any such Officer shall remain in his Hands, the same shall be paid by him to the said Commissioners, or to such Person or Persons as they shall by any Writing under their Hands, or under the Hands of any Three or more of them, authorize and empower to receive the same; and if any such Officer shall refuse or wilfully neglect to render and give such Account, or to produce and deliver up such Vouchers, or shall, for the Space of Six Days after being thereunto required by the said Commissioners, or any Three or more of them, refuse or neglect to render, give, produce, and deliver up to them, or to such Person or
Persons

Persons as they shall direct or appoint, such true and perfect Account, and all or any such Vouchers as aforesaid, and all or any Books, Papers, Writings, Matters, and Things in his Hands, Custody, or Power, it shall and may be lawful for any Justice of the Peace of the County, Parts, or Jurisdiction where the Officer so making default shall be or reside, upon Application made to him for that Purpose by or on behalf of the said Commissioners, to make Inquiry of and concerning any such Default as aforesaid in a summary Way, as well by the Confession of the Party as by the Testimony of any credible Witness or Witnesses upon Oath, without Fee or Reward, and by Warrant under his Hand and Seal to cause such Money as shall appear to him to be due and unpaid from such Officer to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering to such Officer the Overplus (if any), on Demand, after Payment of the Money remaining due, and deducting the Charges and Expences of making such Distress and Sale; and if sufficient Distress cannot be found, or if it shall appear to any such Justice in manner aforesaid that any such Officer shall have refused or wilfully neglected to render such Account, or to deliver up all or, any Vouchers, Books, Papers, Writings Matters, or Things, in his Custody or Power, relating to the Execution of his Office, such Justice shall or may commit him to the House of Correction or Common Gaol of the County, Parts, or Jurisdiction where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account, and shall have produced and delivered up the Vouchers relating thereto, and shall have paid the Money (if any) remaining in his Hands as aforesaid, according to the Directions of the said Commissioners, or shall have compounded with them for such Money; and paid such Composition, according to their Direction, which Composition the said Commissioners are hereby empowered to make and receive, or until he shall have delivered up all such Books, Papers, and Writings, Matters and Things, as aforesaid, or have given Satisfaction to the said Commissioners concerning the same; but no such Officer who shall be committed on account of his not having sufficient Goods and Chattels as aforesaid shall be detained in Prison by virtue of this Act for any longer Time than Three Calendar Months.

XV. And be it further enacted, That the yearly Accounts of the said Commissioners for executing this Act, and of their said Treasurer, after the same shall have been audited by the said Commissioners as herein-after mentioned, shall be fairly entered in a Set of Books to be kept for that Purpose, by the said Commissioners, or their Treasurer or Clerk for the Time being, and the said Books, and each and every of them, shall and may be inspected and perused, and Extracts taken therefrom, at any Time or Times, at seasonable Hours, by and at the Request of any of the Owners or Proprietors of any Ships, Merchandize, or Goods liable to be rated or taxed to the Extent of Two Pounds at least, in pursuance of this Act, on Payment of One Shilling for every such Inspection, and One Shilling more for every Hour employed in so inspecting and perusing the same or taking Extracts therefrom; and an Abstract of the said several yearly Accounts shall be prepared and printed, and a printed Copy of such Abstract shall be yearly published in some One Newspaper published in the said Counties of *Mayo* or *Sligo*,
and

Accounts to be entered in Books, and an Abstract to be made yearly.

and a Copy of every such Abstract shall be kept and remain extant in the Office of the Clerk of the said Commissioners for executing this Act, for the Inspection at all seasonable Times of all Persons interested therein.

Officer discharged from Service of Commissioners to remove from House occupied by him.

XVI. And be it further enacted, That if any Clerk, Collector, or other Officer or Person, when discharged from the Employment of the said Commissioners for executing this Act, shall delay or refuse to remove from any Office, House, or Premises occupied by him, belonging to the said Commissioners, and to render up the Possession thereof to them, upon being thereunto required by them, or any Person in their Behalf, it shall and may be lawful, upon the Complaint of One or more of the said Commissioners, or of any Person in their Behalf, for any One or more of the Justices of the Peace of the County, Place, or Jurisdiction where such House or Premises shall be situated, to summon such Officer or Person to appear before him or them, and upon his appearing or not appearing to hear and determine the Matter of the said Complaint, and to cause the Possession of such House or Premises to be delivered up to the said Commissioners, or to such Person as they shall direct to receive the same.

Certain Orders of the Commissioners to be made at their yearly Meetings.

XVII. And be it further enacted, That the said Commissioners for executing this Act shall and they are hereby authorized and required, at their several yearly General or other Meetings to be holden under the Authority of this Act, to make Orders for assessing and imposing Tolls, Rates, and Dues, and to make Rules and Regulations, pursuant and conformable to the several Powers and Provisions herein contained, if and as Occasion shall from Time to Time require, and to appoint their several Clerks, Treasurers, Deputies, Engineers, Surveyors, Contractors, Agents, Officers, Workmen, and Servants, and to audit and pass their several Accounts, and to make and give such Orders and Directions as shall from Time to Time appear to them to be necessary for the Conduct and Regulation, as well of themselves the said Commissioners as also of their said Officers and Servants, and of their several Proceedings, according to the Powers, Provisions, and true Intent and Meaning of this Act.

Appointment of Chairman and Deputy Chairman.

XVIII. And be it further enacted, That the said Commissioners for executing this Act shall and they are hereby required, at their First and every succeeding yearly General Meeting, to nominate and appoint a Chairman and Deputy Chairman of the said Commissioners for the Year then next ensuing.

Powers of the Commissioners.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners, and their Clerks, Treasurers, Deputies, Engineers, Surveyors, Contractors, Agents, Officers, Workmen, and Servants, and they are hereby respectively fully authorized and empowered, from Time to Time, as Occasion may be or require, to alter, vary, deepen, restrict, embank, cleanse, scour, dredge, cut, enlarge, diminish, contract, shorten, straighten, and improve the said River *Moy*, and the Bed and Beds, and Channel and Channels thereof for the Time being, and to render the same and the Navigation thereof respectively more straight, direct, commodious, and safe, for the Passage of Ships, Vessels, Lighters,

Lighters, Barges, Boats, and other Craft, between the *Moy* Bar and *Arran Bridge* in the said Town of *Ballina*; beginning, firstly, to divert and make a new Channel and to fill and block up the old or present Channel between *Runroe* and *Runachurry* Points and the *Bartras* in the Counties of *Mayo* and *Sligo* respectively; and also to erect, construct, and maintain proper Embankments, Towing Paths, Piers, Wharfs, Quays, Slips, Rubble Dykes, Dams, Walls, Jetties, and other Buildings, Works, and Conveniences which may be deemed necessary for preserving and maintaining the direct Course of the said River, and preventing any further Accumulation of Sand, Gravel, or other Obstruction in the same; and also to make, construct, and maintain a Towing Path along the Margin of the said River, on the County of *Mayo* Side of same, from the Cut or Canal adjoining the old Orchard and Cottage of *Lower Belleek* to *Arran Bridge*, in the said Town of *Ballina*; and also to make, construct, and maintain proper Locks and Flood Gates, with the necessary Weirs, Walls, and Embankments, in, upon, across, or contiguous to the Cut or Canal through the *Upper Belleek* Rocks, and the Junction of the *Downhill* and *Moy* Rivers, so as to form a Floating Dock or Basin between the new Quay called *Goodwin's Quay* and *Arran Bridge* in the said Town of *Ballina*, in and through the several Lands and Hereditaments mentioned and specified, or intended so to be, in the Books of Reference and marked upon the Plans deposited with the Clerks of the Peace of the Counties of *Mayo* and *Sligo* respectively, herein-after mentioned; and also to support, maintain, amend, repair, and enlarge the said improved Navigation, new Channel, Cuts, Towing Path, and other Works and Buildings; and also to make, erect, construct, and build all such Embankments, Engines, Sluices, Bridges, Tunnels, Culverts, Cuts, Channels, Sewers, Drains, Watercourses, Paths, Ways, and other Works as the said Commissioners shall from Time to Time find necessary for effectually improving and preserving the Navigation of the said River *Moy*; and all such Embankments, Engines, Sluices, Bridges, Tunnels, Culverts, Cuts, Channels, Sewers, Drains, Watercourses, Paths, Ways, and other Works shall from Time to Time and at all Times be supported, maintained, and repaired, as Occasion may require, and be renewed, by the said Commissioners, out of the Monies to be from Time to Time raised or received by virtue of this Act, in such Manner as the said Commissioners shall think proper; and also, from Time to Time, as Occasion may be or require, to cut, dig, blast, and remove all Matters of Excavation and Debris lying within the Boundaries of the Tidal Bed of the said River *Moy*, and to take, get up, remove, and carry away any Rock, Stone, Earth, Clay, Soil, Sand, Gravel, Silt, Rubbish, Embankments, Banks, Projections, or other Obstructions whatsoever, which may now or at any future Time in any way obstruct or impede the Navigation of the said River *Moy* within the said Boundaries, or obstruct, hinder, impede, or prevent the altering, varying, deepening, restricting, embanking, cleansing, scouring, dredging, cutting, enlarging, diminishing, contracting, straightening, or improving the said River *Moy*, or the Bed or Beds, or the Channel or Channels thereof respectively, for the Time being, to the Extent herein-before authorized as aforesaid, or the rendering the same respectively more straight, direct, commodious, or safe, for the Passage of Ships, Vessels, Lighters, Barges, Boats, and other

Craft as aforesaid, between the *Moy* Bar and *Arran Bridge* in the said Town of *Ballina*; or the carrying into effect the Purposes of this Act, or the Execution of any of the Powers hereby given, according to the true Intent and Meaning of this Act; and also, from Time to Time, as Occasion may be or require, to lay and deposit upon such of the Lands, Banks, and bare Sands of and adjoining to the said River *Moy*, and the Lands delineated on the Map or Plan and Section herein-after mentioned, at such Place and Places as may from Time be found necessary, and to remove from the same Lands, Banks, bare Sands, and Lands respectively all such Matters of Excavation and Debris as aforesaid, and also all such other Matters and Things as aforesaid, and also all Materials requisite for carrying into effect the Purposes of this Act, or in the Execution of any of the Powers hereby given; and also, for any of the Purposes aforesaid, or for carrying into effect any of the Purposes of this Act, or executing any of the Powers hereby given, from Time to Time, as Occasion may be or require, and to pass and re-pass, with Horses, Carts, and Carriages, in, over, upon, and along the said Lands, Banks, bare Sands, and Lands respectively; and also to place Buoys, Perches, and other visible Marks or Signs of the Sea in and near the said new Channel or Channels for the Time being, and in the Sea near the Place for the Time being where the said River *Moy* falls into the Sea, and to alter, vary, and change the same and the Situation thereof respectively, and again to replace the same respectively, as Occasion may be or require, so that there shall at all Times be good, sufficient, and conspicuous Buoys and Perches maintained at proper Distances at both Sides of the Channel of the said River; and also to place and erect Landmarks and other visible Marks in, upon, and near the Banks of the said River *Moy*, and the Shores of the Sea near the Place where the said River *Moy* for the Time being falls into the Sea, and to alter, vary, and change the same and the Situation thereof respectively, and again to replace the same respectively, and to repair, maintain, and preserve the same respectively, as Occasion may be or require; and to do all such Acts, Matters, and Things as shall or may from Time to Time be deemed by the said Commissioners necessary or expedient for the Purposes aforesaid, or any of them, according to the true Intent and Meaning of this Act; they the said Commissioners, their Clerks, Treasurers, Deputies, Engineers, Surveyors, Contractors, Officers, Agents, Workmen, and Servants, doing as little Damage as may be in the Execution of the several Powers to them hereby given and granted, and the said Commissioners making full Satisfaction, in manner herein-after mentioned, to all Persons and Corporations interested in any of the Lands, bare Sands, or Banks which shall be used or injured, for all Damage to be by them sustained in or by the Execution of all or any of the Powers hereby given or granted; and this Act shall be sufficient to indemnify the said Commissioners, their Clerks, Treasurer, Deputies, Engineers, Surveyors, Contractors, Officers, Agents, Workmen, and Servants, and all other Persons, for what they or any of them shall do by virtue of the Powers hereby given or granted, transferred or assigned, subject nevertheless to such Provisions as are herein-after mentioned: Provided always, that all Matters of Excavation and Debris, and all Rock, Stone, Earth, Clay, Soil, Sand, Gravel, Silt, Rubbish, Matters, and Things, got, obtained, or removed from or out of the said River *Moy*, under
the

the Authority of this Act, shall, when and so soon as the same respectively shall have been so got, obtained, or removed, be and become the Property of the said Commissioners.

XX. Provided also, and be it further enacted, That the Towing Path to be made, constructed, and maintained under the Authority and for the Purposes of this Act, as herein-before mentioned, in, upon, or near the said River *Moy*, or the said new Channel or Cuts on the County of *Mayo* Side thereof, shall be properly fenced, and that there shall be no Communication from it with the Lands adjoining, nor shall it extend further into the Demesne of Colonel *Knox Gore* than is marked and delineated on the Plan herein-after mentioned, without the Consent of the said Colonel *Knox Gore* expressed in Writing, and for this Purpose first had and obtained.

Towing Path to be fenced.

XXI. Provided also, and be it further enacted, That the said Commissioners shall and they are hereby required at all Times to leave and maintain an open Gap or Space of Two Feet at least in Width in all and singular the Weirs, Walls, and Embankments to be made, constructed, erected, and maintained in, upon, across, or contiguous to the said Cut or Canal, through the *Upper Belleek* Rocks and the Junction of the *Downhill* and *Moy* Rivers, so that a free Passage up and down the said Cut or Cuts and Floating Dock or Basin shall be at all Times allowed to Salmon and other Fish.

Gap to be left in Weirs, &c. for free Passage to Salmon, &c.

XXII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners, or for any Contractor or other Person acting for or under them or by their Authority, to proceed with or labour at the said projected new Channel, Cuts, and other Works, or any Part thereof, between the Points of *Runroe* and *Runachurry* and the *Bartras* in the Counties of *Mayo* and *Sligo*, from at or within Two Hours of High Water of every Tide, nor until Two Hours after such High Water, between the First Day of *May* and the Twelfth Day of *August* inclusive in every Year, unless the Consent in Writing of the Trustees and Mortgagees of the River *Moy* Fishery, or their Agent or Manager, duly appointed, and acting for them for such Purpose, shall be first had and obtained: Provided nevertheless, that if at any Time the Suspension of the Works or any Part thereof by this Act authorized to be made, undertaken, or proceeded with during such Hours and Times as last mentioned shall have the Effect of materially injuring the Progress of the said Works or any Part thereof, or of so far retarding the Execution of the same as to render it difficult to complete the same within the Term limited by this Act for that Purpose, and the said Fishery Trustees or Mortgagees, or their Agent or Manager, upon a Representation made to them by the said Commissioners in Writing, shall nevertheless withhold their Consent to the Progress of the said Works or any Part thereof, during the Hours and Times aforesaid, then and in that Case they the said Trustees and Mortgagees, or their Agent or Manager, shall and they or he are or is hereby required to assign the special Damage that will be done to the said Fishery by allowing the said Works to proceed during such Hours and Times as last mentioned.

Improvements not to be proceeded with at stated Hours and Seasons, without Consent.

If Consent withheld, Proof of special Damage to be adduced.

XXIII. Pro-

Passage for Boats, &c. to be kept between Bonrush and Bartra.

XXIII. Provided also, and be it further enacted, That the said Commissioners shall and they are hereby required to make and maintain a good and sufficient Passage between the Islands of *Bonrush* and *Bartra* for Boats and other Craft passing in, to, across, or out of the *Moyne Flats* to the *Killalla* or *Moy Channels*.

Power to take Land, dam up and inclose bare Sands, and remove Sand Banks.

XXIV. And be it further enacted, That it shall and may be lawful for the said Commissioners and they are hereby fully authorized and empowered to take, use, and appropriate for the Purposes of this Act the Lands and Hereditaments described or mentioned in the Map or Plan and Book of Reference herein-after mentioned as situate and being in the Townships or Townlands and Parishes of *Barrackhill* or *Ballina Inch*, *Belleek Castle*, *Belleek Abbey*, *Gurraun Keel*, and *Farrinoo*, in the Parish of *Kilmore Moy*; *Knockatonnell*, *Drimanakeel*, *Carrowkelly Glebe*, *Roserk*, *Ballysokeery Glebe*, *Ballysokeery*, and *Rusheens*, in the Parish of *Ballysokeery*, and *Killala*, in the Parish of *Killala*, all in the County of *Mayo*; also *Ardnaree* or the *Abbey Half Quarter*, *Bunree*, *Knocknalyre* or *Downhill*, *Quignalecka*, *Quignamanger*, *Rathmeel*, in the Parish of *Kilmore Moy*; *Farringeroad*, *Knockbrendane*, *Knockroe*, *Lugnamana Glebe*, *Castleconnor*, *Ferrit Park*, *Rathmurphy*, *Killanley Glebe*, *Moyview*, *Runroe*, *Dooneen*, *Scurmore*, *Carrowcardine*, *Muckduff*, and *Bartra O'Dowda*, in the Parish of *Castleconnor*, and all in the County of *Sligo*; and also, by themselves, their Deputies, Agents, Engineers, Contractors, Surveyors, Servants, and Workmen, to bore, dig, cut, trench, excavate, embank, and sough, in and upon such Lands and Hereditaments, and also to remove, take, and carry away, or to lay and make use of, any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Rocks, Flags, Beds of Gravel or Sand, or any other Materials or Things which may be dug, raised, or gotten, in making the said Navigation, new Channel, and other Works, out of the said Lands and Grounds, which it may be proper, requisite, or necessary to remove, take, or use for making, carrying on, continuing, maintaining, deepening, shortening, straightening, altering, diverting, or repairing the said Navigation, new Channel, Embankments, Piers, and other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, and maintaining the same respectively; and also to embank, use, and appropriate for the Purposes of this Act the bare Sands described and mentioned in the Map or Plan and Book of Reference herein-after mentioned as situate and being in, near, or alongside the Bed of the said River, between the Town of *Ballina* and the Sea; and by themselves, their Deputies, Agents, Engineers, Surveyors, Contractors, Servants, and Workmen, to dam up and inclose the said bare Sands, and also to dredge, remove, and clear away all Sand Banks, Obstructions, or Impediments to the Navigation of the said River, which may from Time to Time arise, form themselves, or be created in, at, or between th *Town of Ballina* and the Sea; and by themselves, their Deputies, Agents, Engineers, Surveyors, Contractors, Servants, and Workmen, to make, provide, and build Jetties, Walls, or Embankments in, upon, and from the Shore or Margin of said River, between the present old Quay and the *Moy Bar* aforesaid, for the Purpose of rendering and maintaining the said Channel more deep, straight, and direct; provided nevertheless, and be it further enacted, that in no Case shall it be lawful for the said Commissioners to
make,

make, construct, and maintain any such Jetties beyond the Distance of Twenty Yards inwards from High-water Mark on the Shore or Margin of said River, without the Consent in Writing of the Owners or Occupiers of Lands immediately abutting thereon previously had and obtained; and also to make, construct, and erect, bank and set up, such Quays, Roads, Houses, Warehouses, Toll Houses, Wharfs, Landing Places, Weighing Beams, Cranes, and other Works and Conveniences, as they the said Commissioners shall think necessary and proper for the Purposes of the said Undertaking and the Commerce of the said River, upon the said Lands and Hereditaments, and upon any Lands adjoining the same, with the Consent of the Owners and Occupiers thereof, and also from Time to Time to alter, repair, amend, or discontinue the same or any of them; and also to place, lay, work, and manufacture the Materials necessary for the making, erecting, or maintaining and repairing the said improved Navigation, new Channel, Embankments, Piers, Towing Path, and other Works, on the Lands and Grounds adjoining the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and to construct, make, or do all other Matters or Things necessary or expedient for the altering, shortening, straightening, diverting, preserving, improving, completing, and using the said Navigation, new Channel, Embankments, Piers, and other Works; they the said Commissioners, their Deputies, Agents, Engineers, Contractors, Surveyors, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and tendering and making Satisfaction to the Owners or Proprietors of and all Persons interested in any Lands and other Hereditaments which shall be so taken or used in carrying this Act into execution, for the same, or which shall be damaged or injured in or by or by means of the Execution of all or any of the Powers hereby granted, for all Damages so occasioned; and the said Commissioners shall have the entire Management, Direction, Superintendence, and Control of the Execution of all and singular the Works by this Act authorized to be made and completed, and the Maintenance of all and singular the Works by this Act directed or authorized to be from Time to Time maintained, with full Power and Authority from Time to Time to enter into any Contract or Contracts with any Person or Persons for the Execution and Maintenance of the same Works or any of them, or any Part thereof respectively, and to take Security for any such Contract or Contracts, and to enforce the Performance thereof, or the Penalty or Penalties for any Breach or Default thereof; and this Act shall be sufficient to indemnify the said Commissioners, and their Deputies, Agents, Engineers, Servants, 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 hereinafter mentioned and contained.

XXV. And be it further enacted, That the Commissioners acting under this Act may from Time to Time sue and be sued in the Name of any One of the said Commissioners, or of their Clerk for the Time being; and no Action or Suit to be brought or commenced by or against the said Commissioners in the Name of any One of them, or

Commissioners may sue and be sued in the Name of any Commissioner, or of their Clerk.

[Local.]

23 A

their

their Clerk, shall abate or be discontinued by the Death, Removal, or Resignation of such Commissioner or Clerk, or any of them, or by the Act of such Commissioner or Clerk, or any of them, without the Consent of the said Commissioners, but any of the said Commissioners, or the Clerk for the Time being to the said Commissioners, shall always be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action or Suit: Provided always, that every such Commissioner or Clerk shall be reimbursed and paid out of the Monies by this Act authorized to be collected all such Costs, Charges, Damages, Demands, and Expences as he shall be put unto or become chargeable with or liable to by reason of his being so made Plaintiff or Defendant.

What shall
be good Ser-
vice of Notice
on the Com-
missioners.

XXVI. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ, or other Proceeding, at Law or in Equity, upon the said Commissioners, personal Service thereof upon any One of the said Commissioners or their Clerk, or leaving the same at the Office of the said Commissioners or of such Clerk, or delivering the same to some Inmate of such Office of the said Commissioners, or at the last or usual Place of Abode of any One of the Commissioners or their Clerk, or in case the same respectively shall not be found or known, then personal Service thereof upon any other Agent of or Officer employed by the said Commissioners or any One of the said Commissioners, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent, Officer, or Commissioner, shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

What shall
be good Ser-
vice of Notice
by the Com-
missioners.

XXVII. And be it further enacted, That in all Cases in which it may be necessary for the said Commissioners to serve any Summons or Demand, or any Notice, or any Writ, or other Proceeding, at Law or in Equity, upon any Person or Corporation, under the Provisions of this Act, personal Service thereof respectively upon the Clerk or other Officer of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, Clerk, or other Officer, or in case there shall be no Clerk or other Officer, then on any Director or Manager of such Corporation, or delivering the same at his last or usual known Place of Abode, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be): Provided always, that every Summons, Demand, Notice, or other Document requiring Authentication by the said Commissioners, may, except where the same is by this Act otherwise expressly directed, be signed by One Commissioner, or by the Clerk of the said Commissioners, and may be in Writing or in Print, or partly in Writing and partly in Print.

Bodies Poli-
tic, &c. em-
powered to
sell and con-
vey Lands.

XXVIII. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall have been set out and ascertained for making and improving the said Navigation, new Channel, and other Works and Conveniences hereby authorized to be made, or any of them, or any Part thereof, it shall and may be lawful for all Bodies Politic, Corporate,

directed, in such gross Sums as shall be agreed upon by and between the said Owners, Lessees, and Occupiers respectively, or any of them, and the said Commissioners.

In case Parties refuse or are incapable to act, the Value to be settled by a Jury.

XXX. And for settling all Differences which may arise between the said Commissioners, and the several Owners of and Persons interested in the Lands and Grounds, Messuages, Buildings, Tenements, or Hereditaments which shall or may be affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid or Recompence to be made to them respectively; be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons so interested, for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their Cestuique Trusts, or of any other incapacitated Person or Persons as aforesaid, shall refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered them by the said Commissioners, or their Agent by or on their Behalf, and shall give Notice thereof in Writing to the said Commissioners within One Calendar Month next after such Offer shall have been made, and the Party and Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons seised or possessed of or interested in any such Lands, Messuages, or other Hereditaments as aforesaid, shall refuse to treat, or shall not agree with the said Commissioners, or with any Person or Persons authorized by them, for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found, or shall not be known or discovered, or shall not produce or evince a clear Title to the Premises they may be in possession of, or to the Interest they claim therein, to the Satisfaction of the said Commissioners, or to the Person or Persons authorized by them as aforesaid; then and in every such Case the said Commissioners, or any Three of them, shall and they are hereby empowered and required, from Time to Time, by Writing under their Hands and Seals, directed to the Sheriff of the County of *Mayo* or the Sheriff of the County of *Sligo*, as the Lands, Grounds, Messuages, Buildings, Tenements, or Hereditaments in dispute shall be situate in the said County of *Mayo* or the said County of *Sligo*, or in case such Sheriff or his Under Sheriff shall happen to be One of the said Commissioners, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to the Coroner of such County not interested as aforesaid, or if the Coroner shall be so interested, then to the last Person then in being who filled the Office of Sheriff of such County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby authorized, empowered, and required to impanel, summon, and return accordingly, a Jury of at least Twelve sufficient and indifferent Men from the County in which the Lands, Grounds, Messuages, Buildings, Tenements, or Hereditaments shall or may be situate, qualified according to the Laws of this Realm to be returned for the Trial of Issues joined in Her Majesty's Courts of Record at *Dublin*, to appear before the Justices of the

Peace for the said County of *Mayo* or *Sligo*, as the Case may be, at some Court of General or Quarter Sessions of the Peace to be holden in and for such County, or at some Adjournment thereof, as in such Warrant shall be directed or appointed; and if a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner or other Person shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace for such County, or his Deputy, is hereby empowered and required to summon and call before the said Justices all and every Person and Persons who shall be thought necessary to be examined as Witnesses or a Witness touching the Matters in question, and may order and authorize the said Jury, or any Five or more of them, to view the Place or Places or Matter in controversy; and such Jury, upon their Oaths, or being Persons by Law exempt from taking an Oath, upon their solemn Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations to such Person and Persons as shall be called upon to give Evidence, the said Justices are hereby empowered to administer,) shall inquire, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Messuages, Buildings, Tenements, and Hereditaments, and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence, either for the Damages which shall or may before that Time have been sustained as aforesaid, or for the future temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been only in part obviated or repaired by the said Commissioners, and which can or will be no further obviated, repaired, or remedied by them; and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence as shall be assessed by such Jury: Provided always, that in every such Inquiry the Person claiming Compensation shall always be deemed the Plaintiff, and entitled to the same Rights and Privileges as Plaintiffs in Actions are entitled to: Provided also, that not less than Ten Days Notice in Writing of the Time and Place of meeting of the said Justices and Jury shall be given by the Clerk of the said Commissioners to the Party or Parties with whom any Controversies shall arise.

XXXI. And be it further enacted, That all Parties with whom the said Commissioners shall have any such Dispute respecting any Damages, and who shall require a Jury to be summoned as aforesaid, shall, before the said Commissioners shall be obliged to issue any Writing under their Hands and Seals, as herein-before directed, for the summoning of such Jury, enter into a Bond to the said Commissioners in the Penalty of Two hundred Pounds to prosecute their Complaint, and to bear and pay their Proportion of the Costs and Expences of summoning and returning such Jury, and taking such Verdict, and of the summoning and Attendance of such Witnesses, in case any Part of such Costs and Expences shall fall upon them.

Persons requesting Juries to enter into Bonds to prosecute, and to pay Expences.

[Local.]

23 B .

XXXII. And

Value of Lands and Damages to be ascertained separately.

Compensation Money to be apportioned.

Compensation for Damages not herein-before provided for.

Verdicts of Juries to be recorded.

No Complaint to be attended to unless previous Notice has been given to the Commissioners.

Juries to be under the same Regulations as

XXXII. And be it further enacted, That the said Juries shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give concerning the Value of Lands, Tenements, and Hereditaments separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other; and the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be agreed for, determined, and adjusted, or assessed in manner aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

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

XXXIV. Provided always, and be it further enacted, That all the said Verdicts and Judgments shall be returned by the said Justices to and be kept by the Clerk of the Peace of the said Counties of *Mayo* or *Sligo* amongst the Records of the Quarter Sessions, and shall be deemed Records to all Intents and Purposes, and the same or Office Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have free Liberty to inspect the same, paying for each Inspection Two Shillings and Sixpence, and no more, and also to make Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words.

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

XXXVI. And be it further enacted, That every such Jury and Juryman as aforesaid shall be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned

returned for the Trial of any Issue joined in any of Her Majesty's Courts of Record at *Dublin*; and all and every Person and Persons who in any Examination to be taken by virtue of this Act upon their Oath (or, being by Law exempt from taking an Oath, upon their solemn Affirmation,) shall wilfully and corruptly give false Evidence before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

those of the Courts of Dublin.
Persons giving false Evidence subject to the Penalties of Perjury.

XXXVII. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered or tendered by the said Commissioners for the Purchase of any Lands, Grounds, Messuages, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or as a Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs, Charges, and Expences of summoning such Jury, and of taking such Inquest, or in any Manner occasioned thereby, and the Expence of Witnesses, and the Fees and Expences of Counsel, shall be defrayed by the said Commissioners; and such Costs and Expences shall be settled and determined by some Three Justices of the Peace for the said Counties of *Mayo* or *Sligo*, as the Case may be, not interested in the Matter in question (who are hereby authorized and required to settle the same, at a Time and Place to be by them appointed, after summoning the Parties therein to attend for that Purpose); and in case such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Commissioners, or of the Treasurer of the said Commissioners (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Two Justices of the Peace for the said Counties, which Warrant any such Justices are hereby authorized and required to issue, under their Hands and Seals, on Application made to them for that Purpose by the Party entitled or claiming to receive such Costs and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered or tendered by or on behalf of the said Commissioners, or if no Verdict shall be found for Damages where the whole Dispute shall be whether any Damage has or has not been done, then and in every such Case one Moiety of the said Costs, Charges, and Expences shall be defrayed by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Commissioners; and all such Costs and Expences, having been ascertained and settled by some Three Justices of the Peace for the said Counties in manner herein-before described, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money

Expences of Jury how to be paid.

Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken to all Intents and Purposes whatsoever to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in all Cases where, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Commissioners.

Application
of Compen-
sation Money
amounting
to 200*l*.

XXXVIII. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 Court of Chancery, to be placed to his Account there *ex parte* the Commissioners for the Improvement of the Navigation of the River *Moy*, and shall when so paid in there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, be applied in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, 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 or capable of taking effect; and in the meantime and until such Order can be made the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities, or Government or Real Securities,

Securities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, 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 such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

XXXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, signified in Writing under their Hands and Seals, 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 be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands of the Parties nominating such Trustees, and under the Hands and Seals of the said Commissioners; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Chancery, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Application of Compensation Money when less than 200*l.* and not less than 20*l.*

XL. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, her, or their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application of Compensation Money when less than 20*l.*

In Cases of Refusal to accept Compensation, or of not being able to make a good Title, the Money to be paid into the Bank of Ireland.

XLI. And be it further enacted, That in case the Body or Bodies, or Person or Persons, to whom any such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid shall refuse to accept the same, or shall not be able to make a good Title to the Lands, Tenements, Hereditaments, Estate, or Interest for which the same shall be agreed or awarded to be paid, to the Satisfaction of the said Commissioners for executing this Act, or shall refuse to execute the proper Conveyance or Conveyances, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded to be paid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, Estate or Interest, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners, or any Five or more of them, to order the said Sum or Sums of Money to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be there placed to his Account *ex parte* "The Commissioners for the Improvement of the Navigation of the River *Moy*," to the Credit of the Parties entitled to the said Lands, Tenements, or Hereditaments, Estate or Interest, subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or on Petition, shall, in a summary Way, order the same to be laid out and invested in the Public Funds, or order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Person or Persons making claim thereunto, and make such other Order in the Premises as to the said Court shall seem 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, mentioning and specifying for what Purpose 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.

Persons in possession to be deemed entitled, until the contrary shall be shown.

XLII. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased, taken, or used in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such purchasing, taking, or using thereof, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons respectively, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be so purchased with such Money as aforesaid, and also the Capital of such Bank

Bank Annuities, 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, or that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to the Estate or Interest therein in respect whereof such Sum or Sums of Money shall have been paid.

XLIII. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any Lands whatsoever, as well on the Part of the Persons or Corporations incapacitated or disabled as otherwise, which shall be purchased or taken by the said Commissioners for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Commissioners may require to the said Lands, and of making out and furnishing such Abstract and such attested Copies as the said Commissioners may require, and all Expences whatsoever incident to the Investigation, Deduction, or Verification of such Title, shall be exclusively borne and paid by the said Commissioners; and the said Commissioners, before entering into possession of the Lands so purchased, shall pay the Amount of such Costs, Charges, and Expences, or, in case there shall be any Dispute about the same, shall obtain such Order as herein-after mentioned, and shall deposit, for the Purpose of paying the same, in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party or Parties from whom the Lands shall be purchased: Provided always, that the said Commissioners shall not be prevented from entering into possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-after mentioned not having been obtained, or the Deposit herein mentioned made, unless the Party or Parties from whom such Lands and Hereditaments shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Commissioners, deliver a Bill of their said Costs, Charges, and Expences to the said Commissioners.

Commissioners to pay Costs of Conveyances.

XLIV. And be it further enacted, That where, by reason of any Disability or Incapacity of any Party entitled to any Lands to be used under the Authority of this Act, in respect of which any Satisfaction, Recompence, or Compensation shall be payable under the Authority of this Act, or by reason of such Party being unborn, the Money paid for such Satisfaction, Recompence, or Compensation shall be required to be paid into the Bank of *Ireland*, it shall be lawful for the said Court to order the Costs, Charges, and Expences of any such using of Land under the Provisions of this Act, or incident thereto, or which may be incurred in consequence thereof, and also the Costs, Charges, and Expences of the Investment of such Compensation Money in Government or Real Securities purchased therewith, and of the Reinvestment of the same, or the Government or Real Securities purchased therewith, in the Purchase of other Lands or Hereditaments, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes, and for the Payment of the Dividends and Interest of the Government

The Court may order reasonable Expences, in certain Cases, to be paid.

or

or Real Securities upon which such Purchase or Compensation Money may be invested, and for Payment out of Court of the Principal of such Compensation Money, or of the Government or Real Securities aforesaid, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act; and the said Commissioners shall from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

How such
Expences
are to be
ascertained.

XLV. And be it further enacted, That if the said Commissioners and the Party aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Chancery; and it shall be lawful for the said Court, on Petition to be presented by the said Commissioners, to order and direct that such Costs, Charges, and Expences shall be referred to One of the Masters of the said Court, to be taxed in the usual Manner; and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and after Taxation it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Commissioners to the Person whose Lands shall be so required to be used, to be paid to the Person or Persons aforesaid: Provided always that the said Commissioners shall not be at liberty to enter into possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and shall have been served on the Party aforesaid, who shall be at liberty to proceed under the same, and the said Commissioners shall have deposited in the Bank of *Ireland*, in the Name of the Accountant General of the said Court of Chancery, to be placed to his Account there *ex parte* "The Commissioners for the Improvement of the Navigation of the River *Moy*," pursuant to the Method prescribed by an Act passed in the Twenty-third and Twenty-fourth Years of the Reign of King *George* the Third, Chapter Twenty-two, and the General Orders of the said Court, the Amount claimed for such Costs, Charges, and Expences; which Sums shall be applied, under the Order of the said Court, in Payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Commissioners, unless the Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Person whose Lands shall be so required to be used, and the Amount thereof may then be paid by the said Commissioners out of the Sum so deposited by them as aforesaid.

Parties to
deliver a
Statement of
their Inter-
ests and
Claims within
Three Calen-
dar Months
after Notice.

XLVI. And be it further enacted, That on or before the Expiration of Three Calendar Months next after Notice in Writing from the said Commissioners, or their Agents duly authorized, stating their Intention to use any Lands, or any Part thereof, for the Purposes of this Act, shall have been given to any Person or Corporation seised, possessed, or interested in, or authorized by this Act to accept and receive Satisfaction and Compensation for the Value for the same, or any
Estate,

Estâte, Share, or Interest therein, or Charge thereon, or for any Injury or Damage sustained on account of the Execution of this Act, such Person or Corporation shall deliver or cause to be delivered at the Office of the said Commissioners a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which he, she, or they claim to be entitled to, or to be authorized to receive Satisfaction and Compensation for, and of the Injury or Damage sustained by him, her, or them, and of the Amount of the Sum of Money which he, she, or they may expect and be willing to receive in satisfaction and compensation for such Injury or Damage respectively.

XLVII. And whereas a Map or Plan and Section, describing the Line of the said intended new Channel and other Works, and the Lands through which the same is intended to be carried, and also a Book of Reference to the said Map or Plan and Section, have been deposited in the respective Offices of the several Clerks of the Peace for the Counties of *Mayo* and *Sligo*; be it therefore enacted, That the said Map or Plan, Section, and Book of Reference, herein-before mentioned, shall remain in the Custody of the said respective Clerks of the Peace for the said Counties of *Mayo* and *Sligo*, or their respective Deputies for the Time being; and that all Persons shall at all seasonable Times have Liberty to inspect and peruse the same, and to make Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the said respective Clerks of the Peace, or their said respective Deputies, the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of every such Copy or Extract; and the said Map or Plan and Section, and Book of Reference, or any Copy thereof or Extract therefrom (such Copy or Extract being certified to be a true Copy or Extract by the said Clerk of the Peace having the Custody thereof, or his lawful Deputy), shall be good Evidence in all Courts and elsewhere.

Map of new Channel and Book of Reference deposited with the Clerks of the Peace to remain there, and be open to Inspection.

XLVIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners to use the Premises, so delineated in the said Map or Plan and Section, although such Lands, or any of them, or the Situation thereof respectively, or the Names thereof, or of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act, or in the said Book of Reference, if it shall appear to any Two or more Justices of the Peace acting for the County of *Mayo* or *Sligo*, not interested in the Undertaking hereby authorized, in case of Dispute about the same, (to be certified by Writing under their Hands,) that such Omission, Mis-statement, or erroneous Description proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerks of the Peace of the said Counties.

Unintentional Errors in Plan and Book of Reference not to prevent Execution of Act.

XLIX. And be it further enacted, That the said Commissioners, in making and executing the Works hereby authorized, shall not extend beyond the Lands mentioned or described in the said Map or Plan and Section, and Book of Reference.

Commissioners not to extend beyond the Lands described in the Plan.

[Local.]

23 D

L. And

Power to enter Lands for temporary Purposes.

Commissioners to find Sureties, if required.

L. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time, and their Contractors, Servants, Engineers, Officers, and Workmen, and they are hereby empowered, to enter in and upon the Lands and bare Sands of any Person or Corporation lying and being within the said River and Channel, or within Three hundred Yards from the High-water Mark thereof, and situate in the Parishes of *Killmore Moy*, *Ballysokeery*, *Killalla*, and *Castleconner*, not being a Garden, Yard, Paddock, Park, or other ornamental Ground inclosed by a Wall of the Height of Six Feet, and there to dig, cut, take, use, remove, and carry away, out of and from said Lands and bare Sands, any Soil, Clay, Sand, Stones, Flags, or other Materials which can or may be gotten, had, or found therein, and which may be requisite and convenient for making, improving, and maintaining the said new Channel, Cuts, Weirs, Walls, Embankments, Jetties, Towing Paths, and other Works; and also in or upon such Lands and bare Sands to lay, use, and manufacture any Earth, Stone, Rubbish, Gravel, Sand, or any other Materials or Things which may be dug or obtained therein, or otherwise, in the Execution of any of the Powers of this Act, and which may be proper or necessary for altering, deepening, embanking, scouring, straightening, and otherwise improving the said River *Moy* and the Channel thereof for the Time being, and rendering the same and the Navigation thereof respectively more straight, direct, commodious, and safe: Provided always, that before entering upon any such Lands and bare Sands for such temporary Purposes as aforesaid the said Commissioners shall, if required by the Owner or Occupier thereof, find Two sufficient Sureties, who shall enter into a Bond to such Owner or Occupier in a Penalty to the Amount of Twenty-five Pounds for every Acre of Land required for such temporary Purposes, and so in proportion for any greater or less Quantity, conditioned for the Payment of such Compensation, such Sureties to be approved of by the Sheriff of the County in which the said Lands shall be situate, in case the Parties differ about the same: Provided also, that the said Commissioners shall and they are hereby required to make such Compensation and Satisfaction to the Owner of such Lands for the permanent Damage or Injury (if any) which may have been done to the same by the Exercise of any of the Powers and Authorities aforesaid; such Compensation and Satisfaction to be made in the Manner by this Act hereinbefore provided: Provided also, that before it shall be lawful for the said Commissioners to make such temporary Use as aforesaid of the said Lands and bare Sands the said Commissioners shall and they are hereby required to give Ten Days Notice of such their Intention to the Owners or Occupiers of such Lands and bare Sands, and to separate and set apart by sufficient Railings and Fencings so much of the Lands as shall be required to be used as aforesaid from the other Lands adjoining thereto.

If Channel, &c. not completed in Ten Years, the Powers to cease, ex-

LI. Provided always, and be it further enacted, That in case the said intended new Channel and other Works shall not have been completed or made (unless prevented by inevitable Accident) within the Space of Ten Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Ten

Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said improved Navigation, new Channel, Cuts, and other Works as shall have been completed within the said Term of Ten Years. cept as to any Part that is completed.

LII. And be it further enacted, That unless the said Commissioners shall, within the Space of Three Years, to be computed from the passing of this Act, agree for, or cause to be paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purposes of making the said improved Navigation, new Channel, Cuts, and other Works hereby authorized, then and from thenceforth the Powers which are hereby granted to them for taking or using such Lands shall cease and be utterly void (save and except with the Consent in Writing of the Owners and Occupiers thereof respectively); and in case any Purchase or Purchases shall be so made with the Consent of the Owner or Owners, such Purchases shall be completed, subject to the Regulations and Provisions of this Act, in the same Manner as if the same had been made before the Expiration of the said Term of Three Years. If Land not contracted for within Three Years the Power to take Property on Compulsion to cease.

LIII. And be it further enacted, That the said Towing Path and Embankments, and the several Dams, Banks, Forelands, Drains, Sluices, Tunnels, Piers, Jetties, Walls, Paths, and other Works which shall be made, erected, purchased, or taken by the said Commissioners for executing this Act, or by their Clerks, Treasurers, Deputies, Agents, Engineers, Contractors, Surveyors, Officers, Servants, and Workmen, under any of the Powers and Authorities of this Act, and all the Materials thereof, and all and singular the Goods, Chattels, Materials, Implements, and Effects whatsoever which shall be purchased or provided by or at the Expence of the said Commissioners, or from or out of any of the Rates, Tolls, Taxes, Monies, or Funds hereby authorized to be imposed, raised, or received by or under the Authority of the said Commissioners, shall be fully and solely vested in the said Commissioners for executing this Act and their Successors for ever, who shall at all Times, by themselves or their said Agents, have full Authority and Control over the same and every Part thereof respectively, and shall have full Power to alien, sell, or otherwise dispose of the same Goods, Chattels, Materials, Implements, and Effects, and every of them, and every Part thereof respectively, and to apply the Proceeds thereof for any of the Purposes of this Act. Towing Path and Works to be vested in Commissioners.

LIV. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, within Ten Years from the passing of this Act, to sell, convey, and dispose of such of the Lands, Banks, and bare Sands as they are herein-before empowered to purchase, embank, and hold, and shall have actually purchased, held, or embanked, and which shall or may be found superfluous and not wanted for the Improvement of the said River *Moy*, or for the said new Channel, Cuts, Towing Path, and Embankments, and either together or in Parcels, and either by public Auction or private Contract, as they shall think expedient, and again from Time to Time to contract Commissioners empowered to re-sell.

contract for the Purchase of other Lands, and to embank other bare Sands, which the said Commissioners shall deem more eligible for the Purposes aforesaid, and afterwards to sell and dispose of the same as aforesaid: Provided always, that the said Commissioners, before they shall dispose of any such superfluous Lands, Banks, and Sands, shall first offer to sell the same to the Person who shall have Right to and be in possession of the Lands from which the same were originally severed, in case he shall be the Owner of the Lands adjoining thereto; or if such Person shall refuse to purchase the same, or cannot be found, then to the Person or to the several Persons whose Lands or Premises shall immediately adjoin the Lands, Banks, and Sands so proposed to be sold; and such respective Persons, or their known Agents, as such, in case they shall be desirous of purchasing the same, shall give Notice of such their Desire and Intention to the said Commissioners within Sixty Days after such Offer of Sale shall have been made; and in case such Persons shall decline to avail themselves of such Offer, or shall neglect to give Notice of such their Desire and Intention to purchase such Lands, Banks, and Sands, for the Space of Sixty Days, the Right of Pre-emption of every such Person so declining or neglecting, in respect of the Lands, Banks, and Sands included in such Offer of Sale, shall cease and wholly determine, and it shall be lawful for the said Commissioners to dispose of the same to any Persons whomsoever: Provided also, that unless the said Commissioners shall sell the said superfluous Lands, Banks, and Sands within the Period herein-before limited for that Purpose, then such of the said Lands, Banks, and Sands as shall remain unsold after the Expiration of the said Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto in proportion to the Extent of their Property adjoining the same.

Monies received by the Commissioners to be applied for the Purposes of this Act.

LV. And be it further enacted, That all and singular the said several Sums of Money which shall from Time to Time be raised or received by the said Commissioners for executing this Act, or by their Treasurer or Treasurers, in the Manner herein-before described, or from any of the Parties authorized to contribute towards the Expences of making, executing, and completing the said new Channel, Cuts, and other Works by this Act authorized to be made and executed, and also all and singular the several Rates, Taxes, Harbour, Wharfage, and Pilotage Dues or Rates, and Sums of Money, which shall from Time to Time be respectively assessed, rated, taxed, or charged by the said Commissioners for executing this Act, as herein-after mentioned, and also all Monies which shall be obtained from the Sale, Disposal, or Conveyance of any Lands, Banks, or bare Sands respectively, which by this Act the said Commissioners are authorized to sell and dispose of, between the said Town of *Ballina* and the Sea, and also all and singular the said several Sums of Money which shall be so raised, borrowed, or received by or for the said Commissioners or any of them, or their Treasurer or Treasurers, by way of Loan on any Mortgage or Mortgages, or for the Purchase of any Annuity or Annuities to be so respectively made by the said Commissioners as aforesaid, or in any other Manner under the Authority of this Act, the Application whereof is not hereby otherwise directed, shall be wholly

wholly paid, applied, and disposed of, by or under the Direction of the said Commissioners, in and towards the Payment and Discharge of the Costs, Charges, and Expences of making, executing, completing, maintaining, repairing, and preserving the said new Channel and other Works by this Act authorized to be made and executed as aforesaid, and the Banks and Works thereto belonging, and in and towards the Payment and Discharge of all such other Costs, Charges, and Expences as are by this Act authorized to be paid or incurred by the said Commissioners.

LVI. And be it further enacted, That it shall and may be lawful for the said Commissioners, or such Person or Persons as they shall appoint, from Time to Time and at all Times hereafter to ask, demand, recover, and receive the following Rates and Harbour Dues, over and besides all Sum and Sums of Money payable for Ballast and Dock Duties or Quayage, by and from the Master, Owner or Owners, Consignee or Consignees of every Ship or Vessel; (that is to say,) Tonnage Dues.

For every Ship or Vessel coming into the said River *Moy*, and using the said improved Navigation, new Channel, or other Works, from any Port or Ports other than a Port in the United Kingdom, a Sum not exceeding the Sum of One Shilling for every Ton of the Burthen of such Ship or Vessel, at the Discretion of the said Commissioners :

And for every other Ship or Vessel a Sum not exceeding the Sum of Nine-pence for every Ton of the Burthen of the said Ship or Vessel, at the Discretion of the said Commissioners.

LVII. Provided always, and be it enacted, That nothing herein contained shall be construed to extend to make any Lighter, Boat, or other Vessel of less than Ten Tons Burthen subject or liable to the Payment of the said Tonnage Dues by this Act imposed. Vessels under Ten Tons Burthen not liable to Tonnage Dues.

LVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time and at all Times hereafter, in addition to all other Duties and Rates whatsoever, to ask, demand, levy, take, and recover, as and for Quayage, Ballast, and Dock Duties, of and from the Master or Masters, Owner or Owners, Broker, or Consignee of every Ship or Vessel which shall or may from Time to Time enter into the said River *Moy*, and in any Manner use the present or future Quays or other Works of the said Commissioners, such reasonable Sum, not exceeding Sixpence *per* Ton for each Ton of the registered Burthen of such Ship or Vessel, as the said Commissioners shall fix for that Purpose; and also, over and above all other Duties herein-before authorized to be taken, to ask, demand, levy, take, and recover, of and from the Owner or Owners, Consignee or Consignees, Factor, Broker, or Agent of any Goods, Wares, Merchandize, or Cattle which shall or may be shipped on board of or unladen out of any Ship or Vessel entering, using, or departing from the said River *Moy*, the several Rates and Duties specified in the Schedule of Rates to this Act annexed, such Rates to be taken and levied for and on all Goods, Wares, Merchandize, and Power to levy Tolls.

[Local.]

23 E

Commodities

Commodities whatsoever, imported or exported, according to the Schedule to this Act annexed: Provided always, that all Goods, Wares, Merchandize, and Commodities which are not particularized and set forth in the said Schedule of Rates shall be charged and chargeable with and shall pay a Rate or Duty equal to the Rate or Duty rated and affixed on Goods, Wares, and Merchandize of a similar Nature, Package, and Quality in and by the said Schedule of Rates.

Power to Her Majesty to reduce Tolls on Foreign Vessels.

LIX. Provided also, and be it further enacted, That it shall be lawful for Her Majesty, by an Order of Council, or for the Lords Commissioners of Her Majesty's Treasury, or any Two or more of such Lords Commissioners, by an Order in Writing, from Time to Time to reduce the Dues, Tolls, and Rates which shall be imposed on Foreign Vessels under the Powers of this Act, or on all or on such and so many of such Vessels as Her Majesty in and by such Order of Council as aforesaid, or as the Lords Commissioners as aforesaid, shall deem expedient, so as the same be not less than are hereby directed or authorized to be levied in respect of *British* Vessels.

Tolls to be charged equally.

LX. Provided also, and be it further enacted, That the said Tonnage Rates and Duties shall at all Times be charged equally in respect of the same Description of Ships, Barges, Boats, Lighters, and other Vessels and Craft; and that no Reduction or Advance in the said Tonnage Rates or Duties shall, either directly or indirectly, be made partially or in favour of or against any particular Person or Company, or be confined to any particular Part of the said River *Moy*, but that every Reduction or Advance of the said Tonnage Rates or Duties shall extend and take place throughout the whole and every Part of the said River *Moy* in respect of Ships, Boats, Barges, Lighters, and other Vessels and Craft of a like Nature to those upon which such Reduction or Advance shall have taken place.

Power for Commissioners to borrow Money, not exceeding 3,500*l*.

LXI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to raise and borrow, by the Ways and Means herein-after mentioned, on the Credit and by Mortgage of the Rates, Tolls, and Duties to be rated, levied, and charged in pursuance of this Act, any Sum or Sums of Money which they shall think necessary for defraying the Expences of this Act, for the making and maintaining of the said improved Navigation, new Channel, Cuts, and the necessary Works and Buildings connected therewith, making Compensation to Owners of Lands, and other the Purposes of this Act, so that there be not at any one Time more than Three thousand five hundred Pounds due on the Credit of the said Rates, Tolls, and Duties; and the said Commissioners are hereby empowered to raise and borrow the same upon such Mortgages and Assignments, either in one gross Sum of and from the Commissioners of Public Works in *Ireland*, according to the Method prescribed by an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in Ireland*, or in Sums of not less than One hundred Pounds each from any other Person or Persons willing to lend or advance the same, as shall be judged most convenient

1 & 2 W. 4. c. 33.

convenient for raising the same, on such Terms with respect to the Repayment of the Principal Money advanced, either by Instalments or in One Payment, as shall be agreed upon with the Persons advancing any such Money, but so that each Mortgage be satisfied at the latest at the End of Thirty-one Years from the Date thereof; and the said Commissioners shall, by Writing under their Hands and Seals, mortgage and assign over all or any Part of the said Rates, Tolls, and Duties so to be rated, levied, and charged as aforesaid to the Persons advancing or lending the same, or to their Trustee or Trustees, as a Security for the Repayment of the Principal Sums of Money so to be borrowed, with lawful Interest for the same, the Costs and Charges of every such Mortgage or Assignment to be paid by the said Commissioners out of the Monies to be collected by virtue of this Act; and every such Mortgage or Assignment may be in the Words or to the Effect following; (that is to say,)

‘ **B**Y virtue of an Act passed in the Second and Third Years of the Reign of Her Majesty Queen *Victoria*, intituled [*insert the Title of this Act*], we, the Commissioners for executing the said Act, in consideration of the Sum of _____ now advanced and paid by *A.B.* to the Treasurer appointed by virtue of the said Act, do hereby assign unto the said *A.B.* [*or to his Trustee, as the Case may be*], his Executors, Administrators, and Assigns, the Rates, Tolls, and Duties to be levied and raised by virtue of the said Act, with all Powers and Authorities for collecting and raising the same Rates, Tolls, and Duties under the said Act, to have, hold, receive, and take the same to and for his and their own Use and Benefit, from the _____ Day _____ until the said Sum of _____ with Interest at the Rate of _____ *per Centum per Annum* for the same, shall be repaid. In witness whereof we the said Commissioners have hereunto set our Hands and Seals the _____ Day of _____ in the Year of our Lord _____ .’

Form of Mortgage.

And all Persons to whom any such Mortgage or Assignment of the said Rates shall be made shall be, in proportion to the Sum therein mentioned, Creditors on the said Rates equally one with another, and shall have no Preference in respect to the Priority of advancing such Money.

LXII. And be it further enacted, That in case the said Commissioners shall raise by Mortgage the Whole or any Part of the Sum of Three thousand five hundred Pounds, and shall afterwards pay off the Sum so raised, or any Part thereof, then and in every such Case it shall be lawful for the said Commissioners at any Time or Times thereafter again to raise in manner aforesaid, in lieu of the Principal Money so paid off by them, so much Money as they shall from Time to Time have paid off; and so from Time to Time as often as the same shall happen, but so nevertheless that the said Commissioners shall not in any Event borrow or owe upon Mortgage more than the Sum of Three thousand five hundred Pounds in the whole at any one Time.

In case Principal Sum is paid off, the Commissioners may raise the same Sum again.

LXIII. And be it further enacted, That it shall and may be lawful for the said Commissioners to subscribe and raise amongst themselves, _____ or _____

Power to subscribe Money in _____ or _____

aid of the
Under-
taking.

or to receive from any other Person or Persons, any further Sum or Sums of Monies for the Purposes of improving the River *Moy* and maintaining the said new Channel and other Works; and every such Sum or Sums of Money so raised, whether by the said Commissioners themselves, or which any other Person or Persons shall vest in the said Commissioners, shall be applied and accounted for under the Authority and subject to the Provisions of the Act.

Such Sums
to be in the
Nature of
Gifts.

LXIV. Provided always, and be it further enacted, That every such Sum or Sums of Money shall be in the Nature of a free and absolute Gift, for the Purpose of this Act, and shall neither bear nor be chargeable with any Interest, exclusive Benefit, Privilege, or other Gratification whatever.

For regu-
lating the
mooring of
Vessels.

LXV. And be it further enacted, That as soon as the said intended Channel and Works are so far completed as to admit Ships, Vessels, or Craft to enter therein, no Ship, Lighter, Barge, Boat, Craft, or other Vessel shall anchor or lie within the Distance of One hundred Yards of the Entrances of the said Channel, unless for the Purpose of coming in or going out of the said Channel, so that at all Times the Entrances may be kept clear and without Obstruction; and over such Space the said Commissioners, their Officers and Servants, shall have Control, so far as relates to the placing or transporting, removing or stopping Ships, Barges, Lighters, Crafts, Boats, and other Vessels, any Law, Statute, or Usage to the contrary notwithstanding: Provided always, that nothing herein contained shall extend to prevent any Ship or Vessel, Lighter or Craft, from lying in the River *Moy* alongside of any Wharf or Wharfs, within the said Distance of One hundred Yards, for the Purpose of loading or discharging, so nevertheless as not to impede or obstruct the Entrance into or Departure from the said new Channel and Works.

For keeping
Entrances
clear.

LXVI. And for the better making and preserving a free and clear Passage and Entrance from the River *Moy* into and out of the said Channel, for all Ships, Vessels, Lighters, Barges, Craft, and Boats of every Description, be it further enacted, That if any Master or other Person having the Charge or Command of any Ship, Lighter, Barge, Craft, Boat, or Vessel of any Description whatsoever, shall place, or permit or suffer the same to remain, in the River *Moy*, within One hundred Yards of any Entrance to the said new Channel or Works (as aforesaid), and shall not immediately on being thereunto required by the said Commissioners, their Officers or Servants, remove such Ship, Lighter, Barge, Craft, Boat, or other Vessel, every such Master and other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and also any Sum not exceeding Five Shillings for every Hour that such Obstruction shall remain after such Notice; and in case the Master or other Person having the Command of such Ship, Lighter, Barge, Craft, Boat, or Vessel shall not remove such Ship, Lighter, Barge, Craft, Boat, or Vessel immediately upon being required so to do, it shall be lawful for the said Commissioners, their Officers or Servants, or their Assistants, to remove the same.

LXVII. And

LXVII. And be it further enacted, That no Ship, Lighter, Boat, Barge, or other Vessel shall land her Cargo, or any Part thereof, by the Sides or upon or along the Banks of the said new Channel or improved Navigation, except at such Quays, Wharfs, and Landing Places as shall be made and assigned by the said Commissioners for the loading and discharging or landing and shipping of such Cargoes, upon pain of forfeiting for every such Offence any Sum not exceeding Ten Pounds.

Vessels not to land Goods in the new Channel at other Places than Quays and Landing Places.

LXVIII. And be it further enacted, That the said new Channel shall remain Part of the public Navigation of the said River *Moy*, and the said improved Navigation, new Channel, and other Works shall be open to the Public, and all Persons shall have free Liberty to navigate, pass upon, and use the same, or any Part thereof, and also to use the Wharfs, Quays, and Landing Places belonging to the same, for the loading and unloading of any Goods or other Things, upon Payment of such Rates, Tolls, and Sums as shall be demanded by the said Commissioners, not exceeding the respective Rates, Tolls, or Sums herein-before mentioned, and subject to the Rules and Regulations which shall from Time to Time be made by the said Commissioners by virtue of the Powers by this Act granted.

Navigation to be free upon Payment of Tolls.

LXIX. Provided always, and be it further enacted, That if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or Dirt into any Part of the said improved Navigation and new Channel, or any of them, or any Cuts made from or into or to communicate with the same, every Person so offending, and being convicted thereof before any Two Justices of the Peace for the County, Liberty, or Place where the Offence shall be committed, upon the Oath of One or more Witness or Witnesses, shall forfeit and pay any Sum not exceeding the Sum of Five Pounds.

Penalty on Persons throwing Ballast, &c. into the Navigation.

LXX. And be it further enacted, That if any Person or Persons shall wilfully and maliciously demolish, break down, cut, remove, or injure any of the Works to be made by virtue of this Act, or any Ship, Vessel, Barge, or Boat lying in the said River, new Channel, or other Works, or any Rope, Chain, or other Thing attached or belonging to any Ship, Vessel, Barge, or Boat, or any Buoys or Perches in the said Channel, then and in every such Case every such Person, being convicted thereof, shall be deemed guilty of a Misdemeanor, and shall suffer Punishment by Fine, Imprisonment, or Transportation, at the Discretion of the Court before whom such Persons shall be convicted.

Punishment for destroying the Works.

LXXI. And whereas it may be found expedient for the said Commissioners to make, build, and erect proper Wharfs, Warehouses, and Cranes, for loading, landing, and storing 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 by such Means incurred, and of the public Accommodation and Convenience which will also thereby be afforded) it shall and may be lawful for the said Commissioners from Time to Time and at all Times to ask,

Power to take Wharfage Rates, &c.

[Local.]

23 F

demand,

demand, take, and recover, to and for the proper Use and Maintenance thereof, for every Ton of Goods, Wares, Merchandize, Commodities, and other Things which shall be loaded from or landed upon or stored within any of the said Wharfs or Warehouses, and which shall remain thereupon not more than Six Days, any Sum not exceeding Three-pence, and for every Day or Part of a Day that they shall so remain after the first Six Days such further Sum as shall be determined by the said Commissioners, not exceeding One Penny *per* Ton *per* Day.

Lords of
Manors and
Owners may
erect Wharfs
on their own
Lands.

LXXII. And be it further enacted, That it shall be lawful for the Lord or Lords or Lady or Ladies of any Manor, and the Owner or Owners of any Lands or Grounds near to and adjoining the said River or new Channel, or any Part thereof, to erect and use any Wharfs, Landing Places, Cranes, Weighbeams, or Warehouses in or upon his or their respective Waste Lands or Grounds, or any of them; and to land any Goods or other Things upon such Wharfs or Landing Places, or upon the Banks lying between the same and the said River, new Channel, or Basin, or any Part thereof, without being made liable to or chargeable with any of the Penalties by this Act authorized to be levied or imposed.

As to Reco-
very of Rates
payable on
Ships.

LXXIII. And be it further enacted, That the said Tonnage, Tolls, and Rates payable to the said Commissioners in respect of any Ship or Vessel shall be paid at or before the Expiration of Twenty-four Hours next after such Ship or Vessel shall enter the said River or new Channel, or before leaving the same, which shall first happen; and in case any Owner or Owners, Master, or other Person having the Charge or Command of any Ship or Vessel, in respect of which any Tolls or Rates are payable to the said Commissioners, shall refuse or neglect to pay the same, then and in every such Case it shall from Time to Time be lawful for the Collector or Collectors of the said Commissioners to go on board of such Ship or Vessel to demand, collect, and receive such Rate or Toll, and on Nonpayment thereof to take and distrain such Ship or Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and the same to detain until such Rate shall be paid and satisfied; and in case of Neglect or Default in Payment of any of the said Rates for the Space of Two Days next after any Distress so made or taken, then and in such Case it shall be lawful for the said Collector or Collectors to cause such Distress to be appraised by Two or more sworn Appraisers, or other Person or Persons not interested therein, and afterwards to sell the said Distress, and therewith to satisfy himself or themselves; as well for and in respect of the Rates or Tolls so neglected or refused to be paid as for and in respect of his or their reasonable Costs and Charges in taking, keeping, appraising, and selling the same, rendering the Overplus, if any, to the Owner or Owners, or Master, or other Person having the Charge or Command of such Ship or Vessel, upon Demand.

In case of
evading
Payment
of Rates.

LXXIV. And be it further enacted, That if any Owner or Owners, Master, or other Person having the Charge or Command of any Ship or Vessel, shall elude or evade the Payment of any Rate or Toll payable to the said Commissioners in respect of such Ship or Vessel,
such

such Owner or Owners, Master, or other Person shall stand charged with and be liable to the Payment of the same, and the same shall be recovered from such Owner or Owners, Master, or other Person in the same Manner as Fines and Penalties imposed by this Act are directed to be levied and recovered, or by Action or Actions at Law.

LXXV. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels which shall be liable to the Payment of any Tonnage Rates for the Use of the said improved Navigation, new Channel, or other Works shall be ascertained according to the certified Tonnage in the Ship's Register; and the Master or other Person having the Command of each and every such Ship or Vessel is hereby required to produce such Certificate of Registry at the Time of Payment of the said Rates to the Person or Persons who shall be duly authorized to collect and receive such Rates; and in case of any Dispute in or about the same, then and in such Case the Tonnage of such Ship or Vessel shall be ascertained in the Manner and according to the Directions of any Act in force for the registering of *British* Vessels.

For ascertaining the Tonnage or Admeasurement of Ships.

LXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to subject to the Payment of any Rates or Tolls which shall or may be levied under or by virtue of the Powers granted by this Act, any of Her Majesty's Ships of War, or any other Ship, Transport, or Packet of Her Majesty, Her Heirs and Successors, or any Vessel employed in Her Majesty's Service in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, or of any Ordnance, Barrack, or Commissariat Stores, or to any Vessel in the Service or Employ of Her Majesty's Revenues of Customs, Excise, or Post Office, or in the Service or Employ of the Board of Ordnance, or any Vessel employed in or upon Her Majesty's Service.

Vessels in Her Majesty's Service to be exempted from Rate.

LXXVII. And be it further enacted, That if the Collector or Collectors so duly authorized by the said Commissioners, and the Master or other Person having the Charge or Command of any Ship or other Vessel, shall disagree respecting the Tonnage of such Ship or other Vessel, then and in every such Case it shall and may be lawful to and for the said Collector or Collectors, or such Person or Persons appointed as aforesaid, from Time to Time and at all convenient and reasonable Times to stop, detain, enter into, weigh, measure, and gauge the same; and in case the same shall, upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity than such Master, Owner, or other Person having the Care of such Ship or other Vessel affirmed or stated the same to be, then the said Master, Owner, or other Person having the Care of such Ship or other Vessel shall pay the Costs and Charges of such weighing, measuring, and gauging; and such Costs and Charges, in case of Refusal of Payment thereof upon Demand, shall and may be levied and recovered in the same Manner as the said Rates or Tolls are hereby appointed to be levied and recovered; but if such Tonnage shall appear to be of the same Weight and Quantity, or of less

Power to measure Ships and Vessels in case of Dispute about Tonnage.

Costs thereof how to be paid.

Weight

Weight and Quantity than the said Master, Owner, or other Person declared the same to be, then the said Commissioners shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master or Owner or other Person such Damages as shall appear to Two or more of Her Majesty's Justices of the Peace acting for the County in which the Detention shall take place, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; but in case it shall at any Time be made to appear to the said Justices, upon the Complaint of the said Commissioners or any of their Officers, and upon the like Oath of One or more credible Witness or Witnesses, that such Stoppage and Detention, weighing, measuring, and gauging, were without reasonable Ground, or vexatious on the Part of such Collector, then the said Collector shall himself pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master or other Person such Damage as shall appear to the said Justices, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and in default of immediate Payment thereof by the said Commissioners, or by such Collector, as the Case may be, the same shall be recovered from the said Commissioners, or the said Collector, as the Case may be, by Distress and Sale of their or his Goods and Chattels, by Warrant under the Hands and Seals of the said Justices, or otherwise by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Dublin*.

Master of Ship to deliver Copy of Manifest within 24 Hours after anchoring.

LXXVIII. And be it further enacted, That the Master or Person having the Charge or Command of any Ship or Vessel, loaded or part loaded, which shall enter the said improved Navigation or new Channel, shall, within Twenty-four Hours after anchoring therein, deliver or cause to be delivered a true Copy of the Manifest of the Cargo of such Ship or Vessel, signed by the Master or Person having the Charge or Command of such Ship or Vessel, at the Office of the said Commissioners, to such Officer or Servant as shall be appointed for the Receipt thereof; and every such Master or Person refusing or neglecting to deliver a true Copy of such Manifest within the Time specified, and in the Manner before directed, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for Damage done to the Quays, &c.

LXXIX. And whereas Damage may frequently be done to the Piers, Quays, Floodgates, Bridges, Walls, Jetties, Embankments, Cranes, Hoisting Machines, and other Works belonging to the said improved Navigation or new Channel, by Ships and other Vessels navigating therein, owing to the Wilfulness or Negligence of the Master or other Persons having or taking the Command or Charge or Care of such Ships and Vessels; be it therefore enacted, That every Master, Mate, Pilot, or other Person having the Command, Care, or Charge of any Ship, Lighter, Boat, Barge, or Vessel, Raft or Float of Timber, by whose wilful Neglect or Mismanagement thereof any Damage shall be done or happen to any of the Piers, Quays, Jetties, Embankments, Walls, Wharfs, Gates, or any Cranes, Hoisting Machines, or other Works belonging to the said Commissioners, shall pay for or make good all such Damage; and in case the Amount claimed shall not exceed the Sum of Twenty Pounds, all such Damage shall

shall be recoverable before any Two Justices of the Peace for the Counties of *Mayo* or *Sligo*, who are hereby authorized and empowered to summon such Master or other Person having the Command or Charge of such Ships or other Vessels, Raft or Float, doing such wilful or negligent Damage as aforesaid, and to hear and determine the same, and ascertain such Damage; and if Judgment shall be given by them against such Master or other Person, then it shall be lawful for such Justices, or any other Justices of the Peace for the said Counties, and they are hereby authorized, by Warrant under their Hands and Seals, to levy or cause to be levied the Sum or Sums awarded by them as the Amount of such Damage, and for that Purpose to seize and distrain the Ship, Lighter, Barge, Boat, or other Vessel, Raft or Float, doing such Damage as aforesaid, and any Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and the same to detain until the Sum of Money so awarded as aforesaid shall be paid; and in case the same shall not be paid for the Space of Three Days after any Distress or Distresses so made or taken, then it shall be lawful to sell the same, or any Stores, Articles, or Things belonging to the same which may be sufficient in Value, and therewith to pay and satisfy the Money so awarded, together with the reasonable Costs and Charges in taking, keeping, and selling the same, rendering the Overplus (if any) to the Master or Person entitled to the same, on Demand.

LXXX. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace for the said Counties of *Mayo* or *Sligo* from Time to Time to appoint such Person or Persons as shall be nominated to them by the said Commissioners for that Purpose to be Special Constables within the Limits and Premises of the said improved Navigation, new Channel, and other Works; and all and every Person or Persons so appointed shall respectively take an Oath, to be administered by any Two or more of the Justices of the Peace for the said Counties, duly to execute the Office of a Constable for the said Premises; and every Person so appointed and sworn as aforesaid shall have Power to act as a Constable for the Preservation of the Peace, and for the Security of Property against Felonies and other unlawful Acts within the said Limits and Premises, and shall have, use, exercise, and enjoy all such Powers, Authorities, Protections, and Privileges, for the apprehending Offenders, as well by Night as by Day, and for doing all Acts, Matters, and Things for the Prevention, Discovery, and Prosecution of Felonies and other Offences, and for the Preservation of the Peace, as Constables duly appointed now have by the Laws and Statutes of this Kingdom; and it shall be lawful for the said Justices, upon Request of any Three or more of the said Commissioners, to dismiss or remove any such Constable from his Office of Constable, and upon every such Dismissal or Removal all Powers, Authorities, Protections, and Privileges vested in any such Person so dismissed or removed by virtue of such Appointment as aforesaid shall wholly cease.

Justices may appoint and remove Special Constables,

LXXXI. And be it further enacted, That after any Toll House or Place for receiving Tolls shall be erected or set up by virtue of this Act, the said Commissioners shall and they are hereby required to

Table of Tolls to be put up.

[Local.]

23 G

put

put up or cause to be put up, and afterwards to be continued, at every such Toll House or Place, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, having at the Top thereof the Name of the House or Place at which the same shall be put up, and also a List of all the Tolls and Rates of Tonnage payable at every such House or Place, distinguishing the several Tolls and Rates to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Commissioners to demand or take or cause to be demanded or taken any Rates, for or in respect of any Goods, Wares, or Merchandizes, or other Things, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll House or Place.

Commissioners may vary the Tolls.

LXXXII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to lower or reduce all or any of the Tolls, Rates, and Duties hereby granted, afterwards from Time to Time to raise all or any of the said Tolls, Rates, and Duties which shall have been so lowered or reduced: Provided also, that the Tolls, Rates, and Duties so to be advanced or raised as aforesaid shall not in any Case exceed the respective Sums granted and limited by this Act: Provided also, that the Tolls, Rates, and Duties so to be advanced, raised, lowered, or reduced shall at all Times be advanced, raised, lowered, or reduced equally and without Partiality upon all Persons, Ships, or Vessels.

Commissioners may demise the Tolls.

LXXXIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, at any General or Special Meeting, by any Instrument in Writing under their Hands and Seals, to let or demise all or any Part or Parts of the said Tolls, Rates, and Duties granted by this Act, for any Term not exceeding Seven Years at any One Time, to any Person or Persons, for the highest Rent that can be had or gotten for the same, by public Bidding or otherwise, provided that Three successive Notices shall be given in some One Newspaper published in each of the said Counties of *Mayo* and *Sligo*, and that the last of such Notices shall appear at least Seven Days previously, of the Intent to lease or demise the said Tolls, Rates, and so as the Person or Persons renting or agreeing to take the same shall give satisfactory Security, by Articles in Writing, for the true Performance of his, her, or their Bargain, Contract, or Agreement; and the Person or Persons so renting or agreeing to take the said Tolls, Rates, and Duties shall have full Power and Authority to ask, demand, collect, and receive the same, and shall in every respect be deemed and taken to be a Collector or Collectors appointed by the said Commissioners, and shall have the same Powers and Remedies thereof as the said Commissioners or the Collectors so to be appointed by them.

For Recovery of Tolls, Rates, and Duties.

LXXXIV. And be it further enacted, That the Tolls, Rates, and Duties by this Act authorized to be taken shall be paid to such Person or Person, at such Place or Places, and in such Manner, and in such Regulations, as the said Commissioners shall in that Behalf direct
or

or appoint; and in case of Neglect or Refusal to pay any such Tolls, Rates, and Duties, or any Part thereof; unto the Person or Persons who shall be appointed to receive the same, it shall be lawful for the Person or Persons to whom such Tolls, Rates, or Duties ought to have been paid, and he and they is and are hereby authorized and empowered, to seize and distrain the Goods, Wares, Merchandizes, or Commodities for or in respect of which such Tolls, Rates, or Duties ought to have been paid as aforesaid, or any Part thereof; and the Ship, Boat, Barge, or other Vessel laden therewith, and to detain the same respectively until full Payment shall be made of such Tolls, Rates, and Duties, and of all Arrears of the same which shall or may be then due from the Owner of such Ship, Boat, Barge, or other Vessel, Goods, or Commodities, to the said Commissioners, together with the reasonable Costs and Charges of such Seizure and Distress; and in case such Distress shall not be redeemed within Six Days from the taking thereof the same shall and may be appraised and sold as the Law directs in Cases of Distress for Rent.

LXXXV. And be it further enacted, That in case any Dispute or Disputes shall arise concerning the Amount of Tolls, Rates, or Duties due, or the Charges of keeping or selling any Distress; such Dispute or Disputes shall and may be heard and determined by Two Justices of the Peace for the Counties of *Mayo* or *Sligo*, who, upon Application made to them, shall examine the Matter upon Oath or Affirmation of the Parties or other Witness or Witnesses (which Oath and Affirmation every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of Toll due, and other Matters aforesaid in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justices 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 and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hands and Seals of such Justices (which Warrant all such Justices are 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.

Power for Justices, in case of Dispute, to settle Rates.

LXXXVI. And be it further enacted, That if any Ship, Boat, Barge, or other Vessel shall happen to be sunk in the said improved Navigation and new Channel, or either of them, and the Owner, or Person having the Charge, Command, or Rule thereof; do not, without Loss of Time, weigh or draw up the same again, and haul the same out of the Way of other Vessels passing and repassing upon the said Navigation and Channel, it shall and may be lawful for the Agents and Servants of the said Commissioners to cause such Vessel to be weighed or drawn up, and to detain and keep the same till Payment be made of all Expences occasioned thereby; and if Payment be not made within Ten Days after such Ship, Boat, Barge, or other Vessel be drawn up, then and in such Case it shall and may be lawful for such Agents and Servants to cause Sale to be made thereof for reimbursing the said Expences and other incidental Charges,

Vessels sunk to be weighed up by the Owners immediately.

Charges, returning the Overplus (if any) to the Owner or Master of the same.

Owners may recover from their Servants.

LXXXVII. And be it further enacted, That if the Owner or Owners of any Ship, Boat, Barge, or other Vessel navigating or passing on the said improved Navigation and new Channel shall be compelled to pay any Penalty, or to make Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his or their Servant or Servants, Sailors, or Watermen, or any of them, then and in such Case every such Servant, Sailor, Boatman, or Waterman shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof, upon Demand, and Oath, (or solemn Affirmation in the Case of Persons exempted by Law from taking an Oath,) made by such Owner or Owners, of the Payment made by him or them of such Penalty or Satisfaction for Damages, and the same and the Costs thereof have not been paid to him or them by such Servants, Sailors, Boatmen, or Watermen, or any of them, although demanded, (such Oath or solemn Affirmation to be made before any Two or more of the Justices of the Peace of the County, Liberty, or Place where such Penalty shall have been recovered,) the Amount thereof shall be recovered in like Manner as Penalties or Satisfaction for Damages are by the Provision of this Act to be recovered.

Commissioners to appoint Pilots.

LXXXVIII. And in order that a sufficient Number of skilful Pilots may be appointed to take charge of Ships or Vessels trading to or in the said Port or River, and to prevent the Frauds and Abuses committed by Labourers and other Persons employed in loading and discharging such Ships or Vessels, be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby required from Time to Time to license and appoint, during their Will and Pleasure, such Number of skilful Pitots and other Persons as may be deemed necessary, and the said Commissioners may and they are hereby required to appoint and authorize a proper Person to be Pilot Master within the said Port, which said Pilot Master shall continue in his Office during the Will and Pleasure of the said Commissioners, and the said Pilot Master shall from Time to Time superintend the Conduct of the several Pilots and other Persons to be appointed as aforesaid, and report the same to the said Commissioners accordingly.

Commissioners may levy Pilotage Rates.

LXXXIX. And be it further enacted, That it shall and may be lawful for the said Commissioners, or such Person or Persons as they shall appoint, from Time to Time and at all Times hereafter to ask, demand, recover, and receive the following Rates of Pilotage, over and besides all other Rates, Duties, and Tolls whatsoever, by and from the Master, Owner or Owners, Consignee or Consignees of every Ship or Vessel conducted within the said Port or River; (that is to say,)

On every Ship or Vessel coming into the said River *Moy* from any Port or Ports other than a Port in the United Kingdom, a Sum not exceeding the Sum of Three Shillings *per* Foot of Admeasurement, at the Discretion of the said Commissioners:

And on every Ship or Vessel from any Port or Ports in *Great Britain* or *Ireland*, or the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, a Sum not exceeding the Sum of Two Shillings *per Foot* of Admeasurement, at the Discretion of the said Commissioners.

XC. And be it further enacted, That every Person offering himself as Pilot to any such Ship or Vessel off or in the said Harbour shall declare whether he be duly appointed and licensed by the said Commissioners to act as Pilot pursuant to the Directions of this Act; and if any Person so offering himself and not licensed shall, at the Time or Times he shall so offer himself as Pilot, declare himself to be so appointed and licensed as aforesaid, every such Person shall for every such Offence forfeit any Sum not exceeding Ten Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Penalty on Persons acting as Pilots when not licensed by the Commissioners.

XCI. And be it further enacted, That if any Person or Persons whosoever shall take away any Stones, Gravel, Sand, Clay, Rubbish, Timber, or other Materials which shall have been cut, dug, or gathered by or by the Order of or for the said Commissioners, for the Purposes of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty for taking away Materials procured for the Use of the Works.

XCII. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justices of the Peace to be paid, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Commissioners, or by any Person or Persons acting by or under their Authority, and such Sum and Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made, stating the Order of such Justices, and delivered to the said Commissioners or to their Treasurer, in pursuance of the Direction or Order made by such Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Action at Law against the said Commissioners, or their Clerk or Treasurer, or by Distress and Sale of the Goods and Chattels of the said Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justices of the Peace, which Warrant any such Justices are hereby authorized and required to grant, under their Hands and Seals, on Application made to them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners, or their Treasurer for the Time being, as the Case may be.

In case of Nonpayment of Compensation for Materials or Damage by the Commissioners, &c., the same to be levied by Distress of the Goods of such Commissioners &c.

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

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

For Recovery of Penalties.

XCIV. And be it further enacted, That all Complaints and Informations of and for Offences against this Act, or any Rule or Order to be made in pursuance thereof, (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed,) shall and may be made before any Two Justices of the Peace for the Counties of *Mayo* or *Sligo*; and such Justices are hereby authorized and empowered to take cognizance thereof, and to summon the Person complained of to appear before them, or upon Complaint upon Oath, or solemn Affirmation in the Case of Persons exempted by Law from taking an Oath, to issue their Warrant for the Apprehension of any such Person, and upon the Appearance or Nonappearance of any such Person pursuant to such Summons, or upon such Person being apprehended with such Warrant, to hear the Matter of every such Complaint or Information by Examination of any Witness upon Oath, and to make such Determination thereon as such Justices shall think proper; and upon Conviction of any Person such Justices shall and may issue a Warrant under their Hands and Seals, for levying the Penalty or Forfeiture by virtue of this Act, or of any Rule or Order made in pursuance thereof, imposed for such Offence, together with the Costs of Conviction, to be ascertained by such Justices, by Distress and Sale of the Goods and Chattels of the Person so convicted; and in case such Penalty or Forfeiture shall not be forthwith paid it shall and may be lawful for any such Justices to order any Person so convicted to be detained and kept in safe Custody until Return can be made to such Warrant of Distress, unless the Offender shall give sufficient Security to the Satisfaction of such Justices for his Appearance before such Justices, or before some other Two Justices of the Peace for the said County or Place in which such Offence shall be committed, on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the taking of any such Security, and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Forfeiture and Costs as aforesaid, and such Penalty or Forfeiture and Costs shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, either by Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justices shall not be required to issue such

Warrant of Distress; and thereupon it shall be lawful for such Justices and they are hereby authorized, by Warrant under their Hands and Seals, to commit such Offenders to the Common Gaol or House of Correction for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Treasurer or Treasurers of the said Commissioners, and shall be applied and disposed of towards defraying the Expences of the said improved Navigation, new Channel, and other Works; and the Overplus (if any) arising from such Distress and Sale (after Payment of the Penalty, and the Costs and Charges attending the same,) shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

XCV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before Two Justices of the Peace, it shall and may be lawful for any Two Justices of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before them, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to commit the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken before such Justices; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was exhibited.

Justices may proceed by Summons in the Recovery of the Penalties.

XCVI. Provided always nevertheless, and be it further enacted, That it shall and may be lawful for any Justices before whom any such Conviction shall take place, if they shall think fit, to order and direct any Part of the said Penalties, Forfeitures, and Fines to be paid or applied to and for the Use of the Informer or Informers, or other Person or Persons aiding or assisting in the Apprehension of any Offender or Offenders therein, or any of them, who shall not have been a Witness or Witnesses on the Trial of the Information or Informations, any thing herein contained to the contrary notwithstanding.

Power to give Informer Part of Penalties.

XCVII. And be it further enacted, That it shall and may be lawful for any Person or Persons who shall see any Offence committed against the Provisions of this Act, by any Person destroying or doing any wilful Damage to the said improved Navigation, new Channel, Embankments, Piers, or other Works, or any Buildings or Works thereto belonging, or otherwise, contrary to any other Provisions in this Act contained, to apprehend and detain any such Offender, without any Warrant or other Authority than this Act, and to take such Offender or cause him to be taken by some Constable or other Peace Officer before any Justices of the Peace, as before mentioned.

For apprehending and committing Offenders.

XCVIII. And

For compelling Witnesses to attend.

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

Persons acting under Authority of Commissioners not to be disqualified from being Witnesses.

XCIX. And be it further enacted, That in case of any Dispute, Suit, or Litigation respecting the said Tolls, Rates, or Duties, or other Matter or Thing relating to the said improved Navigation, new Channel, or other Works, the Officers, Agents, or Servants of or other Person or Persons acting by or under the Authority of the said Commissioners or of this Act, shall not for that Reason alone be disqualified from giving Evidence in such Dispute, Suit, or Litigation respecting any thing ministerially done by them or any of them in the Execution of their respective Offices or Authorities.

Form of Conviction.

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

‘ to wit. } BE it remembered, That on the Day of
 ‘ A. B. is convicted before us C. D. and E. F., Two of Her Majesty’s
 ‘ Justices of the Peace for the at , for
 ‘ that he the said A. B. at did [as the
 ‘ Case may be, specify the Offence, and the Time and Place of committing it], contrary to an Act passed in the Second and Third Years
 ‘ of the Reign of Queen Victoria, intituled [here set forth the Title
 ‘ of this Act]. Given under our Hands and Seals the Day and Year
 ‘ first above mentioned.’

Persons taking Distress irregularly not to be deemed Trespassers ab initio.

CI. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio on account of any Irregularity which shall be afterwards committed by the Party distraining, but the Person or Persons aggrieved

aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

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

Appeal to
the Quarter
Sessions.

CIII. Provided always, and be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceedings to be had or taken touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders in pursuance of this Act, shall be quashed or vacated for Want of Form only, or be removed or be removeable by Certiorari or by any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Dublin* or elsewhere.

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

CIV. Provided always, and be it further enacted, That the Rates, Tolls, and Duties by this Act authorized to be levied and imposed shall be and the same are hereby made liable to and chargeable with the Rent of Fifteen Pounds *per Annum* reserved by a certain Indenture of Lease of the present Quay of *Quignamanger* on the River *Moy*, bearing Date the Thirty-first Day of *October* in the Year One thousand eight hundred and thirty-four, and made between *Robert Jones* of *Fortland* in the County of *Sligo* aforesaid of the one Part, and *William Mally*, *Andrew Gallagher*, and other Merchants, all of *Ballina* aforesaid, Trustees mutually appointed, of the other Part.

The Rates
charged with
present Rent
of Quigna-
manger
Quay.

Justices, &c.
not to act
when inte-
rested.

CV. Provided always, and be it further enacted, That no Justice of the Peace, Sheriff, or Coroner, or Person authorized by this Act to act in the Stead of such Sheriff, shall be capable of acting as such Justice of the Peace, Sheriff, or Coroner, or in the Stead of such Sheriff, in the Execution of this Act, during the Time he shall be one of the said Commissioners, or enjoy any Office of Trust or Profit under them, or be personally or individually interested in any Contract with the said Commissioners.

Expences of
this Act to
be first paid.

CVI. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and of the several Surveys, Estimates, Reports, and Plans preparatory thereto, and all other Costs, Charges, and Expences whatsoever preparatory or incidental to or concerning this Act, shall be paid and discharged by the said Commissioners out of the first Monies that shall come into their Hands, or into the Hands of their Treasurer, Clerk, or Collector, after the passing of this Act, by virtue thereof.

Public Act.

CVII. 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.

SCHEDULE.

RATES to be paid on GOODS and MERCHANDIZE.

	s.	d.		s.	d.
Acid, per Pipe	0	6	Drugs, per Hogshead	1	0
Anchors, each	1	0	Ditto, per Tierce	0	9
Apples, per Hogshead	0	2	Ditto, per Barrel	0	6
Ditto, per Barrel or Hamper	0	1	Ditto, per Firkin	0	2
Alum, per Ton	0	6	Dye Stuffs, per Hogshead	0	9
Alabaster, per Ton	0	6	Ditto, per Tierce	0	6
Ashes, Pot or Pearl, per Barrel	0	3	Ditto, per Barrel	0	4
Barilla, per Ton	0	6	Dye Woods, per Ton	0	9
Bark, per Ton	0	6	Dust (Founder's), per Hogshead	0	3
Bacon, per Bale or Tierce	0	3	Eggs, per Package	0	9
Beef, per Tierce	0	3	Earthenware, per Crate and Hogshead	1	0
Ditto, per Barrel or Half Barrel	0	2	Ditto, per Tierce	0	9
Butter per Firkin or Crock	0	1	Fruit (Dry), per Ton	2	0
Barley, per Ton	0	8	Flour, per Ton	1	0
Beer or Ale, per Hogshead	0	3	Fish (Dry), per Ton	2	0
Ditto, per Barrel	0	2	Ditto, per Hogshead	1	0
Brimstone, per Ton	0	6	Ditto, per Barrel	0	4
Blacking, per Hogshead	0	6	Furniture, per Package	0	6
Brick (Fire), per Thousand	0	9	Freestone, per Ton	0	3
Ditto, Building	0	6	Flax, Hemp, and Tow, per Ton	2	0
Bearers or Blocks, each	0	0 $\frac{1}{2}$	Flax Seed, per Hogshead	0	3
Blue in Boxes, each	0	0 $\frac{1}{4}$	Ditto, per Bag	0	2
Boilers, each	1	0	Flags, per Ton	0	3
Barm, per Puncheon	0	4	Feathers, per Bale	1	0
Bran, per Ton	0	4	Fowls, per Crate or Skip	0	9
Books and Stationery, per Package	1	0	Ginger, per Ton	1	6
Coals, per Ton	0	3	Guns in Cases, each	0	6
Cotton in Packages, each	0	4	Gum (British), per Ton	0	6
Cotton Wool and Waste, per Bale	0	3	Gum (Foreign), Ditto	1	0
Copper Dross, per Ton	0	4	Gunpowder, per Cask	0	6
Copper in Ingots, Tile, or Sheet, per Ton	1	0	Glass, per Hogshead	1	0
Cheese, per Ton	1	6	Ditto, per Crate or Tierce	0	9
Copperas, per Ton	0	4	Glass Bottles (Wine), per Gross	0	4
Clay, per Ton	0	3	Grindstones, each	0	6
Candlewick, per Bale	0	6	Greaves, per Ton	0	4
Candles, per Box	0	1	Gigs and Cars, each	2	6
Coaches or Chariots, each	5	0	Garden Seeds, per Sack	0	3
Coffee, per Ton	2	6	Ditto, per Bag	0	2
Carts, each	0	6	Hardware, per Hogshead	1	0
Cement, per Ton	0	4	Ditto, per Tierce	0	9
Canvas, per Bale	0	4	Ditto, per Barrel	0	6
Cyder, per Pipe	0	8	Hosiery, per Bale or Package	1	0
Ditto, per Hogshead	0	4	Hair, per Bale	0	4
Cork Wood, per Ton	2	6	Hats, per Package	0	6
Cables (Chain), per Ton	1	0	Herrings, per Barrel	0	2
Ditto (Hempen), per Ton	2	0	Hops, per Pocket or Bag	0	9
Cordage, per Ton	1	6	Hoops, Hogshead, per Thousand	1	0
Colours, per Ton	1	6	Ditto, Tierce, Ditto	0	8
Clover Seed, per Sack	0	3	Ditto, Barrel, Ditto	0	6
Cream of Tartar, per Ton	1	0	Ditto, Half Barrel, Ditto	0	4
Calf Skins, per Bundle	0	3	Ditto, Firkin, Ditto	0	3
Cattle (Black), Bulls, Oxen, or Cows, each	0	6	Hides (Cow or Ox), each	0	1
			Ditto, Kips, each	0	0 $\frac{1}{2}$
			Haberdashery, per Package	1	0

	s.	d.		s.	d.
Hams, per Hogshead	1	0	Piano Fortes, each	2	6
Ditto, per Tierce	0	8	Pigs, each	0	1
Horses, Mares, or Geldings, each	0	9	Plank, per 120 of 8 Feet	1	6
Hay, per Truss	0	1	Ditto, per 120 of 12 Feet	2	0
Hemp, Flax, or Tow, per Ton	2	0	Rags, per Bale	0	6
Iron (Pigs), per Ton	0	6	Rice, per Ton	1	6
Ditto (Bars), per Ton	0	9	Rum and other Spirits, per Puncheon	0	9
Ditto (Castings), per Ton	0	9	Ditto, per Hogshead	0	6
Ditto, per Bundle	0	2	Rosin, per Barrel	0	2
Indigo, per Chest	0	9	Skins, per Bundle	0	2
Jewelry, per Case	2	6	Saddlery, per Package	0	6
Kelp, per Ton	0	4	Shot (Lead), per Ton	1	0
Leather, per Package	0	3	Salt, per Ton	0	3
Lead, per Ton	0	9	Salts (Bleachers), per Cask	0	4
Lemons or Oranges, per Chest	0	3	Saltpetre, per Ton	1	0
Ditto, per Box	0	2	Soap, per Box or Half Box	0	1
Liquor, per Pipe or Puncheon	0	9	Staves (Pipe), per 120, above 50		
Lamp Black, per Cask	0	4	Inches long	0	8
Liquorice, per Case	0	2	Ditto, ditto, per 120, under 50 Inches	0	6
Ditto Juice, per Box	0	3	Ditto (Hogshead), per 120	0	4
Lard, per Firkin	0	1	Ditto (Barrel), per 120	0	2
Ditto, per Hogshead	0	6	Slates, per Ton	0	4
Ditto, per Tierce	0	4	Sugar, per Hogshead	1	0
Linens, per Package	0	6	Ditto, per Tierce	0	9
Lime, per Hogshead	0	2	Ditto, per Barrel or Bag	0	4
Limestone, per Ton	0	2	Sugar Candy, per Box	0	2
Mahogany, per Ton	1	6	Starch, per Hogshead	0	4
Machinery, per Case	1	0	Ditto, per Tierce	0	3
Molasses, per Puncheon	0	4	Ditto, per Box	0	2
Ditto, per Hogshead	0	3	Salmon, per Box of 12	0	2
Malt, per Ton	0	8	Tea, per Quarter Chest	0	4
Marble, per Case	0	8	Turpentine (Spirits of), per Puncheon	1	0
Ditto, per Ton	0	6	Ditto (Raw), per Barrel	0	1
Mats, per Bundle of 12	0	1	Tiles, per Thousand	1	0
Mill Stones, each	1	0	Tin Plates, per Box	0	2
Mustard, per Keg	0	1	Ditto, Blocks, each	0	2
Mules and Asses, each	0	6	Tar, per Barrel	0	2
Madder, per Hogshead	0	9	Tallow, per Cask	0	4
Nuts, per Bag or Barrel	0	2	Tobacco, per Hogshead	1	0
Oil, per Hogshead or Pipe	1	0	Thread, per Box	0	6
Ditto, per Barrel	0	6	Timber, per Load of 50 Feet	0	8
Ditto, per Chest	0	4	Deals, per 120	2	0
Ditto, per Jar	0	1	Ditto Ends, per 120	0	9
Oats, per Ton	0	8	Deal Battens, per 120	1	0
Oatmeal, per Ton	0	9	Deal Batten Ends, per 120	0	4
Onions, per Basket	0	1	Vitriol (Oil of), per Bottle	0	2
Oakum, per Ton	0	6	Vinegar, per Pipe	0	9
Oranges and Lemons, per Chest	0	3	Ditto, per Hogshead	0	6
Ditto per Box	0	2	Woollens, per Package	1	0
Paper, per Package	0	3	Whiskey, per Puncheon	0	9
Paints, per Ton	2	0	Ditto, per Hogshead	0	6
Peas, per Bag	0	2	Wine, per Pipe	2	0
Pepper, per Bag	0	3	Ditto, per Hogshead	1	0
Pork, per Tierce	0	3	Ditto, per Case or Quarter Cask	0	6
Ditto, per Barrel	0	2	Wheat, per Ton	0	9
Ditto, per Half Barrel	0	1	Wool, per Bale	0	9
Porter, per Hogshead	0	8	Yarn, per Bale	0	6
Ditto, per Barrel	0	2	Ditto, per Skip	0	3
Potatoes, per Ton	0	3	Ditto, per Beam	0	2
Pitch, per Barrel	0	2	Yeast, per Puncheon	0	6