



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. xcvi.

An Act to repeal “The River *Slaney* Improvement Act, 1852,” and to make better Provision for the Execution of the Objects of that Act; and for other Purposes connected with the River *Slaney*. [27th July 1857.]

WHEREAS by “The *Wexford* Harbour Improvement Act, 1846,” the *Wexford* Harbour Improvement Company was incorporated, and Powers were given to that Company for improving and altering a Portion of the Harbour of *Wexford* in the County of *Wexford* in *Ireland*, for improving the Navigation of the River *Slaney*, and for embanking and reclaiming divers Waste Lands, Mud Banks, or Slobs in and adjacent to the said Harbour and River, and for other Purposes: And whereas by “The *Wexford* Harbour Embankment Act, 1852,” (after reciting that it was expedient that new Arrangements should be made for a more effective and expeditious Execution of the Purposes of “The *Wexford* Harbour Improvement Act, 1846,” so far as the same had not been effected, and that (to that End) so much of the Undertaking thereby authorized as related to the improving and altering of the said Navigation of the River *Slaney* should be severed from the remain-
[Local.] 16 E ing

9 & 10 Vict.
c. cclxxxvii.

15 & 16 Vict.
c. cli.

*River Slaney Act, 1857.*15 & 16 Vict.
c. clii.

ing Portion of such Undertaking, which related to the embanking and reclaiming of the said Waste Lands, Mud Banks, and Slobs, and the Works in *Wexford* Harbour,) the *Wexford* Harbour Improvement Act was repealed, and the Proprietors of Stock or Shares in the *Wexford* Harbour Improvement Company, and others, were incorporated by the Name of "The *Wexford* Harbour Embankment Company," and were empowered to execute the said Works of Embankment and Reclamation, and certain Works in *Wexford* Harbour: And whereas by "The *River Slaney* Improvement Act, 1852," a Body of Commissioners was constituted by the Name of "The *River Slaney* Commissioners," (herein-after called "the Commissioners,") with Powers to improve and deepen the said *River Slaney* from *Pouldarrig Point* to the Bridge of *Enniscorthy*, and for other the Purposes in that Act mentioned, and to take Tolls for Vessels passing up the said River, or any Part thereof, between *Pouldarrig Point* aforesaid and the said Bridge, and to borrow Money on the Security of those Tolls; and by that Act the Period for the Execution of the Works to be done in improving the *River Slaney* was limited to Twenty-one Years from the passing thereof, with Power for the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral to impose a Veto on the Execution of the Works if Progress satisfactory to them were not made within Five Years: And whereas the Powers given by "The *River Slaney* Improvement Act, 1852," for raising Money have proved insufficient for obtaining any Funds for carrying the same into execution, and in consequence thereof the beneficial Purposes of that Act have not been attained, and the *River Slaney* Commissioners have been unable to proceed in the Execution thereof: And whereas a Company has been established under "The Joint Stock Companies Act, 1856," by the Name of "The *Slaney* Navigation Company (Limited)," (but herein-after called "the Company"), with a Capital of Thirty thousand Pounds, divided into One thousand five hundred Shares of Twenty Pounds each, for the Purpose of the deepening of the *River Slaney* in the County of *Wexford*, and the Improvement of the Navigation thereof between the Townland of *Blackstoops* above and near the Town of *Enniscorthy* and *Pouldarrig Point*, and the doing all such Acts as are necessary for the Attainment of the above Object, and has obtained a Certificate of Registration with Limited Liability in accordance with the Provisions of that Act: And whereas the Company are willing, if the Powers, Rights, and Privileges by "The *River Slaney* Improvement Act, 1852," given be (with some Variations) transferred to and vested in them, to carry the same into execution: And whereas it is expedient that the Tolls by that Act authorized should be varied, and that other Tolls should be authorized to be taken: And whereas it is expedient that Provision should be made for the Conservancy and

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and effectual Maintenance, Management, and Regulation of Part of the said River lying between *Enniscorthy* Bridge aforesaid and a Point at or near *Blackstoops* above the Island in the said River: And whereas in order to avoid Inconveniencies arising from several Private Acts relating to the same Purposes being in force at the same Time it is expedient that "The River *Slaney* Improvement Act, 1852," be repealed, and the Powers thereof (so far as requisite) re-enacted or amended and continued by this Act: And whereas the Purposes aforesaid cannot be effected without the 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, 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, as follows; (that is to say,)

I. Subject to the Provisions of this Act, "The River *Slaney* Improvement Act, 1852," shall be and the same is hereby re-
Recited Act repealed.

II. Notwithstanding the Repeal of "The River *Slaney* Improvement Act, 1852," and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered respectively under that Act or otherwise shall be as valid as if this Act were not passed; and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Repeal had not happened and this Act were not passed, would be incident to and consequent on any and every thing so done and suffered respectively; and with respect to all such Rights, Liabilities, Claims, and Demands, the Company shall to all Intents and Purposes represent the Commissioners: Provided always, that the Generality of this Enactment shall not be restrained by any of the other Provisions of this Act.
Saving Rights and Liabilities.

III. Notwithstanding the Repeal of "The River *Slaney* Improvement Act, 1852," all Contracts, Covenants, Agreements, or Obligations executed, entered into, or granted by, with, to, or in favour of the Commissioners, and now in force, shall be as good, valid, subsisting, and effectual for, in favour of, against, and in respect to the Company and their Successors, and may be claimed, enforced, and acted on, as fully and effectually to all Intents and Purposes as if instead of the Commissioners the Company had been Party thereto, or named or referred to therein.
Contracts, &c. to be in force.

IV. Notwith-

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Actions, &c.
not to abate.

IV. Notwithstanding the Repeal of "The River *Slaney* Improvement Act, 1852," any Action, Suit, Prosecution, or other Proceeding whatsoever commenced before the passing of this Act, either by or on behalf of or against the Commissioners, shall not cease, abate, be suspended or discontinued, but shall continue valid and in force, and shall take effect in favour of or against the Company, as the Case may be, in the same Manner in all respects as the same would or might have continued and remained in force or taken effect in favour of or against the Commissioners if that Act had not been repealed.

Debts due
to and by
the Com-
missioners to
be paid to
and by the
Company.

V. Notwithstanding the Repeal of "The River *Slaney* Improvement Act, 1852," all Persons who immediately before the passing of this Act owed any Sum of Money to the Commissioners, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due and payable or accruing for the same, to the Company; and all Debts and Moneys which immediately before the passing of this Act were due or owing by or recoverable from the Commissioners, or for the Payment of which the Commissioners were or but for the Repeal of that Act would be liable, shall be paid, with all Interest (if any) due and payable or accruing for the same, by or be recoverable from the Company.

8 & 9 Vict.
c. 18. incor-
porated.

VI. "The Lands Clauses Consolidation Act, 1845," (except the Clauses of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and except in so far as the other Provisions of that Act are varied or excepted by this Act,) shall be incorporated with this Act.

Interpreta-
tion of
Terms.

VII. In this Act the Expression "the Company" shall mean the *Slaney* Navigation Company (Limited); the Expression "the Navigation" shall mean the River *Slaney* and the Navigation thereof within the Limits of this Act; the Word "Passenger" shall include every Person conveyed in or by any Vessel for Hire or Reward; and the Expression "the Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations.

10 & 11 Vict.
c. 27. incor-
porated.

VIII. "The Harbours, Docks, and Piers Clauses Act, 1847," (except the Sections 25 and 26 of that Act relating to the Commencement of the Rates to be taken by the Undertakers, and except the Sections 35, 36, 37, and 38 of that Act relating to Reports of Arrivals, Production of Certificate of Registry, and Delivery of Accounts of Goods to be unshipped, for which other Provisions are in this Act substituted,) shall, so far as the same is not varied by the Provisions of this Act, be incorporated with this Act; and in con-
struing

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struing that Act in connexion with this Act the Expression "the Harbour, Dock, or Pier" shall mean the River *Slaney* and the Navigation thereof within the Limits of this Act, and the Works by this Act vested in the Company, and authorized to be made and maintained by them; the Expression "the Undertakers" shall mean the Company; and all the Clauses and Provisions of that Act relating to Goods shall (save in so far as the same are altered or excepted by this Act) extend to and include all Passengers and Animals for or in respect of which any Rates are by this Act authorized to be taken.

IX. Provided always, That nothing in this Act or in "The Harbours, Docks, and Piers Clauses Act, 1847," contained shall extend or be construed to extend to compel the Company to provide and maintain any Lifeboat, Mortar, Rockets, or Crew, or Persons for the working thereof, or any Tide Gauge or Barometer, unless and until they shall be required so to do by the Lords of the Admiralty, by Writing under the Hand of the Secretary of the Admiralty, and then only to the Extent stated in any such Requisition, and in the meantime the Authority of the Company to carry into execution the several Powers and Provisions of this Act shall not be dependent on providing or maintaining any Lifeboat, Mortar, and Rockets, or Crew, or Persons for the working thereof, or any Tide Gauge or Barometer.

Company not bound to provide Lifeboat, &c. until required by Admiralty.

X. The several Words and Expressions to which, by the Acts wholly or partially incorporated with this Act, Meanings are assigned shall in this Act have the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction, or other Meanings be assigned to them by this Act.

Same Meanings to Words, &c. in this Act as in incorporated Acts.

XI. In citing this Act for any Purpose whatsoever it shall suffice to use the Expression "*River Slaney Act, 1857.*"

Short Title.

XII. The Limits of the Navigation shall for all the Purposes of this Act extend to and include so much of the River *Slaney* within the Space covered with Water at High Water of Spring Tides as lies between *Pouldarrig Point* aforesaid and a Place called *Blackstoops* in the Townland of *Blackstoops* and Parish of *Saint Mary's* in the County of *Wexford*, and within those Limits the Company as Conservators of the Navigation may deepen, cleanse, scour, dredge, regulate, manage, and maintain the Navigation in such Manner and to such Extent as they shall deem expedient, and the Harbour-master may exercise his Authority therein.

Limits of Navigation.

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Company
may execute
Works au-
thorized by
repealed
Act.

XIII. It shall be lawful for the Company, to make, execute, and maintain the Improvements and Works, and effect the Objects by the repealed Act authorized, and which are as follows; (that is to say,)

To improve and deepen the said River *Slaney* from *Pouldarrig Point* aforesaid to the Bridge of *Enniscorthy*, so that the Tide may at all Times flow and ebb freely up to *Enniscorthy* aforesaid, and so that the Depth of the said River from the Town of *Wexford* to *Enniscorthy* aforesaid may be not less than Seven Feet at Low Water of the lowest Spring Tide at *Wexford* aforesaid, or such other Depth as the Lords of the Admiralty shall fix and determine; and from Time to Time and at all Times to keep the said River in such improved State and Condition as aforesaid, and for such Purposes or any of them to cleanse, scour, dredge, and deepen the said River, and alter and vary the Course of the Channel thereof, and divert the Water thereof into such altered Channel; and to dig and remove all or any Part of any and every Rock, Shoal, or Bank or Bed of Mud, Sand, Soil, Rubbish, or Gravel, and other Accumulations or Obstructions which may now or hereafter be in the Bed of the said River, and to use or dispose of the Mud, Sand, Soil, Rubbish, Gravel, or other Things which may be so dug or removed as aforesaid as the Company shall think proper; and also for the same Purposes or any of them to narrow or confine the Bed of the said River by setting up or erecting in the said River or on the Banks thereof artificial Embankments, or by any other Means whatsoever, and to shelve off, cut, and straighten the Banks of the said River, and to place in the said River all proper Buoys and Signals for the Guidance and Directions of Vessels navigating the said River: Provided always, that no Mud, Sand, Soil, Rubbish, or other Things so to be dug or removed as aforesaid shall be deposited on the Lands on either Side of the said River without the Consent of the Owner or Occupier of such Lands first had and obtained: Provided also, that during the Time that the Works by this Clause authorized shall be in progress the Company shall take effectual Means to prevent any unnecessary Obstruction or Delay to the Vessels navigating the said River, and also to secure the Foundations of the several Bridges over the said River within the Limits aforesaid.

Maintenance
of upper Part
of River.

XIV. Subject to the same Provisoos as in the last preceding Clause contained, the Company may also from Time to Time cleanse, scour, open, deepen, and otherwise maintain that Portion of the said River which lies between *Enniscorthy* Bridge and *Blackstoops* aforesaid, and the Channels, Banks, Shores, Creeks, Inlets, and other
Parts

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Parts thereof, so far as the Tide flows and re-flows, and may dig, remove, and destroy any Rocks, Shoals, Shallows, Banks, or Beds of Mud, Sand, Soil, Rubbish, or Gravel, and other Projections, Accumulations, or Obstructions therein, and may use and dispose of the Stuff, Matters, or Things so dug or removed as they think proper, and may place, provide, alter, and maintain in that Portion of the said River Buoys and Signals and such other Conveniences as may be required for the Maintenance of that Portion of the River, and for the Safety, Convenience, Guidance, and Direction of Vessels navigating the same.

XV. Subject to the Provisions in "The Lands Clauses Consolidation Act, 1845," contained, the Company may purchase from any Persons willing to sell the same and may hold Lands (not exceeding in the whole Twenty Acres) adjoining or near to the said River, or any Part thereof, between *Pouldarrig Point* and *Blackstoops* aforesaid, for the Purpose of constructing and erecting thereon Quays, Jetties, Towing-paths, Spoil Banks, or other Works for the Convenience of the Navigation of the River and the Trade thereon or resorting thereto, and for other the Purposes of this Act, and may also by Agreement with the Owners, Lessees, and Occupiers thereof (and not otherwise) enter upon any Lands adjoining or near to the said River between *Pouldarrig Point* and *Blackstoops* aforesaid for the Purpose of taking Clay, Stone, Earth, Gravel, Sand, Soil, or other Materials therefrom, or of depositing Soil thereon.

Purchase
and Use of
Lands by
Agreement.

XVI. Previously to commencing the Works or Improvements authorized by the repealed Act, and which the Company are hereby empowered to execute between *Pouldarrig Point* and *Enniscorthy* Bridge aforesaid, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of such Works for the Approval of the Lords of the Admiralty, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Works and Improvements shall be constructed only in accordance with such Approval, and when any such Works shall have been commenced or constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Works or Improvements shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the Lords of the Admiralty to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

Plans to be
submitted to
Admiralty
before com-
mencing
Works.

XVII. If

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Admiralty
may order
local Survey
at Expense
of Company.

XVII. If at any Time or Times it shall be deemed expedient by the Lords of the Admiralty to order a local Survey and Examination of any Works of the Company as aforesaid in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Works af-
fecting tidal
Waters, &c.
abandoned
may be re-
moved by
Admiralty.

XVIII. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lords of the Admiralty to abate and remove the same, or such Part or Parts thereof as they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

Works on
River, &c.
not to be
executed
without Con-
sent of Com-
missioners of
Woods, &c.

XIX. Notwithstanding anything herein-before contained, the Company shall not construct any of the Works herein-before mentioned upon or otherwise interfere with any Part of the Bed or Shores of the River *Slaney*, or of any Haven, Bay, Creek, or Inlet thereof belonging to Her Majesty in right of Her Crown, or upon any other Land, Soil, Tenements, or Hereditaments belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such last-mentioned Commissioners or Commissioner are and is hereby empowered to give upon Payment of such Compensation in Money or upon such other Terms and Conditions as they or he shall think fit.

Any Land
reclaimed by
the Works
not to be
taken with-
out the Con-
sent of the
Commission-
ers of Woods,
&c.

XX. If in the course or by means of the Execution of any of the said Works any Part of the Shores or Bed of the said River, or of any Haven, Bay, Creek, or Inlet thereof belonging to Her Majesty, shall be inned, gained, or reclaimed from the Water, the Company shall not have or exercise any Right upon the same or in respect thereof, but such Inning, Gaining, or Reclamation shall enure absolutely for the Benefit of Her Majesty the Queen, Her Heirs and Successors, and it shall not at any Time afterwards be lawful for the

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the Company to take, enter upon, or interfere with the Lands so inned, gained, or reclaimed for any Purpose whatsoever without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them.

XXI. The following Improvements by the repealed Act authorized, and which by this Act the Company are empowered to execute, (that is to say,) the deepening of the said River, the altering and varying of the Course of the Channel thereof, and the Diversion of the Waters thereof, the narrowing or confining of the Bed of the said River, and the shelving off, cutting, and straightening of the Banks of the said River, shall be completed within Seven Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act and the incorporated Acts given for the Execution of those Improvements shall cease. Period for Completion.

XXII. In all Cases in which it may be necessary under the Provisions of this Act that the Approval, Consent, or Satisfaction of the Lords of the Admiralty should be testified, a Certificate under the Hand of the Secretary of the Lords of the Admiralty shall be to all Intents and Purposes conclusive Evidence of such Approval, Consent, or Satisfaction. Certificate of Secretary of Admiralty.

XXIII. The Company may demand, recover, and receive for all Passengers, Animals, and Goods shipped or unshipped within the Limits of the Navigation, or conveyed in any Vessel within, through, or into the Limits of the Navigation, any Rates not exceeding the Rates following; (that is to say,) Company may take Rates.

For every Passenger, the Sum of Threepence :

For Horses, Mules, Oxen, Cows, Bulls, and Neat Cattle, *per* Head Sixpence :

For Asses, Calves, Pigs, Sheep, Lambs, and other small Animals, *per* Head Threepence :

For Limestone, *per* Ton Threepence :

For Coals, Iron, or Salt, *per* Ton Sixpence :

For Timber and Corn, *per* Ton One Shilling :

For all other Goods, Commodities, Matters, and Things whatsoever, *per* Ton One Shilling and Fourpence :

And so in proportion for any greater or less Quantity than a Ton :

Provided always, that whenever there shall be a Fraction of a Halfpenny in the Amount of the Rate payable, One Halfpenny may be demanded, recovered, and received in lieu of such Fraction : Provided also, that any Goods conveyed in any Lighter not exceeding Fifty Tons Burden plying only upon that Part of the said River which is between the Bridge of *Enniscorthy* and the Southern Boundary of

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the River *Boro* shall not be chargeable with the said Rates or any of them.

Provisions
for fixing
Tolls.

XXIV. In ascertaining the Tonnage of Goods for the Purposes of this Act the Weight shall, with respect to all Articles except Stone and Timber, be determined by the usual Avoirdupois Weight; and with respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton, and so in proportion for any greater or less Quantity.

By whom
Rates pay-
able.

XXV. The Rates by this Act authorized to be taken shall, as regards Animals and Goods not shipped or unshipped within the Limits of the Navigation, and as regards all Passengers, be payable by the Master of the Vessel conveying the same as soon as such Vessel enters the Limits of the Navigation, and shall, as regards all other Animals and Goods, be payable by the Owner thereof.

Masters of
Vessels to
report Arri-
val and deli-
ver Account.

XXVI. The Master of every Vessel containing any Passengers, Animals, or Goods liable to Rates under this Act arriving within the Limits of the Navigation shall before leaving such Limits report his Arrival to the Collector of Rates, and deliver to such Collector a full and true Account in Writing of the Passengers and Animals, and of the Kinds, Weights, and Quantities of the Goods contained in such Vessel, and the Name of the Owner or Consignee of all Animals and Goods shipped or intended to be unshipped within the Limits of the Navigation, and also, if required by such Collector, Three Hours Notice of the Time and Place at which the Cargo or any Part thereof is to be unshipped; and any Master failing so to report his Arrival, or to deliver such Account or Notice, or delivering any false Account or Notice, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Evidence of
Tonnage of
exempted
Lighters.

XXVII. The Master of every Lighter claiming Exemption from Rates under the Provisions of this Act shall before he shall be entitled to the Benefit of such Exemption, produce to the Collector of Rates the Certificate of Registry of such Lighter, if the same be of such Burden as to require Registry under the Laws for the Time being in force.

Certain Sum
to be ex-
pended be-
fore Rates
taken.

XXVIII. Provided always, That the Company shall not take any Rates under the Powers of this Act until they shall have expended at least Ten thousand Pounds on the Improvements, Works, and Objects by this Act authorized, of which Expenditure a Certificate under the Hand of the Chairman of the Quarter Sessions shall be conclusive Evidence; and such Chairman shall sign such Certificate on Proof being adduced to him of such Expenditure.

XXIX. When

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XXIX. When the whole of the said Capital of Thirty thousand Pounds is subscribed for, and One Half thereof is paid up, the Company may assign the Rates by this Act authorized to be taken, or any of them, to any Persons who shall advance or lend Money to the Company, or to any Trustees named by such Persons, as a Security for any Money so advanced or lent, with Interest for the same: Provided always, that the total Sum to be charged upon the Rates at any One Time shall not exceed Ten thousand Pounds.

As to Mortgages of Rates.

XXX. The Profits of the Company to be divided among the Shareholders in any One Year shall not exceed the Rate of Ten Pounds in the Hundred by the Year on the paid-up Capital of the Company, unless a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend which shall have fallen short of the said yearly Rate.

Profits of the Company to be limited.

XXXI. If the clear Profits of the Company in any Year amount to a larger Sum than is sufficient, after making up the Deficiency in the Dividends of any previous Year as aforesaid, to make a Dividend at the Rate aforesaid, the Excess beyond the Sum necessary for such Purpose shall from Time to Time be invested in Government or other Securities, and the Dividends and Interest arising from such Securities shall also be invested in the same or like Securities, in order that the same may accumulate at Compound Interest until the Fund so formed amounts to a Sum equal to One Tenth of the total Capital for the Time being of the Company, which Sum shall form a Reserve Fund to answer any Deficiency which may at any Time happen in the Amount of divisible Profits, or to meet any extraordinary Claim or Demand which may at any Time arise against the Company, and if such Fund be at any Time reduced it may thereafter be again restored to the said Sum, and so from Time to Time as often as such Reduction shall happen.

If Profits exceed the Amount limited, Excess to be invested and form a Reserve Fund.

XXXII. Provided always, That no Sum of Money shall be taken from the said Fund for the Purpose of meeting any extraordinary Claim, unless it be first certified by Two Justices that the Sum so proposed to be taken is required for the Purpose of meeting an extraordinary Claim within the Meaning of this Act.

Reserve Fund not to be resorted to unless to meet an extraordinary Claim.

XXXIII. When such Fund shall, by Accumulation or otherwise, amount to One Tenth Part of the Capital for the Time being, the Interest and Dividends thereon shall no longer be invested, but shall be applied to any of the general Purposes of the Company to which the Profits thereof are applicable.

When Fund amounts to prescribed Sum, Interest to be applied to Purposes of Company.

XXXIV. If in any Year the Profits of the Company divisible amongst the Shareholders shall not amount to the aforesaid Rate, such

If Profits are less than the prescribed

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Rate, a Sum may be taken from Reserve Fund to supply Deficiency.

such a Sum may be taken from the reserved Fund as with the actual divisible Profits of such Year will enable the Company to make a Dividend of the Amount aforesaid, and so from Time to Time as often as Occasion shall require.

If Profits are more than the Amount prescribed, a rateable Reduction to be made in the Rates.

XXXV. The Board of Trade may, on the Petition of any Persons having paid or being liable to pay any Rates under the Powers of this Act, appoint some Accountant or other competent Person, not being a Shareholder in the Company, to examine and ascertain at the Expense of the Company the actual State and Condition of the Concerns of the Company, and make Report thereof to the Board of Trade (the Amount of such Expense to be determined by the Board of Trade), and the Person so appointed may examine any Witnesses touching the Truth of the said Accounts and the Matters therein referred to, and may require such Witnesses to verify their Evidence by Declarations made and subscribed in the Form and Manner prescribed by the Public General Act Five and Six *William* the Fourth, Chapter Sixty-two, for the Abolition of unnecessary Oaths; and if upon his Report it shall appear to the Board of Trade that the Profits of the Company for the preceding Year have exceeded the Rate aforesaid, the Company shall, in case the whole of the said reserved Fund has been and then remains invested as aforesaid, and in case Dividends to the Amount herein-before limited have been paid, make such a rateable Reduction in the Rates to be taken by them as in the Judgment of the Board of Trade shall be proper, but so as such Rates when reduced shall with the Interest and Dividends of the reserved Fund ensure to the Company, regard being had to the Amount of Profit before received, a Profit as near as may be to the prescribed Rate.

Board of Trade may order Petitioner to pay the Costs of groundless Petition.

XXXVI. Provided always, That if in the Case of any Petition so presented it appear to the Board of Trade that there was no sufficient Ground for presenting the same, they may, if they think fit, order the Petitioner to pay the whole or any Part of the Costs of or incident to such Petition (the Amount thereof to be determined by the Board of Trade), and the Costs so ordered to be paid shall be recoverable in the same Way as Damages not specially provided for are recoverable under "The Harbour, Docks, and Piers Clauses Act, 1847," or by Action or other Proceeding in any Court of competent Jurisdiction.

Penalty on Company refusing to produce Books, Vouchers, &c.

XXXVII. If the Company shall for Seven Days after being required to produce to the Board of Trade, or to the said Accountant or other Person as aforesaid, any Books of Account, or other Books, Bills, Receipts, Vouchers, or Papers relating to their pecuniary Affairs, refuse or neglect to produce such Books, Bills, Receipts, Vouchers,

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Vouchers, or Papers, they shall forfeit the Sum of One hundred Pounds for every such Refusal or wilful Neglect, and the further Sum of Ten Pounds for every Day during which such Refusal or wilful Neglect shall continue after the Expiration of the said Seven Days, such respective Penalties to be recovered by any Person who will sue for the same, with full Costs of Suit, in any of the Superior Courts.

XXXVIII. For the Purposes of the foregoing Enactments the Section of "The Railways Clauses Consolidation Act, 1845," numbered 67, relating to the Authentication of Documents purporting to be made or issued by or by the Authority of the Board of Trade, and to the Service thereof, and other Matters, is incorporated with this Act, and this Act shall be deemed to be "the Special Act," and the *Slaney* Navigation Company (Limited) shall be deemed to be "the Railway Company," within the Meaning of that Section.

Authenti-
cation of
Orders, &c.
of Board of
Trade.

XXXIX. If any Person shall wilfully pull down, deface, or destroy any Board erected or affixed by the Company under the Provisions of this Act or any of the incorporated Acts, or shall obliterate or alter any Letters or Figures thereon, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Company the Expenses attending the Restoration of such Board.

Penalty for
defacing
Boards.

XL. The Company may make and enter into such Contracts or Agreements with the *Wexford* Harbour Commissioners for carrying into effect all or any of the Purposes and Objects of this Act, (except in so far as the same relate to the River above *Enniscorthy Bridge*,) or maintaining and keeping in repair and condition the several Works hereby authorized to be constructed or any of them, as the Parties to such Contract or Agreement shall deem advisable, and subject to such Terms and Conditions as may be mutually agreed upon between them, provided that the same be not inconsistent with the Provisions of any other Act of Parliament.

Company
may con-
tract with
Wexford
Harbour
Commis-
sioners.

XLI. The Parties to any such Contract may by mutual Consent rescind, vary, or suspend the same either wholly or partially, and may enter into and carry into effect other Contracts in lieu thereof or in addition thereto.

Contracts
may be
varied, &c.

XLII. Any such Contract as aforesaid shall not in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the Parties thereto shall for the Time being be respectively authorized and entitled to demand and receive from any Person or from any other Company, but all Persons and all other Companies

Agreement
not to affect
Third Par-
ties.

[Local.]

16 H

shall

River Slaney Act, 1857.

shall notwithstanding any such Contract be entitled to the Use and Benefit of the Harbour, Navigation, and Works to which such Contract may relate upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been if no such Contract had been entered into.

Navigation,
&c. not ex-
empt from
Provisions of
present and
future Gene-
ral Acts.

XLIII. Nothing in this Act contained shall be deemed or taken to exempt the Navigation or the Company from any Provisions of "The Merchant Shipping Act, 1854," or of any General Act relating to Harbours or Dues on Shipping now in force or which may be passed during the present or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the Rates by this Act authorized.

Saving
Rights of
the Crown.

XLIV. Nothing contained in this Act or in the Acts incorporated herewith shall divest, prejudice, diminish, alter, or take away any Estate, Right, Easement, Claim to Compensation, Privilege, Power, or Authority which now is or hereafter may be, or but for the Provisions of the same Act or Acts might have been, vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving
Rights of
Lords of
Manors, &c.

XLV. Save as by this Act specifically provided, nothing in this Act contained shall be construed or extend to affect, prejudice, alter, abridge, or take away any Rights, Royalties, Privileges, or Liberties of any Lord or Lady of a Manor or reputed Manor, or of any Tenant in Fee, in Tail, or for Life, of any Lands on the Banks of the said River *Slaney*, but the said Rights, Royalties, Liberties, and Privileges, and every of them, shall remain in the same State as if this Act had not been passed, but so as not to prevent or obstruct the Exercise of the several Powers and Authorities hereby given, anything herein contained to the contrary notwithstanding.

Saving the
Rights of
the Port of
Dublin Cor-
poration.

XLVI. Nothing in this Act contained shall extend to prejudice or derogate from the Jurisdiction or Authority or any of the Rights or Privileges of the Corporation for preserving and improving the Port of *Dublin*.

Expenses of
Act.

XLVII. The Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing this Act shall be paid by the Company.

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