



ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

Cap. lvi.

An Act to extend and amend the Acts relating to
the *Newry* Navigation. [21st June 1841.]

WHEREAS by an Act passed in the Tenth Year of the
Reign of His Majesty King *George* the Fourth, intituled
An Act for the Improvement and Extension of the Newry
Navigation, the Time granted for the Improvement of the *Newry*
Canal, and for the Completion of the Navigation thereof, was limited
to a Term of Seven Years, to be computed from the Time when the
Newry Navigation Company, therein named, should receive Posses-
sion of the said Canal under the said Act: And whereas by another
Act passed in the Sixth Year of the Reign of His late Majesty King
William the Fourth, intituled *An Act to extend the Time limited by an*
Act passed in the Tenth Year of the Reign of His late Majesty King
George the Fourth, for the Improvement of the Newry Navigation,
the Time limited by the said first-recited Act, for the Completion of
the said Works, was extended to the Twenty-sixth Day of *July* One
thousand eight hundred and forty-one: And whereas considerable
and beneficial Improvements have been made by the said Company
in the said Navigation, and the Sum of Forty-eight thousand Pounds,
or thereabouts, has been expended on the said Works, but the Time
so limited for the Completion thereof has been found too short, and
it is necessary to extend such Term for a further Term of Seven
[Local.] 13 A Years

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c. 71.

Years beyond the said Twenty-sixth Day of *July* One thousand eight hundred and forty-one : And whereas the said Company were authorized and empowered, under certain Provisions in the said first-recited Act contained, and with the Permission and Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the whole the Sum of Eighty thousand Pounds, as they should find necessary, and to raise the same either by the Grant of Assignments on the Tolls and Duties arising to the said Company under the said Act, or by the Grant of Annuities : And whereas, by and with the Consent aforesaid, and in the Exercise of the Power aforesaid, the said Company have borrowed and taken up, of and from the Commissioners of Public Works in *Ireland*, the Sum of Twelve thousand Pounds, whereof they have already repaid a Portion, and the Balance due on Foot of said Loan now constitutes the sole Charge upon the said Tolls and Duties, and upon the Property of the said Company : And whereas the said Company are desirous of being empowered to raise Money by way of Bond or Debenture, as well as by Assignments of the said Tolls and Duties, or by the Grant of Annuities ; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the 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, That the Period limited by the said recited Acts for the Completion of the said Navigation, and the Works authorized to be made under the said recited Acts, shall be and the same is hereby extended to the Twenty-sixth Day of *July* One thousand eight hundred and forty-eight ; and that all Powers, Provisions, Matters, and Things contained in the said recited Acts shall be in full Force, for the Purposes of the said recited Acts and of this Act, during such further Period as aforesaid, as effectually as if such extended Period had been given by the said recited Acts, and as if the same had been re-enacted in and made Part of this Act.

Time for completing the Navigation extended to 26th July 1848.

Company empowered to raise Money on Bond. Priority for previous Assignments.

II. And be it enacted, That it shall be lawful for the said Company and they are hereby empowered to borrow or raise upon the Security of Bonds, as herein-after mentioned, all or any Part of the Money they are authorized to borrow or raise under the Provisions of the said recited Acts ; provided that all Sums of Money which shall have been previously borrowed upon Assignments of the Tolls and Duties payable under the said Acts, or upon Annuities, shall have Priority of Payment.

Bonds to be under Seal, and stamped.

III. And be it enacted, That every Bond for securing Money borrowed by the Company shall be by Deed, under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated ; and every such Bond may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect.

Rights of Obligees.

IV. And be it enacted, That the respective Obligees in such Bonds shall, subject to the Provisions in this Act contained in respect of

of the Priority of the Commissioners of Public Works, and of all Sums of Money previously borrowed upon Assignments of the Tolls and Duties payable under the said Acts, or upon Annuities, proportionally, according to the Amount of the Monies secured thereby, be entitled to be paid, out of the Tolls or other Property or Effects of the Company, the respective Sums in such Bonds mentioned and thereby intended to be secured, without any Preference one above another by reason of Priority of Date of any such Bond, or otherwise however.

V. And be it enacted, That a Register of all Assignments or Annuities to be at any Time granted by the said Company, and of all Bonds, shall be kept by the Clerk of the said Company, and within Fourteen Days after the Date of any such Assignment, Grant of Annuity, or Bond to be made after the passing of this Act, an Entry or Memorial, specifying the Number and Date of such Assignment, Grant of Annuity, or Bond, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any of the Shareholders, or by any Assignee, Grantee of Annuity, or Bond Creditor of the Undertaking, or by any Person interested in any such Assignment, Annuity, or Bond, without Fee or Reward.

Register of Assignments, Annuities, and Bonds.

VI. And be it enacted, That from Time to Time any Party entitled to any such Bond may transfer his Right and Interest therein to any other Person, by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Transfer of Bonds.

VII. And be it enacted, That at all reasonable Times the Books of Account of the Company shall be open to the Inspection of the respective Assignees and Bond Creditors thereof, with Liberty to take Extracts therefrom without Fee or Reward.

Access to Account Books by Bond Creditors, &c.

VIII. Provided always, and be it enacted, That nothing in this Act contained, or to be done in pursuance thereof, shall deprive the said Commissioners of public Works of any Advantage or Priority which the said Commissioners may now have by virtue of any Mortgage, Assignment, or other Assurance made for the Purpose of securing the Repayment, with Interest, of the Sum advanced as aforesaid to the said Company by the said Commissioners, but that all Rights, Privileges, and Authorities which may now be vested in or exercised by the said Commissioners in respect of the said Navigation shall be held, enjoyed, and exercised by them in as full and ample a Manner as if this Act had not been passed, until such Sum as aforesaid so due and in arrear upon or in respect of such Loan or Advance, and the Interest thereof, together with any Costs or Expences properly incurred, shall be fully paid and satisfied.

Not to affect the Security held by the Commissioners of public Works in Ireland for the Repayment of 12,000*l.* borrowed by the Company.

IX. Provided always, and be it enacted, That in case the said Company shall neglect or abandon the Improvement of the said Navigation during the said extended Term, or shall not fully complete

Provision in recited Acts in case of Neglect or Abandon-

ment, &c. of
the Naviga-
tion to apply
to extended
Term.

plete the same within such Term, then and in either of such Cases it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to order and direct that the Powers, Authorities, Rights, and Privileges given to the said Company by this Act and the said recited Acts shall cease and determine, and thereupon to deal with the said Canal, and the Works and Funds and Tolls, and the Property, Real, Chattel, and Personal, belonging or relating to the same, in like Manner, and with the like Powers and Authorities, and subject to the like Regulations, to all Intents and Purposes, as by the said recited Acts provided in case of the Neglect or Abandonment or Non-completion of the said Navigation within the Term limited thereby.

Plans of
Works below
High-water
Mark to be
deposited in
the Admi-
rality.

X. And whereas the several Ports, Harbours, Estuaries, Creeks, and navigable Rivers of the United Kingdom within the Flux and Reflux of the Tide are by Law under the Superintendence and Jurisdiction of the Lord High Admiral of the said Kingdom; be it enacted and provided, That nothing herein or in any former Act contained shall extend or be construed to extend to authorize the said Company, or any other Person or Persons, nor shall it shall be lawful for them or any of them, to begin to make, build, or construct any Pier, Quay, Jetty, or Wharf, or to carry on any other Work, below the Line of High-water Mark at ordinary Spring Tides, without the previous Consent of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only under such Limitations and Restrictions as the said Lord High Admiral or Commissioners aforesaid shall deem expedient for the Convenience and Safety of Navigation; and that to enable the Lord High Admiral or Commissioners to form a due Judgment therein the said Company shall, at least One Calendar Month before any Work below the ordinary High-water Mark shall be commenced, deposit in the Hydrographer's Office in the Admiralty a Plan describing the Position and Dimensions of all and every such proposed Works, the Materials of which they are to be constructed, and the Extent to which they are in every Part thereof intended to be carried below such High-water Mark; and so from Time to Time as often as it shall be judged fit or necessary to alter and improve any of such Works.

Repeal of
Clause in
first Act as
to Limita-
tion of
Actions.

XI. And whereas it was enacted by the said first-recited Act, that if any Action, Suit, or Information should be brought or commenced by any Person or Persons, for any thing done or to be done in pursuance of that Act, or in execution of the Powers and Authorities, or the Orders and Directions therein-before given or granted, every such Suit or Information should be brought or commenced within Six Calendar Months next after the Fact should have been committed, or in case there should be a Continuance of Damages, then within Six Calendar Months next after the doing or committing of such Damages should have ceased, and not afterwards, and should be laid or brought in the County where the Matter in dispute should arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit should and might plead the General Issue, and give that

that Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of that Act; and if it should appear to have been so done, or if any Action, Suit, or Information should be brought after the Time so limited for bringing the same, or should be brought in any other County than as aforesaid, then and in such Case the Jury should find for the Defendant or Defendants; and in such Case also, or if the Plaintiff or Plaintiffs should become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, Suits, or Informations, after the Defendant or Defendants should have appeared thereto, or if any Verdict should pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment should be given against the Plaintiff or Plaintiffs, the Defendant or Defendants should have Treble Costs, and should have such Remedy for the Recovery of the same as any Defendant or Defendants hath or have in other Cases of Law: And whereas it is expedient that such Enactment should be repealed; be it therefore enacted, That the same shall be and is hereby repealed: Provided always, that the Repeal of the said Enactment shall not in any Manner affect or prejudice any Action, Suit, Information, or other Proceeding pending at the Time of the passing of this Act, but the same shall, with respect to such Action, Suit, or Information, be considered as if the said Enactment had not been repealed.

XII. And be it enacted, That an annual Account in Abstract be prepared by the Clerk of the said Company of the total Receipts and Expenditure of all Funds levied under the Provisions of the said recited Acts or this Act for the past Year, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of the said Account, duly audited and certified by the Directors, Managers, or Auditors thereof; and that a Copy of such annual Account be transmitted, free of Charge, to the Clerk of the Peace for the County of *Armagh*, on or before the Thirty-first Day of *January* in each Year, under a Penalty of Twenty Pounds for not preparing and sending in the said Account, to be levied by summary Process, the said Account to be open at all seasonable Hours for the Inspection of the Public upon Payment of a Fee of Two Shillings and Sixpence.

Accounts of Receipts and Expenditure to be annually transmitted to the Clerk of the Peace.

XIII. And be it further enacted, That the Costs, Charges, and Expences of applying for and obtaining this Act shall be paid and defrayed by the said Company out of the Monies raised or levied, or to be raised or levied by them, by virtue of the said recited Acts or this Act, or any of them.

Expences of Act.

XIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Public Act.

SCHEDULE (A.)

Form of Bond Debenture.

The Newry Navigation Company.

Bond Debenture, Number

By virtue of an Act passed, &c., intituled, &c., we, the Newry Navigation Company, in consideration of the Sum of Pounds to us in hand paid by *A. B.* of do bind ourselves and our Successors unto the said *A. B.*, his Executors, Administrators, and Assigns, in the penal Sum of Pounds.

The Condition of the above Obligation is such, that if the said Company shall pay to the said *A. B.*, his Executors, Administrators, or Assigns, on the Day of which will be in the Year One thousand eight hundred and the Principal Sum of Pounds, together with Interest for the same at the Rate of Pounds per Centum per Annum, payable half-yearly on the Day of and Day of then the above Obligation is to become void, otherwise to remain in full Force.

Given under our Common Seal, this Day of One thousand eight hundred and

SCHEDULE (B.)

Form of Transfer of Bond Debenture.

I *A. B.* of in consideration of the Sum of paid to me by *G. H.* of do hereby transfer to the said *G. H.*, his Executors, Administrators, and Assigns, a certain Bond, Number made by the Newry Navigation Company to bearing Date the Day of for securing the Sum of and Interest, [or, if such Transfer be by Indorsement, the within Security,] and all my Right, Estate, and Interest in and to the Money thereby secured.

In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and