



## CHAPTER xcvi.

An Act to transfer the Upper and Lower Boyne Navigations to the Boyne Navigation Company (Limited). A.D. 1896.  
[20th July 1896.]

**W**HEREAS by an Act of the late Parliament of Ireland, passed in the session of the said Parliament holden in the thirtieth year of the reign of His late Majesty King George the Third, intituled 30 Geo. 3.  
c. 40.  
“ An Act to explain and amend an Act passed in the twenty-ninth  
“ year of His Majesty’s reign, intituled an Act for the promotion  
“ and encouragement of inland navigation, so far only as respects  
“ the navigation of the Boyne,” it was enacted that (in the events which happened) the subscribers to the undertaking for completing the navigation from Drogheda to Trim should be one body politic and corporate, by the name of the River Boyne Company, should have perpetual succession and a common seal, and by that name might sue and be sued, and should thenceforth be invested with all the powers, privileges, benefits, and advantages for the purposes of carrying on the said navigation as were vested in the company of undertakers of the Grand Canal by an Act passed in the year one thousand seven hundred and seventy-two, entitled “ An Act 11 & 12 Geo.  
3. c. 13.  
“ for enabling certain persons to carry on and complete the Grand  
“ Canal,” and also subject to the like rules and regulations as the said Company of undertakers were subject to under and by virtue of the aforesaid Act as effectually in all things as if the several duties contained in the said last-mentioned Act were again recited and re-enacted in the body of the Act in recital: Provided that nothing in the Act in recital contained should in any degree alter, or be construed to alter, the tolls to be taken on the said navigation as ascertained by the Act for the promotion and encouragement of inland navigation: And it was by the Act in recital further provided that unless the said River Boyne Company should, within five years after they should have completed the said navigation up

A.D. 1896. to Navan, carry on and complete the navigation of the said River Boyne up to the town of Trim, in the county of Meath, that then and in that case the property in the said works and the navigation aforesaid from Carrick Lock to Drogheda should stand and be divested from the said company, and should in that case stand and remain under the control and direction of the then Commissioners of the said navigation, as if the Act in recital had never passed :

And whereas the navigation of the said River Boyne was completed up to Navan, but was never completed up to the town of Trim, and accordingly under the provisions of the recited Act the navigation aforesaid from Carrick Lock to Drogheda stood and remained under the control and direction of the said Commissioners of the said navigation :

40 Geo. 3.  
c. 51.

And whereas by an Act passed in the late Parliament of Ireland in the session of the said Parliament holden in the fortieth year of His late Majesty King George the Third, and intituled, "An Act for granting to His Majesty the sum of five hundred thousand pounds, for promoting inland navigation in Ireland, and for the other purposes therein mentioned, and for authorising the raising of the said sum by loan," it was enacted that it should be lawful for the Lord Lieutenant, or other Chief Governor or Governors of Ireland for the time being, from time to time to nominate and appoint five persons to be directors of all works relating to inland navigation in Ireland, and that so much of any Act or Acts as created any corporation or appointed any persons trustees for the direction and management of any navigation, should be and the same was thereby repealed :

53 Geo. 3.  
c. 144.  
56 Geo. 3.  
c. 55.

And whereas the last recited Act was amended by two other Acts of the fifty-third and fifty-sixth years of the reign of His late Majesty King George the Third :

1 & 2 Will. 4.  
c. 33.

And whereas by the Public Works (Ireland) Act, 1831, it is enacted that all the powers given to and authorised to be exercised by the directors appointed in pursuance of the said Act of the fortieth year of King George the Third, or any other Act or Acts then in force, and all property, estates, and effects, and all tolls or funds, and all rights, claims, titles, and possessions of what nature or kind soever of or belonging or in any manner appertaining to or enjoyed by the said directors, should be transferred to and vested in the Commissioners for the execution of the Act in recital ; that is to say, the Commissioners of Public Works in Ireland, and that the said Commissioners should have all such powers and authorities as in anywise belonged to or might have

been exercised by the said directors previous to the passing of Act in recital, and should be, and be deemed and considered to be to all intents and purposes in the place of such directors of inland navigation :

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And whereas by virtue of the last recited Act the navigation known as the Lower Boyne Navigation, extending from Carrick Lock to Drogheda, became and now is vested in the Commissioners of Public Works in Ireland, subject to a fee-farm rent of three pounds three shillings for a portion of the trackway or towpath at Ballsgrove, in the county of the town of Drogheda, payable to George De Belle Ball, Esquire, of Ballsgrove, Drogheda :

And whereas the navigation known as the Upper Boyne Navigation, extending from the town of Navan, in the county of Meath, to Carrick Dexter Lock near Slane in the same county, is absolutely vested in the River Boyne Company free from incumbrances, and from quit rent, crown rent, tithe rentcharge, and head rent, save a lay tithe of one pound five shillings and tenpence per annum, payable to Robert Henry Metge, Esquire, of Athlumney House, Navan, and a tithe rentcharge of eight shillings and eightpence payable to the Irish Land Commission :

And whereas the River Boyne Company are unable to properly keep and maintain the said Upper Boyne Navigation :

And whereas by an agreement in writing dated the eighteenth day of September one thousand eight hundred and ninety-four, under the seal of the River Boyne Company, and expressed to be made between that company of the one part and the Commissioners of Public Works in Ireland, therein-after called the transferees, which expression it was declared after the formation of the company therein-after referred to should include such company, their successors and assigns of the other part (which agreement is set out in the First Schedule hereto), it was agreed that the Upper Boyne Navigation should be transferred to the said Commissioners upon the terms in the said agreement more specifically mentioned in order that same might be vested in and worked and maintained by a limited liability company then about being formed to acquire the entire navigation from Drogheda to Navan :

And whereas such limited liability company as is last mentioned has been formed for the purposes aforesaid and duly registered under the name of "The Boyne Navigation Company (Limited)" :

And whereas it has been agreed between the said Boyne Navigation Company (Limited), and the said Commissioners of Public Works and the Treasury, that the said Upper and Lower Boyne

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And whereas the Drogheda Steamship Company, by a resolution duly passed at an extraordinary general meeting of the proprietors of that company specially convened for that purpose, have approved of this Bill and resolved to subscribe the sum of one thousand two hundred pounds to the Boyne Navigation Company (Limited) :

Be it therefore 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,)

Short title. 1. This Act may be cited as the Boyne Navigation Transfer Act, 1896.

Interpretation. 2. In this Act, unless there is something in the context repugnant thereto, the following words and expressions shall have the meanings hereby assigned to them ; (that is to say,)

The Lower Boyne Navigation means the navigation of the River Boyne from the eastern end of Carrickdexter Lock, in the county of Meath, to Balls Grove, in the county of the town of Drogheda.

The Upper Boyne Navigation means the navigation of the River Boyne from Navan, in the county of Meath, to and including Carrickdexter Lock aforesaid.

The navigation means the entire navigation of the River Boyne from Navan to Drogheda aforesaid, and includes both the Upper Boyne Navigation and the Lower Boyne Navigation.

The Commissioners of Public Works means the Commissioners of Public Works in Ireland.

The company means the Boyne Navigation Company (Limited), and includes their successors and assigns.

Confirmation of agreement between the Company and the Commissioners of Public Works. 3. The agreement of the eighteenth day of September one thousand eight hundred and ninety-four, between the River Boyne Company of the one part and the Commissioners of Public Works of the other part, which is set out in the First Schedule to this Act, is hereby confirmed, except so far as the same may be expressly varied by or be inconsistent with the provisions of this Act.

Transfer of the Lower Boyne Navigation to the Company. 4. The Lower Boyne Navigation, and all the undertaking of the same, together with all canals, locks, ways, approaches, lands, buildings, property, powers, rights, privileges, and easements, and

also all plant belonging to or forming part of or connected with the Lower Boyne Navigation, and now vested in the Commissioners of Public Works, shall from and after the passing of this Act be vested in the company freed and discharged from all estates, charges, and incumbrances, but subject to the said fee-farm rent of three pounds three shillings, payable to the said George De Belle Ball, Esquire.

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5. The Upper Boyne Navigation, and all the undertaking of the same, together with all canals, locks, ways, approaches, lands, buildings, property, powers, rights, privileges, and easements, and also all plant belonging to or forming part of or connected with the Upper Boyne Navigation, and now vested in the River Boyne Company, or in their transferees, under the said agreement for transfer of the eighteenth day of September one thousand eight hundred and ninety-four, shall from and after the passing of this Act be vested in the company, freed and discharged from all estates, charges, and incumbrances affecting the same, but subject to the said lay tithe of one pound five shillings and tenpence per annum, payable to the said Robert Henry Metge, and to the tithe rent-charge of eight shillings and threepence, payable to the Irish Land Commission.

Vesting of the Upper Boyne Navigation in the Company.

6. The company shall, within two years from the passing of this Act, execute all works necessary to give the navigation a navigable depth of four feet six inches at least from end to end, and for ever hereafter maintain that depth, and efficiently repair, work, develop, manage, and maintain the navigation, and all locks, canals, and works belonging thereto, or in connexion therewith, to the satisfaction of the Commissioners of Public Works; and in case the company fail to carry out the necessary works of repair as aforesaid, or fail to work, develop, manage, or maintain the navigation, or the said locks, canals, and works, or any part thereof, in manner aforesaid, then the navigation shall be deemed to be a "derelict canal," within the meaning of the Railway and Canal Traffic Act, 1888, and the Commissioners of Public Works shall have and exercise all such powers with reference thereto as are given to a canal company by that Act.

Maintenance of the navigation, and execution of works.

7. The company, for the purposes of the preceding section, may from time to time hereafter scour, cleanse, dredge, deepen, and otherwise improve the navigation, or any part thereof, and remove banks or shoals of mud, sand, gravel, or other impediments thereto, but so that such works shall not be executed on or near any salmon spawning grounds.

Power to dredge, &c. 51 & 52 Vict. c. 25. s. 45.

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Tolls.

8. From and after the commencement of this Act the maximum rates, tolls, and charges which the company shall be entitled to charge and make in respect of merchandise traffic on the navigation shall be the rates, tolls, and charges specified in the schedule to the Canal Rates, Tolls, and Charges No. 11 (Grand Canal) Order Confirmation Act, 1894, and shall be subject to the classification, regulations, and provisions set forth in the said schedule.

Prohibition of undue preference.

9. The company shall not show any undue preference to any person in relation to the navigation, or any portion thereof, or in the exercise of any power vested in the company under or in pursuance of this Act, but every person shall be entitled to the use of the navigation and of any vessel provided by the company in pursuance of this Act on the same terms on which any other person would be so entitled under similar circumstances.

Recovery of tolls.

10. If default be made in the payment of any tolls payable under this Act in respect of any goods or boats, it shall be lawful for the person for the time being appointed by the company to take such tolls to distrain any such goods or boats and all the tackle and furniture thereof, and the goods therein, and any other goods or boats and all the tackle and furniture with the goods therein, and any horses, mules, or other cattle drawing the same within the limit of the navigation and works of the company, belonging to the person liable to pay such tolls and to sell any such distress, and out of the proceeds of such sale to pay the tolls due to the company, rendering the overplus, if any, after deducting costs, to the person entitled thereto, or it shall be lawful for the company to recover such tolls by action in any court of competent jurisdiction, or by all or any of the aforesaid means.

Officers of customs to have access to navigation and works.

11. Officers of customs being in execution of their duty shall at all times have free ingress, passage, and egress into or along, through, or out of the navigation and all works of the company and with their vessels and otherwise without payment.

Power to the company to make bye-laws.

12. It shall be lawful for the company from time to time to make such byelaws as they shall think fit for all or any of the following purposes; (that is to say,)

For governing and regulating the use of the navigation and of the towing-path, locks, quays, and other works belonging thereto, or any lands or property of the company or any of them or any part or parts thereof.

For regulating the loading, unloading, and removing of cattle and goods on or from the quays and other works of the company.

For regulating the duties and conduct of all persons as well the servants of the company as others who shall be employed in and about the quays, works, and premises of the company.

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**13.** It shall be lawful for the company to impose such reasonable penalties as they may think fit for the breach of such byelaws or any of them, not exceeding for any one offence the sum of five pounds.

Byelaws may be enforced by a penalty.

**14.** A byelaw made in pursuance of this Act, and any alteration and addition to and repeal of a byelaw, shall not be of any validity until it has been approved of and confirmed by the Board of Trade.

Byelaws to be confirmed by the Board of Trade.

**15.** The production of a copy of any byelaw purporting to be certified by the secretary of the company to be a true copy of the byelaw for the time being in force shall be evidence of such byelaw and its being in force.

Proof of byelaws.

**16.** All fines imposed by a byelaw under this Act may be recovered by summary conviction.

Recovery of penalty.

**17.** A list of all the tolls and charges authorised to be taken, and which shall be exacted by the company, shall be exhibited in a conspicuous place on the quays, locks, or works where such tolls may be made payable.

List of tolls to be exhibited.

**18.** The tolls shall be paid to such persons and at such places and in such manner and under such regulations as the company by notice affixed to the list of tolls appoint.

Tolls to be paid as directed by the company.

**19.** If any person shall fraudulently carry or convey any goods on the said navigation, or any part thereof, without payment of the proper rate or toll to which such goods shall be subject or liable, he shall upon conviction forfeit and pay to the company for every such offence any sum not exceeding five pounds over and above the toll to which such goods would have been liable.

Penalty on persons evading payment of tolls.

**20.** If any disputes shall arise concerning the amount of any toll due to the company, or concerning any penalty, or concerning the charges occasioned by any detention or sale under the provisions of this Act, the same shall be determined by some justice of the peace for the county of Meath, or for the county of Louth, or for the county of the town of Drogheda, as the case may be, upon application made to him for that purpose, and the company may, in the meantime, detain any goods seised by them, or (if the case so require) the proceeds of the sale thereof, and it shall be lawful

For settling disputes as to amount of tolls.

A.D. 1896. for such justice to assess and award such costs to be paid by either of the parties as he shall think just and reasonable, and in case of non-payment thereof on demand, such costs shall be levied by distress and sale of the goods of the party liable to pay the same by warrant under the hand and seal of the justice.

Boats lying so as to obstruct the navigation to be removed.

**21.** If any boat shall be placed in any part of the navigation so as to obstruct the same, and the person having the care of such boat shall wrongfully refuse or neglect, upon request made for that purpose, to remove the same within a reasonable time, he shall, upon conviction, forfeit and pay to the company for every such offence a sum not exceeding ten shillings for every hour such obstruction shall continue; and it shall be lawful for the agents and servants of the company to cause any such boat to be unloaded if necessary, and to be removed in such manner as may be proper for preventing such obstruction in the navigation, and to seize and detain such boat, and the loading thereof, or any part of such loading, until the charges occasioned by such unloading and removal are paid; and if any boat shall be sunk in any part of the navigation, and the person having the care of such boat shall not, without loss of time, weigh and draw up the same; it shall be lawful for the agents and servants of the company, or any of them, to cause such boat to be weighed or drawn up, and to detain and keep the same till payment be made of all expenses necessarily occasioned thereby.

Penalty on obstructing the navigation or trespassing.

**22.** If any person shall suffer the loading of any boat passing or being in the navigation to lie over the sides thereof so as to obstruct the passage of any other boat, or do any damage thereto, or to any of the works of the company, or shall suffer any goods or other things to remain upon the towing-path of the navigation, or shall navigate or cause to be navigated any boat through or upon the navigation without a rudder to steer or guide the same, or without a skilful person on board to steer and manage such boat, and also a person attending to the horses, mules, or other cattle drawing the same, or shall float any timber in or upon the navigation, or shall wilfully commit any trespass on any of the lands of the company with or without horses, mules, or other cattle, or shall wilfully obstruct or prevent any person in the execution of this Act, every person so offending in any of the cases aforesaid shall upon conviction forfeit and pay to the company for every such offence a sum not exceeding five pounds.

Penalty on laying rubbish, &c. on towing-path.

**23.** If any person shall, without the consent of some authorised officer of the company, throw, cast, or lay upon any bank or towing-



path belonging to the navigation, any stones, manure, dust, ashes, rubbish, or other matter, every such person so offending shall upon conviction forfeit and pay to the company for every such offence a sum not exceeding forty shillings.

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24. The Drogheda Steamship Company shall subscribe the sum of one thousand two hundred pounds towards the undertaking of the company, and may apply in or towards payment of their said subscription any revenue, funds, or moneys belonging to the said Drogheda Steamship Company, or which they are authorised to raise for the purposes of their undertaking: And the Drogheda Steamship Company shall in respect of the sums to be subscribed, and the corresponding shares in the company to be held by them, have all the powers, rights, and privileges, and be subject to all the obligations and liabilities of proprietors of shares in the company: Provided always that until after the expiration of ten years from the date of the passing of this Act the Drogheda Steamship Company shall not sell, dispose of, or transfer any of their said shares in the company.

Drogheda Steamship Company to subscribe 1,200/.

25. The Drogheda Steamship Company shall so long as they continue to hold the shares represented by the one thousand two hundred pounds subscribed be represented on the directorate of the company in the following manner; (that is to say,) the directors of the Drogheda Steamship Company may from time to time appoint two of their body to be directors of the Boyne Navigation Company, either for a fixed term or without any limitation, and may from time to time remove or dismiss one or both from office and appoint another or others in his or their place. Such representative directors shall while they hold office have the same powers as ordinary directors of the company, and the company shall pay them the same remuneration as they pay their ordinary directors.

Representation of the Drogheda Steamship Company on the directorate of the company.

26. Richard Ruxton FitzHerbert, of Black Castle, in the county of Meath, shall be a director of the company, with the same powers as the other directors of the company, but without remuneration, and shall retain office so long as he continues to be proprietor of Black Castle, and each subsequent proprietor of Black Castle, being the heir, descendant, or assign of the said Richard Ruxton FitzHerbert, shall be a director of the company, but without remuneration, and shall retain office so long as he continues to be proprietor of Black Castle.

For the protection of R. R. FitzHerbert and his heirs, being owners of Black Castle.

The company shall within six months after the passing of this Act cause the towing-path of the Upper Boyne Navigation where

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it adjoins the portion of the property of the said Richard Ruxton FitzHerbert, known as the Boyne Meadows, to be fenced off from the said meadows from the point where a gate is now placed across the towing-path of the navigation to Farganstown Lock, with a good and sufficient fence of iron uprights and lines of wire, to the reasonable satisfaction of the said Richard Ruxton FitzHerbert, and shall from time to time and at all times thereafter at their own expense repair and keep repaired and amended in a proper and substantial manner the said fence, and also two nine-foot gates to be erected in the said fence, one at each end of the same, in lieu of the present gates across the towing-path, and the towing-path of the navigation where it adjoins the said Boyne Meadows and the lands of Black Castle shall be used by the company, their successors and assigns, for the purposes of the navigation only, and no shed or other buildings shall be erected thereon without the written sanction and consent of the said Richard Ruxton FitzHerbert or his representatives.

Provided always, that it shall be lawful for the company to give special permission to individuals to use the same as heretofore.

Provided further, that such licence or permission shall always be subject to a power of revocation which the company shall exercise upon complaint being made to them by the said Richard Ruxton FitzHerbert, or other the proprietor of Black Castle for the time being.

Provided also, that nothing in this Act contained shall be deemed to restrict in any way the right of fishing in the River Boyne, at Black Castle, now vested in the said Richard Ruxton FitzHerbert, which shall be exercised and enjoyed by him, his heirs and assigns, in as full and ample a manner as heretofore.

The said towing-path shall be delineated and defined where the same runs through the said lands of Black Castle and the Boyne Meadows.

The appointment of lock-keeper at Farganstown Lock shall be subject to the approval of the said Richard Ruxton FitzHerbert, his heirs or assigns, being proprietors of Black Castle.

The Bye Canal at Navan, and the lock gates thereof, shall be put into and maintained in working order by the company so soon as the trade to be served thereby will warrant the expenditure.

27. For the purpose of the purchase of any lands which the Boyne Navigation Company may require for the purposes of their navigation, the Lands Clauses Acts, except such portions thereof as relate to the purchase and taking of lands otherwise than

Incorporation of the Lands Clauses Acts.

by agreement, shall be incorporated with this Act, and the Boyne Navigation Company shall be deemed to be the promoters of the undertaking. A.D. 1896.

**28.** Nothing herein contained shall be deemed or construed to exempt the navigation from the provisions of any general Act now in force, or which may hereafter be passed relating to canals or navigations, or from any future revision or regulations under the authority of Parliament of the tolls authorised to be taken by this Act. Navigation to be subject to provisions of any general Act.

**29.** Nothing in this Act shall take away any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Act be commenced within the limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained. Saving rights under Crown Lands Act, 1866.

**30.** The Act specified in the Second Schedule to this Act is from and after the commencement of this Act hereby repealed. Repeal.

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SCHEDULES.

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THE FIRST SCHEDULE.

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THIS AGREEMENT made the eighteenth day of September one thousand eight hundred and ninety-four, between the River Boyne Company, having their principal office at Navan, in the county of Meath (herein-after called the owners), of the one part, and the Commissioners of Public Works in Ireland (herein-after called the transferees, and which expression after the formation of the Company herein-after referred to shall include the said Company, their successors and assigns) of the other part. Whereas the navigation known as the Upper Boyne Navigation, extending from the town of Navan, in the county of Meath, to Carrickdexter Lock, near Slane, in same county, with the lands, houses, wharves, rights of way, and other easements, is absolutely vested in the owners free from incumbrances, and from quit rent, crown rent, tithe rentcharge, and head-rent, save a lay tithe of one pound five shillings and tenpence per annum, payable to Robert Henry Metge, Esquire, of Athlumney House, Navan.

AND WHEREAS the owners are unable to properly keep and maintain the navigation, and in their own interests, and the public interest, it is desirable that they should transfer such to the transferees in order that same may be vested in, worked, and maintained by a limited liability company about being formed to acquire the entire navigation from Drogheda to Navan aforesaid, and which the owners have duly consented to do. Now these presents witness, and it is hereby mutually agreed between the parties hereto as follows:—

1. The transferees shall be put into possession of the navigation and all lands, buildings, wharves, plant, and appurtenances thereto belonging, on or before the twentieth day of September one thousand eight hundred and ninety-four.

2. On or before the tenth day of October one thousand eight hundred and ninety-four, the owners shall hand over to the transferees all muniments

of titles, tenants leases, records, maps, plans, and books of accounts in their possession, power, or procurement. A.D. 1896.

3. The transferees shall, on or before the tenth day of October one thousand eight hundred and ninety-four, pay to the owners a sum not exceeding one hundred and sixty pounds, to be applied in discharge of the debts and liabilities of the company, and the costs and expenses incidental to this agreement and the said transfer.

4. All tolls, rates, and charges received by or paid to the owners, or on their account, after the execution of this agreement by them, shall be applied in defraying the necessary outgoings, and in case of any surplus, in recouping the transferees any moneys that may have to be advanced by them for repairs and maintenance, prior to the vesting of the navigation in them by the Act of Parliament and Provisional Order to be obtained as herein-after provided, and for the purposes of this clause the owners shall keep such accounts as shall be necessary.

5. The transferees will, as soon as they can, at their own expense, either obtain a Provisional Order or apply to Parliament for and use their utmost reasonable endeavours to obtain an Act confirming this agreement, or giving effect to the objects thereof so far as not then attained, and vesting the navigation and the lands, buildings, wharves, and rights and easements there'of belonging in the transferees, free from incumbrances, and the owners shall, if required by the transferees (but at the cost of the transferees) support such application.

6. The said Act shall, subject to the approval of Parliament, contain, inter alia, the clauses as follows :—

Whereas it might be injurious to R. R. Fitzherbert, the proprietor of Black Castle, if the towing-path of the navigation between Stackallen and Navan was insufficiently fenced off from the adjoining lands, or was opened to the public indiscriminately, and in order to enable him, the said R. R. Fitzherbert and his successors, the proprietors of Black Castle, the better to protect the said lands from being injuriously affected—

(a.) The said R. R. Fitzherbert shall be a director of the company with the same powers as the other directors of the company, and shall be entitled to retain office as long as he continues to be proprietor of Black Castle, and such subsequent proprietor of Black Castle being the heir descendant or assign of the said R. R. Fitzherbert shall be a director of the company, and shall be entitled to retain office so long as he continues to be proprietor of Black Castle.

(b.) The company shall, within six months after the Act coming into operation, cause the towing-path of the navigation, where it adjoins the portion of the property of the said R. R. Fitzherbert, known as the Boyne Meadows, to be fenced off from the said meadows from the point where a gate is now placed across the towing-path of the navigation to Farganstown Lock with a good and sufficient fence

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of iron uprights and lines of wire to the reasonable satisfaction of the said Richard Ruxton Fitzherbert, and shall from time to time, and at all times thereafter, at their own expense, repair and amend, and keep repaired and amended in a proper and substantial manner, the said fence, and also two nine feet gates to be erected in said fence, one at each end of same, in lieu of the present gates across the towing-path. The towing-path of the navigation where it adjoins the said Boyne Meadows and the lands of Black Castle shall be used by the company, their successors and assigns, for the purposes of the navigation only, and no shed or other buildings shall be erected thereon without the written sanction and consent of said R. R. Fitzherbert or his representative. Provided always, that it shall be lawful for the said company to give special permission to individuals to use the same as heretofore. Provided further, that such licence or permission shall always be subject to a power of revocation, which power the company shall exercise upon complaint being made to them by the said R. R. Fitzherbert, or other the proprietor of Black Castle for the time being, that the directors of said company shall be empowered to make byelaws regulating the user of the said towing-path. That the exclusive right of fishing in the River Boyne at Black Castle shall be reserved to the said Richard R. Fitzherbert, his heirs and assigns, in as full a manner as same is now vested in him.

- (c.) That the said towing-path shall be delineated and defined where same runs through the said lands of Black Castle and Boyne Meadows.
- (d.) That the appointment of lock-keeper at Farganstown Lock shall be subject to the approval of said Richard R. Fitzherbert, his heirs or assigns, being the proprietors of Black Castle.
- (e.) That the Bye Canal at Navan and the lock gates thereof shall be put into and maintained in working order by the said company, so soon as the trade to be thereby served will warrant the expenditure.

7. Should any necessity arise for the co-operation of the owners in any action to be taken by the transferees pending the obtaining of a Provisional Order or Act of Parliament, the owners on being indemnified from costs shall join with the transferees in doing all such acts as the transferees may be advised are necessary and proper for them.

8. This agreement is made subject to such alterations as Parliament or other lawful authority may think fit to make therein.

9. This agreement shall be null and void unless within three months from the date hereof the limited liability company herein-before referred to has been duly registered and agreed to take over the navigation, and unless an Act of Parliament or Provisional Order is obtained confirming this agreement within two years from the date hereof. In witness whereof the parties

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aforesaid have caused their common seal to be hereunto respectively affixed, A.D. 1896.  
the day and year first in these presents written. —

Present when the common seal of  
the River Boyne Navigation Com-  
pany was affixed.

ROBERT STRINGER,  
Flower Hill,  
Navan.

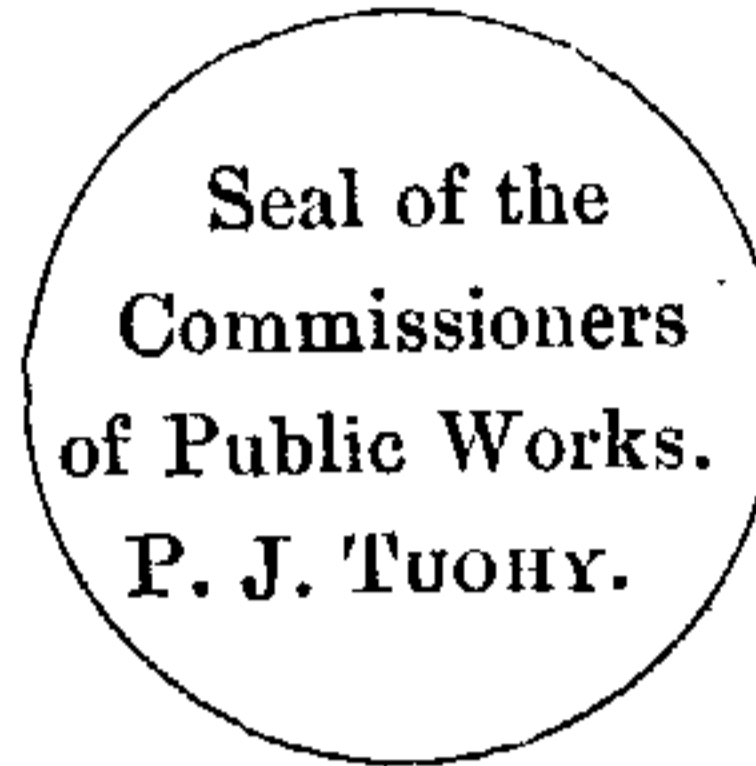
RICHARD R. FITZHERBERT  
Chairman.

JOHN H. NICHOLSON.  
J. ROTHWELL.  
N. T. EVERARD.

(Seal.)

Present when the common seal of  
the Commissioners of Public Works  
was affixed.

WM. M'DERMOTT,  
Office of Public Works,  
Dublin.



THE SECOND SCHEDULE.

Regnal Year.	Title.
30 Geo. 3. c. 40. - - -	An Act to explain and amend an Act passed in the Twenty-ninth Year of His Majesty's Reign, entitled an Act for the Promotion and Encouragement of Inland Navigation, so far only as respects the Navigation of the Boyne.

Printed by EYRE and SPOTTISWOODE,  
FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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