



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

Cap. civ.

An Act to incorporate the Persons having Claims upon the *Lagan* Navigation in *Ireland*, and to provide for the future Management and Improvement of the said Navigation.

[22d August 1843.]

WHEREAS under and by virtue of divers Acts of the Parliament of *Ireland*, and of an Act passed in the Fifty-fourth Year of His late Majesty King *George* the Third, intituled *An Act for amending and continuing the several Acts for the Improvement of the Lagan Navigation*, divers large Sums of Money were advanced and subscribed by divers Persons for the Purpose of carrying on and improving the Navigation of the River *Lagan* in *Ireland*, upon the Faith of the Repayment of all such Sums, together with Interest after the Rate of Five Pounds *per Centum per Annum*, and the Creditors advancing such Sums, their Executors, Administrators, and Assigns, were incorporated by the Name of the Company of Undertakers of the *Lagan* Navigation, and the Sums so advanced were constituted the Joint Stock of the said Corporation; and the Property of the said Navigation, and the Tolls arising therefrom, and also certain additional Duties on Aquavitæ, strong Waters, and Spirits, by the said Acts imposed and made payable for the Maintenance of the Navigation within certain Districts of *Ireland*, (which

[Local.] 36 P were

54 G. 3. c. 231.

were afterwards, in the Year One thousand eight hundred and twenty-seven, repealed,) were vested in the said Corporation for the Purposes of providing for the Maintenance of the said Navigation, and, subject thereto, of repaying the Principal Monies so advanced, and the Interest thereon; and it was by the said Act of the Fifty-fourth Year of His late Majesty King *George* the Third provided, that the said Acts should continue and be in force for the Period of Twenty-one Years from the Twenty-fifth Day of *December* One thousand eight hundred and fourteen, and no longer: And whereas upon the Expiration of the Period limited for the Continuance of the said Acts as aforesaid a large Sum of Money remained and the same still remains due for Principal and Arrears of Interest respectively to such Creditors, and the several Persons whose Names are herein-after and in the Schedule (A.) to this Act annexed mentioned now claim to be entitled to such Principal and Interest in such respective Sums and Proportions, and upon the Security of such respective Certificates or Debentures granted by the said Company of Undertakers of the *Lagan* Navigation, as in the said Schedule (A.) is particularly mentioned: And whereas it is expedient that the said Navigation should be further improved, and for that Purpose that all Claims for Repayment of the said several Sums of Money so advanced and expended as aforesaid, or of any Interest thereon, should be confined to the said Navigation, and that the Property of the said *Lagan* Navigation, and the Right to take and receive the Tolls, Lockage, Dockage, Quayage, Storage, and Duties arising, or, under the Provisions of this Act, to arise therefrom, should be henceforth vested in the Creditors hereby incorporated during the Continuance of this Act, subject to the Payment to Her Majesty of the Rent herein-after reserved, such Grant to be in full Discharge and Satisfaction of the Claim of the said Creditors to be paid such Principal and Interest in any other Manner than is hereby provided: And whereas the Term of Thirty-one Years, herein-after limited for the Continuance of this Act, is so limited for the Purpose of more effectually securing the due Improvement, Conduct, and Maintenance of the said Navigation by the Creditors hereby incorporated, without being intended to exclude such Creditors from hereafter making Application for a further Extension of such Term, or to prejudice their Claim to such Extension, if they shall in the meantime have well conducted themselves in the Management of the said Navigation: And whereas the making of such Canals, Basin, and other new Works as herein-after particularly described will tend greatly to the Improvement of the said Navigation; but the same cannot be done 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, That from and immediately after the passing of this Act *Henry Augustus Seymour, Philip Warner Courtenay, Jonah Smith Wells, John Gaussen, James M'Cleery junior, Alexander M'Laine, William Stevenson, and John Stevenson*, and all other the Persons in whom the Right to any Sum of Money formerly advanced or subscribed for the Purpose of the said *Lagan* Navigation, under the herein-before recited Acts of the Parliament of

Debenture Holders incorporated during the Continuance of the Act by the Name of "The

Ireland

Ireland or any of them, and now remaining unpaid, and secured by any Certificate or Certificates, Debentures or Debenture granted by the Company of Undertakers of the *Lagan* Navigation, or any Arrears or Arrear of Interest now due on any such Sum respectively is or at any Time hereafter shall be legally vested, their respective Executors, Administrators, and Assigns, having an Interest and Property in the Stock of the Company hereby incorporated, and not otherwise, shall be and they are hereby made One Body Politic and Corporate by the Name of "The *Lagan* Navigation Company," and shall have perpetual Succession during the Continuance of this Act, and a Common Seal, and by that Name may sue and be sued, and shall henceforth be capable in Law to purchase and take Messuages, Lands, Tenements, and Hereditaments not exceeding the Value of Five hundred Pounds a Year at the Time of such Purchase, and to grant, alien, demise, or dispose of the same or any Part thereof at their free Will and Pleasure.

Lagan Navigation Company."

II. And be it enacted, That, except as herein-after provided, the several Lands, Tenements, and Hereditaments, and all Waters, Watercourses, Bridges, Sluices, Drains, Locks, Weirs, Banks, Dams, Roads, Towing Paths, and other Ways, Rights, Privileges, and Advantages whatsoever, which on and previously to the Twenty-fourth Day of *December* One thousand eight hundred and thirty-five were vested in the Company of Undertakers of the *Lagan* Navigation, under or by virtue of the said recited Acts or any of them, and all Barges, Boats, Utensils, and Materials at any Time heretofore provided and now used or kept for the Purposes of the said Navigation, and all the Estate, Property, and Effects, and all the Tolls or Funds, and all Claims, Titles, and Possessions, of what Nature or Kind soever, (save as herein-after provided,) which on the Twenty-fourth Day of *December* One thousand eight hundred and thirty-five were belonging or appertaining to the Company of Undertakers of the *Lagan* Navigation in right of the said Navigation or otherwise, under the said recited Acts or any of them, shall be and the same are hereby vested in the said *Lagan* Navigation Company, to hold the same unto and to the Use of the said Company henceforth during the Continuance of this Act; and the said *Lagan* Navigation Company shall from henceforth have in respect and for the Purposes of the said Navigation all such Powers, except as herein-after provided, as on or before the Twenty-fourth Day of *December* One thousand eight hundred and thirty-five belonged to or might rightfully have been exercised by the said Company of Undertakers of the *Lagan* Navigation in as full and ample a Manner as the same were possessed by that Company.

Property of the Navigation vested in the Company, and general Powers of the late Company revived in their Favour.

III. Provided always, and be it enacted, That nothing herein contained shall be construed to enable the said Company to take or use any Lands, Waters, or other Hereditaments in *Strandmills*, which at any Time previous to or since the said Twenty-fourth Day of *December* One thousand eight hundred and thirty-five became legally or equitably vested in any other Person or Corporation, without making Compensation in manner herein-after provided; and that the Owners, Lessees, and Occupiers of the said Lands shall have free Access

Not to take Lands in Strandmills without Compensation.

Access to the said River *Lagan* along and across the Towing Path of the said Company.

No Power or Claim which was extinct before the 25th Dec. 1835 to be revived.

IV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to revive any Right, Privilege, or Power formerly vested in the Company of Undertakers of the *Lagan* Navigation which at any Time previously to the Twenty-fifth Day of *December* One thousand eight hundred and thirty-five had by any Means ceased and determined, or which by reason of the Nature of the Interest acquired may expire within the Term hereby granted.

Certain Lands abutting on Navigation to vest in the Owners of Lands adjoining.

V. And whereas there are certain Lands on each Side of the said Navigation abutting upon the said Navigation, and adjoining other Lands Parts of the Estates of the Most Honourable *Arthur Blundell Sandys Trumbull* Marquess of *Downshire*, the Right Honourable *Richard* Marquess of *Hertford*, and Sir *Robert Bateson* Baronet, respectively, and which first-mentioned Lands are claimed to belong to the said Marquess of *Downshire*, the said Marquess of *Hertford*, and Sir *Robert Bateson* respectively: And whereas the said Lands are not required for the Purposes of the said Navigation; be it therefore enacted, That all such Lands, as well on the North as on the South Side of the said Navigation, now or lately held by or claimed and supposed to belong to the said Company, which immediately adjoin or abut upon the said Canal and Navigation, and adjoin any other Lands of the said Marquess of *Downshire*, the said Marquess of *Hertford*, and the said Sir *Robert Bateson* respectively, from and after the passing of this Act (with the Exception only of so much thereof as is necessary for a Towing Path or Trackway of Fourteen Feet in Width, and such Ground whereon Lock-houses and Works belonging to the said Navigation, and including in such Exception the said Houses and Works, are now standing,) shall, so far as the same Lands shall be the Property of the said Company, or of Her Majesty in right of the Crown, under the Acts relating to the said Navigation, or in consequence of the Determination of the same, be and be deemed and considered to belong to and be the Lands and Estate of the said Marquess of *Downshire*, Marquess of *Hertford*, and Sir *Robert Bateson* respectively, and be held by them respectively and their respective Heirs in Fee Simple for ever, to the like Uses, upon the like Trusts, and with, under, and subject to the like Powers, Provisoes, Declarations, and Agreements to, upon, and with, under, and subject to which the said other Lands of the said Marquess of *Downshire*, Marquess of *Hertford*, and Sir *Robert Bateson* are now respectively held: Provided always, that the said Company shall and by this Act they are authorized and empowered to have and exercise the same full Enjoyment, Use, Right, and Benefit of the said Canal Navigation, and such Trackway or Towing Path, Houses, and Works aforesaid, which they have hitherto held, used, exercised, and enjoyed, and shall also have the full Power, Right, and Privilege of coming in and upon the adjoining Lands on each Side of the said Navigation for the Purpose of repairing and amending the Banks of the said Navigation, and for all or any other Purposes whatsoever that may be necessary for the Preservation and Repair of the said Navigation,

gation, and for the full and beneficial Use and Enjoyment of the same and the Waters thereof, and the Works and Appurtenances belonging thereto, doing as little Damage in making such Reparations and Amendments as may be, and making Compensation for such Damage, to be ascertained and paid by or recovered from the said Company in manner directed by this Act with reference to other Damage done by the said Company in the Execution of the Works by this Act authorized: Provided always, that the said Marquess of *Downshire*, Marquess of *Hertford*, and Sir *Robert Bateson* respectively, and those claiming by, from, through, under, or after them respectively, shall not have the Power to break up, injure, or in any Manner weaken the artificial Embankments of the said Navigation or the said Trackway or Towing Path.

VI. And be it enacted, That the several Sums of Money heretofore subscribed and paid for the Purposes of the said Navigation under the said recited Acts or any of them, and now remaining unpaid, and secured or evidenced to the Persons claiming the same by the several Certificates or Debentures in the Schedule (A.) to this Act annexed particularly mentioned, together with all Arrears of Interest which at any Time became due and now remain due and unpaid in respect of any such Principal Sums, and which Arrears of Interest are in the said Schedule (A.) added to such Principal Sums respectively, and are to be considered and treated as Principal, and on a like Footing with such Principal Sums respectively for all the Purposes of this Act, shall be deemed, taken, and considered to all Intents and Purposes to be the Joint Stock of the Company hereby incorporated.

Sums secured by Debentures enumerated in Schedule (A.) to be the Joint Stock of the Company.

VII. And be it enacted, That all Shares and Interests in the Joint Stock of the said Company shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate.

Shares to be Personal Estate.

VIII. And be it enacted, That the Company shall keep a Book to be called the "Register Book of Proprietors," and in such Book shall be fairly and distinctly entered from Time to Time the Names of the several Corporations, and the Names and Additions of the several Persons being Proprietors of the Company, and the Amount of the Share or Interest (not being an equitable Interest only) in the Joint Stock of the said Company to which each such Proprietor shall be entitled, and such Book shall be authenticated by the Common Seal of the said Company being affixed thereto, and such Authentication shall take place at the First Ordinary Meeting or at some subsequent Meeting of the Company.

Registry of Proprietors.

IX. And be it enacted, That, in addition to the said Register of Proprietors, the Company shall provide a proper Book, to be called the "Proprietors Address Book," in which the Clerk of the Company shall from Time to Time enter the Places of Abode of the several Proprietors of the Company; and every Proprietor, or if such Shareholder be a Corporation the Clerk or Agent of such Corporation, may at all convenient Times peruse such Book *gratis*, and may require a Copy thereof or of any Part thereof; and for every One hundred Words so required to be copied the Company may demand a Sum not exceeding Sixpence.

Addresses of Proprietors.

Certificate of
Interest on
Stock.

X. And be it enacted, That, on Demand of the Proprietor of any Share or Interest in the Joint Stock of the said Company, the Company shall cause a Certificate of the Proprietorship of such Share or Interest to be delivered to such Proprietor, and such Certificate shall have the Common Seal of the Company affixed thereto; and such Certificate shall specify the Share or Interest in the said Stock to which such Proprietor is entitled, and the same may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect, and for such Certificate the Company may demand a Sum not exceeding Two Shillings and Sixpence; and such Certificates shall be numbered in arithmetical Progression as the same are issued, beginning with Number One, and every such Certificate shall be distinguished by its appropriate Number.

Certificate to
be Evidence.

XI. And be it enacted, That such Certificate shall be admitted in all Courts as *prima facie* Evidence of the Title of such Proprietor, his Executors, Administrators, Successors, or Assigns, to the Share or Interest therein specified; nevertheless the Want of such Certificate shall not prevent the Holder of any Share from disposing thereof.

Certificates
to be re-
newed.

XII. And be it enacted, That if any such Certificate be worn out or damaged, or if any Change shall have taken place in the Amount or Nature of the Interest of the Proprietor or respective Proprietors for the Time being of the Stock specified in such Certificate, then, upon the same being produced at some Meeting of the Committee of Management of the said Company, such Committee may order the same to be cancelled, and thereupon another similar Certificate or other similar Certificates, *mutatis mutandis*, shall be given to the Party or respective Parties in whom the Property of such Certificate, and of the Share or Interest therein mentioned, shall be at the Time vested; or if such Certificate be lost or destroyed, then upon Proof thereof a similar Certificate or similar Certificates, *mutatis mutandis*, shall be given to the Party entitled to the Share or Interest mentioned in the Certificate so lost or destroyed; and in either Case a due Entry of the substituted Certificate or Certificates shall be made by the Clerk in the Register of Proprietors; and every such substituted Certificate shall state the Number of the Certificate for which it has been wholly or in part substituted; and for every Certificate so given or exchanged the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Transfers of
Stock to be
registered,
&c.

XIII. And be it enacted, That, subject to the Regulations herein contained, every Proprietor of any Share or Interest in the Stock of the said Company may sell and transfer his Share or Interest therein, or any Part or Parts thereof, by Deed duly stamped, in which the Consideration shall be truly stated; and such Deed shall be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect; and the same, when duly executed, shall be delivered to the Clerk, to be kept by him, and the Clerk shall enter a Memorial thereof in a Book to be called the "Register of Transfers," and shall endorse such Entry on the Deed of Transfer; and for every such Entry and Endorsement the Company may demand a Sum not exceeding Two Shillings and Sixpence; and on the Request of the Purchaser

Purchaser an Endorsement of such Transfer shall be made on the Certificate of such Share or Interest, instead of a new Certificate being granted; and for such Endorsement the Company may demand any Sum not exceeding One Shilling; and such Endorsement, being signed by the Clerk, shall be considered, as to the Stock and Interest in Stock to which the same shall be stated to apply, in every respect the same as a new Certificate; and until such Transfer shall have been so delivered to the Clerk as aforesaid the Purchaser of the Share or Interest transferred shall not be entitled to receive any Share of the Profits of the said Company, or to vote in respect of such Share or Interest.

XIV. And with respect to the Registration of Shares and Interests in the Stock of the said Company which may have become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Proprietor, or in consequence of the Marriage of a Female Proprietor, or by any other legal Means than by a Transfer according to the Provisions of this Act, be it enacted, That no Person claiming by virtue of any such Transmission shall be entitled to receive any Share of the Profits of the said Company, nor to vote in respect of any such Share or Interest as the Holder thereof, until such Transmission have been authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Committee of Management shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share or Interest shall have been so transmitted, and shall be made and signed by some credible Person before a Justice or before a Master or Master Extraordinary in the High Court of Chancery; and such Declaration shall be left with the Clerk, and thereupon he shall enter the Name of the Person entitled under such Transmission in the Register Book of Proprietors of the Company; and for every such Entry the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Transmission of Interests in Stock by other Means than Transfer to be authenticated by a Declaration.

XV. And be it enacted, That if such Transmission be by virtue of the Marriage of a Female Proprietor the said Declaration shall contain a Copy of the Register of such Marriage or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of such Share; and if such Transmission have taken place by virtue of any testamentary Instrument, or by Intestacy, the Probate of the Will or Letters of Administration, or an official Extract therefrom, shall, together with such Declaration, be produced to the Clerk, and upon such Production, in either of the Cases aforesaid, the Clerk shall make an Entry of the Declaration in the said Register of Transfers.

Proof of Transmission by Marriage, Will, &c.

XVI. And be it enacted, That with respect to any Share or Interest to which several Persons may be jointly entitled all Notices directed to be given to the Proprietors shall be given to such of the said Persons whose Name shall stand first in the Register of Proprietors, and Notice so given shall be sufficient Notice to all the Proprietors of such Share or Interest.

Notices to Joint Proprietors of Shares.

XVII. And

Receipts for
Money pay-
able to
Minors, &c.

XVII. And be it enacted, That if any Money be payable to any Proprietor, being a Minor, Idiot, or Lunatic, the Receipt of the Guardian of such Minor, or the Receipt of the Committee of such Idiot or Lunatic, shall be a sufficient Discharge to the Company for the same.

Company not
bound to re-
gard Trusts.

XVIII. And be it enacted, That the Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Shares or Interests may be subject; and the Receipt of the Party in whose Name any such Share or Interest shall stand in the Books of the Company shall from Time to Time be a sufficient Discharge to the Company for any Dividend or other Sum of Money payable in respect of such Share or Interest, notwithstanding any Trusts to which such Share or Interest may then be subject, and whether or not the Company have had Notice of such Trusts; and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Proprietors
to be entitled
to Tolls, &c.
in proportion
to their In-
terest in the
Stock.

XIX. And be it enacted, That the several Proprietors of the said Company shall be entitled to the Tolls, Duties, Advantages, and Profits hereby vested in them, subject to the Rent herein-after reserved, and the several Provisoos for the Maintenance and Improvement of the said Navigation herein-after contained, and to such other Charges as the Company shall think fit to make thereon for the Payment of any Monies which they may borrow under the Authority of this Act, and Interest on such Monies, in proportion to their respective Interests in the Stock of the Company.

Provision as
to original
Debenture
granted to
the Dean and
Chapter of
Down and by
the Corpora-
tion of Horse
Breeders.

XX. And whereas it is provided by the Act of the Thirteenth and Fourteenth Years of the Reign of His Majesty King *George* the Third that Interest shall be payable on the Sums borrowed thereunder according to the Priority in which the same shall have been advanced: And whereas the Dean and Chapter of *Down* advanced to the Commissioners appointed under the said Act the Sum of Two hundred and fifty Pounds late *Irish* Currency, being Two hundred and thirty Pounds Fifteen Shillings and Five-pence of the present Currency, for the Purpose of the *Lagan* Navigation, on the Security of a Debenture granted by the said Commissioners to the said Dean and Chapter, bearing Interest at the Rate of Five Pounds *per Centum per Annum*, and entered Number Seventeen in the Books of the said Commissioners, and the said Debenture has been lost or destroyed: And whereas the said Debenture was the first granted by the said Commissioners of the Debentures contained in the Schedule (A.) to this Act annexed, and the Sum secured thereby was advanced by the said Dean and Chapter out of a Fund for the Benefit of Widows of the Clergy of the Diocese of *Down*, of which they are Trustees: And whereas a Sum of Three hundred Pounds like Currency, being Two hundred and seventy-six Pounds Eighteen Shillings and Eight-pence of the present Currency, was also advanced by the Corporation of Horse Breeders for a like Purpose, and on the same Terms, on the Security of a like Debenture entered No. 18. in the said Books, and now held by the said Corporation; and it is expedient that

Interest should be payable on the said Two several Debentures according to the Priority to which they are entitled under the Provisions of the said Act; be it therefore enacted, That the said Dean and Chapter and the said Corporation of Horse Breeders, or their Assigns, shall (notwithstanding the Loss or Destruction of the said first-mentioned Debenture) be deemed and taken to be Proprietors thereof respectively to all Intents and Purposes, and be entitled to One or more Certificate or Certificates of the Proprietorship of such Debentures respectively, in like Manner as any other Proprietor of any Share or Interest in the Joint Stock of the said Company shall be entitled to a Certificate or Certificates of such Share or Interest under the Provisions herein-after contained; and the said Company shall pay to the said Dean and Chapter and the said Corporation of Horse Breeders respectively, or their respective Assigns, half-yearly, the Interest on the said several Sums so advanced by the said Dean and Chapter and the said Corporation of Horse Breeders to the said Commissioners (and secured by the said several Debentures), at the Rate of Five Pounds *per Centum per Annum*, including the Arrear of Interest due thereon respectively, as appears by the Schedule (A.) to this Act annexed, in preference to any Interest payable by the said Company to the Parties entitled thereto by virtue of this Act.

XXI. And be it enacted, That it shall be lawful for the Commissioners for Public Works in *Ireland*, or for the Commissioners appointed under and by virtue of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills or the Advance of Money out of the Consolidated Fund to a limited Amount for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned*, and they are respectively hereby empowered to lend and advance to the Company, and the Company is hereby authorized to borrow from them respectively, upon the Security of the said Company's Interest in the said Navigation, and all other the Premises hereby vested in the said Company, the Sum of Twelve thousand Pounds, in such Sum or Sums and at such Time and Times respectively as to the Company shall seem fit, for the Purpose of being expended by the Company in making such Works and Improvements as the Company are herein-after required to make, and also any such further Sum of Money as may be necessary for making or completing any other Works and Improvements herein-after authorized to be made after such Sum of Twelve thousand Pounds shall have been expended thereon, such Advance or such respective Advances to be repaid by the Company at such Time or Times, and either in One Sum or by such Instalments, as such respective Commissioners may direct, within the Term hereby granted, with Interest, after the Rate of Interest for the Time being usually required by the said respective Commissioners to be paid upon Sums of Money by them respectively advanced for the Promotion of Public Works under the Provisions of the said respective Acts.

Commissioners for Public Works in Ireland and Exchequer Bill Loan Commissioners authorized to lend Money, not exceeding 12,000*l.*, to the Company.

57 G. 3. c. 34.

Company may borrow further Sums, to be secured on the Navigation, with Consent of Commissioners of Public Works or of the Lords of the Treasury.

XXII. And be it enacted, That if at any Time after the Sum of Twelve thousand Pounds shall have been expended by the Company in making such Works and Improvements as are herein-after required to be made it shall appear to the Company and the said Commissioners of Public Works in *Ireland*, or to the Company and the Lords Commissioners of Her Majesty's Treasury, that it will be proper and expedient for the Company to borrow, upon the Security of the said Navigation any further Sum of Money for the Purpose of completing any Works or Improvements which shall have been partly performed by means of such Expenditure of Twelve thousand Pounds, or in making any other Works for the Improvement of the said Navigation, then and in every such Case it shall be lawful for the Company, with the Approbation of the said Commissioners of Public Works in *Ireland*, or of the Lords Commissioners of Her Majesty's Treasury, to be signified in Writing under the Hands of any Two of them respectively, to raise and borrow either by the Means herein-before provided, or by Loan from any Members or Member of the said Company or other Persons or Person, such Sums or Sum of Money as shall be necessary, and as they shall by the Terms of such Approbation be authorized to borrow for that Purpose, and to secure the Repayment of all such Sums of Money, with lawful Interest thereon, not exceeding *Five Pounds per Centum per Annum*, to the respective Persons lending the same by Mortgage under the Seal of the said Company, which Mortgages shall be transferrable by Deed duly stamped, and shall create and constitute in favour of the Holders thereof and absolute Charge and Lien upon all the Soil, Water, and Property, Tolls, Lockage, Dockage, Quayage, Storage, and Duties and Appurtenances of the said Navigation; and such Charge shall continue and be effectual notwithstanding any Determination of the Interest of the Company in the said Navigation, either by Effluxion of Time or otherwise; and the Holders of such Mortgages shall be entitled to all the Rights and Remedies of Creditors by Bond under Seal, and Mortgagees in Fee Simple at Common Law, subject to any special Agreement which may be expressed in such Mortgages respectively to be made by the Company with the original Holders thereof, and also subject to the Priorities of all other Persons having prior Charges upon the said Navigation.

Register of Mortgages.

XXIII. Provided always, and be it enacted, That a List of such Mortgages shall be entered in a Book to be kept for that Purpose by the Committee of Management of the said Company, which all Holders of such Debentures shall be at all convenient Times entitled to inspect; and such Mortgages shall be numbered in arithmetical Progression as the same are issued, beginning with the Number One, and the same may be according to the Form in the Schedule (D.) to this Act annexed: Provided also, that no Endorsement to be made on any such Mortgage shall be effectual for transferring the same unless the Signature of the Party making such Endorsement shall be attested by Two Witnesses present at the signing thereof, who shall subscribe their Names as such attesting Witnesses under and below the Signature of such Party.

XXIV. Pro-

XXIV. Provided always, and be it enacted, That all Monies which shall be so borrowed by the Company, except such Sum or Sums as shall be required for draining the Lands of the said Marquess of *Downshire* as herein-after provided, shall be laid out and expended by the Company in performing and completing Works for the Improvement of the said Navigation; and all such Works shall be performed and completed respectively under the Inspection and to the Satisfaction of the said Commissioners of Public Works in *Ireland*, in such and the same Manner in all respects as is herein-after provided concerning the Works and Improvements hereby required to be made.

Money borrowed to be expended in Improvements, to the Satisfaction of Commissioners of Public Works.

XXV. And be it enacted, That the Interest of all Monies to be borrowed by the said Company by virtue of this Act shall be payable and paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable to the Proprietors of the said Company.

Payment of Interest on Loans.

XXVI. And with respect to General Meetings of the Company, be it enacted, That the First General Meeting of the Proprietors of the Company shall be held at some convenient Place in the Town of *Belfast* in the County of *Antrim* on the Fourth *Tuesday* after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon, and the future General Meetings of the said Proprietors shall be held on the Second *Tuesday* in the Month of *May* in every Year; and the Meetings so appointed to be held as aforesaid shall be called Ordinary Meetings; and all such Meetings shall be held at some convenient Place in the said Town of *Belfast*, and between such Hours as the Committee of Management shall appoint for that Purpose.

First and other General Meetings to be held yearly.

XXVII. And be it enacted, That no Matters (except such as are appointed by this Act to be done at an Ordinary Meeting) shall be transacted at any such Meeting unless special Notice of such Matters have been given in the Advertisement convening such Meeting.

Business at Ordinary Meetings.

XXVIII. And be it enacted, That every Meeting of the Proprietors other than an Ordinary Meeting shall be called an "Extraordinary Meeting," and such Meetings may be convened by the Committee of Management at such Times as they may think fit.

Extraordinary Meetings.

XXIX. And be it enacted, That no Extraordinary Meeting shall enter upon any Business not set forth in the Requisition, or in the Notice upon which it shall have been convened.

Business at Extraordinary Meetings.

XXX. And be it enacted, That it shall be lawful for Three or more Proprietors entitled to vote at Meetings of the Company, by Writing under their Hands, at any Time to require the Committee of Management to call an Extraordinary Meeting of the Company to be held in any one of the following Towns; (that is to say,) *Belfast*, *Lisburn*, *Hillsborough*, *Moir*, and *Lagan*; and such Requisition shall fully express the Object of the Meeting required to be called,

Proprietors may require the calling of Extraordinary Meetings.

and

and shall be left at the Office of the Company, or given to at least Three Members of the Committee, or left at their last or usual Places of Abode; and forthwith upon the Receipt of such Requisition the Committee shall convene a Meeting of the Proprietors, and if for Twenty-one Days after such Notice the Committee fail to call such Meeting, the said Number of Proprietors, qualified as aforesaid, may call such Meeting by giving Fourteen Days public Notice thereof.

Notice of Meetings.

XXXI. And be it enacted, That Ten Days public Notice at the least of all Meetings, whether ordinary or extraordinary, shall be given by Advertisement which shall be published in One or more Newspaper or Newspapers circulated within the Town of *Belfast*, and shall specify the Place, the Day, and the Hour of meeting; and every Notice of an Extraordinary Meeting, or of an Ordinary Meeting if any other Business than the Business hereby appointed for Ordinary Meetings is to be done thereat, shall specify the Purpose for which the Meeting is called.

Quorum of General Meetings.

XXXII. And be it enacted, That in order to constitute a Meeting (whether ordinary or extraordinary) there shall be present, either personally or by Proxy, Five or more Proprietors qualified to vote at the same, and the Proprietors present at any such Meeting shall proceed in the Execution of the Powers of the Company with respect to the Matters for which such Meeting shall have been convened, and to those only; and if within One Hour from the Time appointed for such Meeting the said Number of Proprietors, qualified as aforesaid, be not present, no Business shall be transacted at the Meeting, but the same shall be held to be adjourned *sine Die*.

Chairman at General Meetings.

XXXIII. And be it enacted, That at every Meeting of the Company one or other of the following Persons shall preside as Chairman; that is to say, the Chairman of the Company, or in his Absence the Deputy Chairman; or in the Absence of both the Chairman and Deputy Chairman some one of the Members of the Committee of Management to be chosen for that Purpose by the Meeting, or in the Absence of the Chairman and Deputy Chairman and of all the Members of the Committee any Proprietor to be chosen for that Purpose at such Meeting.

Adjourned Meetings.

XXXIV. And be it enacted, That every Meeting of the said Company may be adjourned from Time to Time, and no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Qualification for voting 500% Stock.

XXXV. And be it enacted, That no Person shall be entitled to vote at any yearly or Special General Meeting of the said Company unless he shall be at the Time of so voting an actual Proprietor of Five hundred Pounds in the Joint Stock of the Company, or be solely interested in Possession in the said Stock to that Amount, either in his own Right or in right of his Wife, or as Trustee for some other Persons or Person; and no Person shall be entitled to vote at any such Meeting, either as a Proprietor or as Proxy for an

absent Proprietor, unless he shall, on being duly required so to do by any Three Proprietors qualified by Vote present at such Meeting, make and subscribe in the Presence of such Proprietors a Declaration in Writing to the Effect following :

‘ I *A. B.* do solemnly declare, That I am *bonâ fide* and solely in my own Right [or “in right of my Wife,” or “as Trustee for *C. D.*,” &c.] interested in Possession in the Sum of Five hundred Pounds in the Stock of the *Lagan Navigation Company.*’

XXXVI. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor. False Declaration a Misdemeanor.

XXXVII. And be it enacted, That every Proprietor of the said Company shall have One Vote for every Five hundred Pounds in the Stock of the said Company in which, at the Time of such voting, he shall be solely interested in Possession, either in his own Right or in right of his Wife, or as Trustee for any Persons or Person, One Vote for every 500*l.* Stock.

XXXVIII. And be it enacted, That such Votes may be given either personally or by Proxies, authorized by Writing; according to the Form in Schedule (E.) to this Act annexed, or in a Form to the like Effect, under the Hand of the Proprietor nominating such Proxy, or if such Proprietor be a Corporation then under their Common Seal; and that every Proposition at any such Meeting shall be determined by the Majority of Votes of the Parties present, including Proxies, the Chairman of the Meeting being entitled to vote not only as a Principal or Proxy, but to have a casting Vote if there be an Equality of Votes; and that every Proprietor shall have Power to appoint a Proxy for every Vote to which he shall be entitled under this Act. Votes may be given by Proxy.
Manner of voting by Proxy, &c.

XXXIX. And be it enacted, That if any Proprietor be a Lunatic or Idiot such Lunatic or Idiot may vote by his Committee, and if any Proprietor be a Minor he may vote by his Guardian or any one of his Guardians; and every such Vote may be given either in Person or by Proxy. Votes of Lunatics and Minors.

XL. And be it enacted, That *John Gausson* shall be the First Chairman of the said Company, and that *William Stevenson* shall be the First Deputy Chairman, and that they shall respectively hold their Offices until after the First General Meeting of the Company. First Chairman and Deputy Chairman.

XLI. And be it enacted, That it shall be lawful for the Proprietors of the Company and they are hereby required at the First General Meeting of the Company, and at every other yearly General Meeting, to appoint a Chairman and Deputy Chairman of the Company, who shall hold their respective Offices from the Day of such Meeting until after the next yearly General Meeting of the Company following such Appointment, when they shall vacate the same, but shall from Time to Time be eligible to be re-elected thereto; Election of Chairman and Deputy Chairman.

and that in case of the Death or Resignation of any Chairman or Deputy Chairman a Special Meeting of the Company shall be duly called within One Calendar Month after such Death or Resignation for the Purpose of electing some other Person into the Office vacated by such Death or Resignation, who shall from thenceforth hold the same until the Time when the same would have been vacated if such Death or Resignation had not happened.

Committee
of Manage-
ment.

XLII. And be it enacted, That the Company shall at their First and every other yearly General Meeting appoint a Committee consisting of not more than Nine and not less than Five Proprietors, qualified to vote at Meetings of the Company for the Purposes herein-after mentioned.

Duration in
Office of
Committee.

XLIII. And be it enacted, That each such Committee shall be appointed to act until after the annual General Meeting of the said Company next following the Appointment thereof, and no longer, and every Member of such Committee shall be always capable of being appointed to serve on the like Committee for the next or any future Year.

Powers and
Duties of
Committee.

XLIV. And be it enacted, That such Committee shall have the following Powers and Duties: they may appoint such Superintendents of Works, Lock-keepers, and other inferior Officers and Servants, with such reasonable Salaries and Allowances as they may think proper, and from Time to Time remove the same as they shall see fit; and they shall make a yearly General Report of all their Proceedings and of the State of the Affairs of the Company for the Time being.

Reports of
Committee.

XLV. And be it enacted, That every Report of the Committee shall be made and presented and read at the annual General Meeting of the Company next following the Appointment of the Committee making each such Report.

Accounts of
Receipts and
Expenditure
to be pre-
pared by
Committee,
and sent to
the Proprie-
tors.

XLVI. And be it enacted, That such Committee shall also, previously to every such annual Meeting, cause to be prepared and printed a true and correct Statement of all the Receipts and Expenditure of the Company during the Year then last past, and a true and correct Balance Sheet of the Books of the said Company for and during the same Period, and shall send or cause to be sent, through the General Post, to each Proprietor of the said Company whose Residence shall be known to the Clerk of the said Company, at least Three Days before such annual General Meeting of the said Company, (such Three Days to be computed exclusively of the Day of sending such Copy and the Day of meeting,) a printed Copy of such Statement and Balance Sheet respectively.

Meetings and
Remunera-
tion of Com-
mittee.

XLVII. And be it enacted, That such Committee shall assemble at such Times and Places, and transact Business in such a Manner, as they or the major Part of them shall from Time to Time determine, subject to such Regulations as the said Company shall make concerning the same, and that every Member of such Committee
may

may receive as Remuneration from the Company for every Time that he shall attend any Meeting of such Committee any Sum of Money, not exceeding Ten Shillings, which the Company may from Time to Time think fit to allow for that Purpose: Provided always, that such Committee shall meet once at least in every Fortnight, and that no Business shall be transacted at any Meeting of such Committee unless Three Members at the least of such Committee be present when such Business is brought forward.

Quorum.

XLVIII. And be it enacted, That the Committee of Management shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by the Committee of Management, and of the Orders and Proceedings of all General Meetings, as well ordinary as extraordinary, of the said Company, and of all Meetings of the Committee of Management, to be entered in Books to be from Time to Time provided for that Purpose, which shall be kept under the Superintendence of the Committee; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors or Members of Committee respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of any of the Proprietors or any Person entitled to vote on behalf of any Proprietor, who shall be at liberty to take Copies of or Extracts from the same.

Proceedings to be entered in Books, and Proprietors to have Access to them.

Entries in Books to be Evidence.

XLIX. And be it enacted, That at the First General Meeting after the passing of this Act the Company shall elect a Treasurer and Clerk, and at any subsequent General Meeting may remove from Office any such Treasurer or Clerk; and if such Treasurer or Clerk die or resign, or be so removed, another Treasurer or Clerk shall be elected in his Place at a General Meeting, and from Time to Time any such Meeting may fix the Salary or other Emoluments to be allowed to such Treasurer or Clerk respectively as they think proper.

Company to appoint a Treasurer and Clerk.

L. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be the Treasurer; and that neither the Person who shall hold the Office of Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall for every such Offence forfeit One hundred Pounds; (that is to say,)

Separation of Offices of Clerk and Treasurer.

Penalty 100l.

If any Person accept both the Offices of Clerk and Treasurer:
If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer,

Treasurer,

Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer :

If any Person, being the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for the Clerk :

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Company other than that of Clerk or Treasurer, as the Case may be :

And any Person may sue for such Penalties, either by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Record at *Dublin*, and shall, on Recovery thereof, be entitled to full Costs of Suit.

Security to be taken from certain Officers.

LI. And be it enacted, That before any Person intrusted with the Custody or Control of Monies, whether Treasurer, Collector, or other Officer of the Company, shall enter upon his Office, the Company shall take sufficient Security from him for the faithful Execution of his Office,

Officers to account on demand,

LII. And be it enacted, That every Officer or Person employed by the Company shall from Time to Time, when required by the Company, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Company ; and such Account shall state how, and to whom, and for what Purpose such Monies shall have been disposed of ; and, together with such Account, such Officers shall deliver the Vouchers and Receipts for such Payments ; and every such Officer shall pay to the Company, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts,

Summary Remedy against Officers failing to account.

LIII. And be it enacted, That if any such Officer fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same, in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he fail to deliver to the Company, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Company, then, on Complaint thereof being made to a Justice, such Justice shall summon such Officer to appear before any Two or more Justices, at a Time and Place to be set forth in such Summons, to answer such Charge ; and upon the Appearance of such Officer, or, in his Absence, upon Proof that such Summons was personally served on such Officer, or left at his last known Residence or Place of Abode, such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer ; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Company are in the Hands of such Officer, or owing by him to the Company, such Justices may order such Officer to pay the

the same forthwith, and if he fail to pay the Amount it shall be lawful for any Justice to grant a Warrant to levy the same by Distress; or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months; and in any of the following Cases; (that is to say,)

If any such Officer do not appear before the Justices at the Time and Place appointed for that Purpose; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justices the several Vouchers and Receipts relating to such Account; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, belonging to the Company;

Such Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power: Provided always, that if any one of such Committee of Management shall make Oath that he has good Reason to believe and does believe that it is the Intention of such Officer to abscond, it shall be lawful for the Justice before whom Complaint is made, instead of issuing a Summons as herein-before directed, to issue his Warrant for the apprehending and bringing such Officer before such Two or more Justices as aforesaid; but no Person directed to execute such Warrant shall keep such Officer in Custody longer than Forty-eight Hours without bringing him before Two Justices to answer to the Charge as herein-before directed,

LIV. And be it enacted, That no such Proceeding against or dealing with any such Officer as aforesaid shall deprive the Company of any Remedy which they might otherwise have against any Surety of such Officer.

Sureties not to be discharged.

LV. And be it enacted, That the Committee of Management shall keep correct Accounts of all the Receipts and Expenditure of the Company in Books to be by them provided and kept for that Purpose, which shall at all reasonable Times be open to the Inspection of all the Proprietors of the Company, and of all Holders of Mortgages to be granted by the Company, under or by virtue of the Provisions herein-before contained.

Accounts to be kept.

LVI. And with respect to the Power of the Company to make Bye Laws, be it enacted, That, in addition to the Power herein-after given to the Company to make Bye Laws for regulating the Use of the said Navigation, it shall be lawful for the Company from Time to Time to make such Bye Laws as they think fit, for the Purpose of regulating the Conduct of the Officers and Servants of the Company, and for providing for the due Management of the Affairs of the Company in all respects whatsoever, and from Time to Time to alter or repeal any such Bye Laws, and make others, provided such Bye

Power to make Bye Laws for regulating the Conduct of the Officers and the Management of the Company;

Laws be not repugnant to the Laws of that Part of the United Kingdom where the same are to have Effect, or to the Provisions of this Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company; and a Copy of such Bye Laws shall be given to every Officer and Servant of the Company.

and to impose Fines on their Officers for Breach of such Bye Laws.

LVII. And be it enacted, That the Company may impose such reasonable Fines and Forfeitures upon all Persons being Officers or Servants of the Company offending against such private Bye Laws as the Company think fit, not exceeding Five Pounds for any one Offence, and such Fines and Forfeitures may be recovered in manner herein-after provided.

Evidence of Bye Laws.

LVIII. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Company, having the Common Seal of the Company affixed thereto, shall be sufficient Evidence of such last-mentioned Bye Laws in all Cases of Prosecution under the same.

Service of Notices upon the Company.

LIX. And with respect to the Service of Notices upon the Company, be it enacted, That any Summons, Notice, or Writ, or other Proceeding, at Law or in Equity, requiring to be served upon the Company, may be served by the same being given personally to the Secretary of the Company, or being left at the Office of the Company, or being delivered to some Inmate at the Place of Abode of such Secretary, or in case there be no Secretary, or the Place of Abode of the Secretary respectively shall not be found, then by being given to any One of the Committee of Management of the Company, or by being delivered to some Inmate of the Place of Abode of any Member of such Committee.

Rent-charge of 300*l.* per Annum from 1st August 1847 reserved to the Crown.

LX. Provided always, and be it enacted, That from and after the First Day of *August* One thousand eight hundred and forty-seven, and thenceforth during the Continuance of this Act, the said Company shall pay to Her Majesty, Her Heirs and Successors, for the Use of the said Navigation, Lands, Tenements, Hereditaments, Tolls, and Duties, and other the Advantages and Profits hereby vested in them, the annual Rent-charge or Sum of Three hundred Pounds, by equal half-yearly Payments, on the First Day of *February* and the First Day of *August* respectively in every Year, the first of such half-yearly Payments to become due and be paid on the First Day of *February* One thousand eight hundred and forty-eight, and the same and every other half-yearly Payment to be paid to the Lords Commissioners of Her Majesty's Treasury at Her Majesty's Exchequer in *Great Britain*.

Proviso for Re-entry by the Crown in case of Rent-charge being in arrear.

LXI. Provided also, and be it enacted, That if the said Rent-charge, or any half-yearly Payment thereof, shall be at any Time in arrear by the Space of Three Calendar Months next after any One of the Days on which the same ought to be paid as aforesaid, or if the Works and Improvements or Repairs hereby required and authorized to be made shall not, by reason of any wilful Act or Neglect

Neglect of the said Company, be done and completed within the Time fixed for that Purpose by the Commissioners for Public Works in *Ireland*, or any Two of them, as is herein-after provided, or if the Sum of Twelve thousand Pounds, herein-after required to be expended by the said Company as herein-after mentioned, shall not, by reason of any wilful Act or Neglect of the said Company, have been expended within Five Years from the Date of the passing of this Act, that then and in either of such Cases it shall be lawful for the Lords Commissioners of Her Majesty's Treasury to issue their Precept to the Sheriff of the County of *Antrim*, commanding him, in the Name and on behalf of Her Majesty, upon the said Navigation, and all other the Lands, Hereditaments, and Premises hereby vested in the said Company, to enter, and from thence to put out, expel, and remove the said Company, their Agents and Servants; and from the Time of such Entry upon the said Premises or any Part thereof by the said Sheriff all the Interest of the said Company in the said Navigation, Lands, Hereditaments, and Premises shall cease and be transferred to and become vested in Her Majesty, Her Heirs and Successors; and this Act, and all and every the Powers, Clauses, and Provisoes herein contained, so far as they relate to the said Company, shall thenceforth cease and become utterly void and of no Effect; and for the Purposes of such Entry the whole of the said Navigation, and all other the Hereditaments and Premises hereby vested in the said Company, shall be deemed to be situate in the County of *Antrim*.

LXII. Provided also, and be it enacted, That the said Company shall, between the Time of the passing of this Act and the said First Day of *August* One thousand eight hundred and forty-eight, lay out and expend the Sum of Twelve thousand Pounds in the whole in making and constructing such new Works and Improvements as aforesaid; and the said Company shall, at all Times during the Continuance of this Act, maintain and keep the said Navigation, and every Part thereof, and all Bridges, Sluices, Drains, Locks, Weirs, Banks, Dams, Roads, Towing Paths, and other Ways belonging or appertaining thereto, and all Works, Bridges, Viaducts, preservation, retaining, and other Walls, Fences, and Embankments upon or connected with all County or other Roads made and constructed by the said Company, and all Works to be hereafter executed for the Improvement thereof, in good and substantial and serviceable Repair, and in an efficient State for all the Purposes thereof, and of the Traffic on the same respectively: Provided nevertheless, that nothing herein contained shall be held to make it compulsory on the said Company to lay out more than the said Sum of Twelve thousand Pounds in new Works and Improvements on the Canal, except such Sum and Sums as shall be required for draining the Lands of the said Marquess of *Downshire* as herein-after provided.

Company to lay out in Improvements 12,000*l.* before 1st of August 1848, and at all Times to keep the Works in repair.

LXIII. And be it enacted, That the several Works, Improvements, and Repairs hereby required and authorized to be made shall be performed and executed under the Inspection and to the Satisfaction of the Commissioners of Public Works in *Ireland* appointed under the Authority of an Act passed in the Session of the First and

Improvements and Repairs to be performed to Satisfaction of Commis-

Second

Commissioners of Public Works. 1 & 2 W. 4. c. 33.

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*; and that, before the Commencement of such Works and Improvements as are hereby required and authorized to be executed between the passing of this Act and the First Day of *August* One thousand eight hundred and forty-eight, the said Company shall lay before the said Commissioners of Public Works Copies of the Plans, Specifications, and Estimates according to which it is intended to perform such Works and Improvements respectively.

Commissioners of Public Works to have Power at all Times to survey and inspect the State of the Navigation and Works.

LXIV. Provided always, and be it enacted, That it shall be lawful for the said Commissioners, by themselves, their Surveyors and Agents, at all Times during the Continuance of this Act to survey and inspect the State of Repair and Deficiency of the said Navigation, and the Bridges, Sluices, Drains, Locks, Weirs, Banks, Roads, Towing Paths, and Ways belonging thereto, and at all Times during the Progress of any such Works or Improvements as aforesaid to survey and inspect the State and Condition of such Works and Improvements, and the Manner in which the same are respectively performed, and for the Purposes of every such Survey or Inspection to enter upon any Lands, Tenements, or Hereditaments hereby vested or hereafter to become vested in the said Company, and freely to pass and repass in Barges, Boats, and Carriages, or upon Horseback or otherwise, upon or along and across the said Navigation and Works, and all Parts thereof, and all Bridges thereon, and all Trackways on either Side thereof, and through all Locks and Toll Bars belonging thereto, without Let or Interruption by the said Company, their Servants or Agents, and without being liable to pay to the said Company any Toll, Lockage, Dockage, Quayage, Storeage, or Duty whatsoever.

Commissioners of Public Works to give Notice of such Works, Improvements, and Repairs as they require to be made.

LXV. And be it enacted, That if the Copies of such Plans, Specifications, and Estimates as hereby required to be laid before the Commissioners of the Public Works in *Ireland* shall not be laid before the said Commissioners, or shall not be satisfactory to the said Commissioners, or if such Works and Improvements as are hereby required to be made shall not be performed to the Satisfaction of the said Commissioners, or if at any Time, on any such Survey and Inspection being made as aforesaid, the said Commissioners shall be of opinion that any Repairs are necessary to be performed for the due and sufficient Maintenance of the said Navigation and Works, the said Commissioners shall, by Notice in Writing under the Hands of them or any Two of them, to be directed and sent or delivered to the Chairman of the said Company, require the said Company, within such reasonable Time as shall be fixed in such Notice, to lay before such Commissioners such Copies as aforesaid, and to perform and execute such Works, Improvements, and Repairs in such Manner respectively as shall be specified in such Notice.

In case of Difference, Reference to be made to the Lords of

LXVI. And be it enacted, That if at any Time any Difference shall arise between the said Company and the said Commissioners of Public Works in *Ireland* as to the Manner in which such Works, Improvements, and Repairs as are hereby required to be made, or
any

any of them, have been or ought to be performed, or as to the Necessity of any Repairs which the said Company shall be called upon by the said Commissioners to perform, then and so often as the same shall happen it shall be lawful for the said Company, by Writing under their Common Seal, and signed by their Chairman or Deputy Chairman, to signify such Difference to the Lords Commissioners of Her Majesty's Treasury, who shall thereupon name, and, if necessary, send down a competent Engineer to whom the Decision of such Difference shall be left; and such Decision shall be binding and conclusive as well upon the said Company as upon the said Commissioners of Public Works in *Ireland*.

the Treasury, who shall appoint a Surveyor to inquire and report, and such Surveyor's Report shall be final.

LXVII. And be it enacted, That the said Company shall be bound to make and perform, within such reasonable Time as the Commissioners for Public Works in *Ireland* shall fix for that Purpose, all such Works, Improvements, and Repairs as the said Commissioners for Public Works in *Ireland*, or any Two of them, shall, in the Manner herein-before provided, require to be by them performed, unless the said Company shall, within Three Calendar Months after receiving Notice thereof in the Manner herein-before provided, by Writing under their Common Seal, and signed by their Chairman or Deputy Chairman, signify to the said Commissioners of Public Works in *Ireland* that they do not consider such Works, Improvements, or Repairs, particularly specifying the same, necessary to be by them performed according to the true Intent and Meaning of this Act, or that such Works are beyond their Means; and unless the said Company shall, within Seven Days after receiving from the said Commissioners for Public Works in *Ireland* any further or second Notice in Writing that the said Commissioners intend to persevere in requiring such Works, Improvements, or Repairs to be made, signify to the Lords Commissioners of Her Majesty's Treasury, in the Manner herein-before provided, that a Difference has arisen between the said Company and the said Commissioners of Public Works in *Ireland* on the Subject of such Works, Improvements, or Repairs.

Company to be bound to perform all Works required by the Commissioners of Public Works, unless after declining and receiving a second Notice they appeal to the Lords of the Treasury.

LXVIII. Provided also, and be it enacted, That if at any Time during the Continuance of this Act the clear yearly Income and Profits arising to the said Company from the Tolls, Lockage, Dockage, Quayage, Storage, and Duties payable on the said Navigation, or from any other Source in respect of the said Navigation, and the Hereditaments and Premises hereby vested in them, after defraying all Charges for the Repairs and Maintenance of the said Navigation, and the Salaries of Lock-keepers and Servants, and after Payment of the Rent hereby reserved to Her Majesty, and of Interest, not exceeding Four Pounds *per Centum per Annum*, upon any Sums or Sum of Money to be hereafter borrowed by the said Company for the Purposes of the said Navigation, shall exceed the Sum of One thousand Pounds, then and in such Case, and in every Year in which the same shall happen, a Moiety of the Excess of such clear Income and Profits over and above such Sum of One thousand Pounds shall be laid out and expended by the said Company in making new Works for the Improvement of the said Navigation, with the Approbation and subject to the Inspection of the Commissioners of Public

Moiety of the Excess of the Company's Income above 1,000*l.* a Year, after Payment of Charges and Interest on Money borrowed, to be laid out or set apart for Improvement of Navigation, subject to Inspection, &c. of Commissioners of Public Works.

Works in *Ireland*, in the Manner aforesaid; or set apart and invested in Government or Real Securities, or Security in the Name of the said Company, with the Approbation of the said Commissioners, as a Fund for the future Improvement of such Navigation; and such Securities shall be from Time to Time varied or sold by the said Company, with the Approbation of the said Commissioners, and the Monies arising therefrom shall be applied, with such Approbation and subject to such Inspection of the said Commissioners as aforesaid, in executing new Works from Time to Time for the Improvement of the said Navigation.

Company to account to the Lords of the Treasury.

LXIX. And be it enacted, That all Sums of Money which at any Time after the passing of this Act shall be received by the said Company from the Tolls, Duties, Lockage, Dockage, Quayage, Storage, and other Proceeds or Profits of the said Navigation, or of any other the Hereditaments and Premises hereby vested in the said Company, as well as all Sums paid, shall be duly and regularly accounted for by the said Company yearly and from Year to Year before the Lords of Her Majesty's Treasury for the Time being, or any Person or Persons duly appointed by them for that Purpose.

Power to purchase Lands.

LXX. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Company to agree with the Owners of the Lands which they are hereby authorized to enter into and take for the Purposes of the Improvement of the said Navigation, for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands respectively, of what Kind soever.

Parties under Disability enabled to sell and convey.

LXXI. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose of and convey or release the same to the said Company, and to enter into all necessary Arrangements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Freebench or Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised

cised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts; whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

LXXII. And be it enacted, That the Power herein-after given to release Lands from any Rent, Payment, Charge, or Incumbrance, and to agree for the Apportionment of any such Rent, Charge, or Incumbrance, shall extend to and may lawfully be exercised by every Party herein-before enabled to sell and dispose of or convey and release Lands to the said Company.

Parties under Disability to exercise other Powers.

LXXIII. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Consideration to be a gross Sum.

LXXIV. And be it enacted, That the Owners of any such Lands respectively, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands respectively, or any Interest therein to which such Party shall be entitled; and, in addition to Compensation for the Value of such Lands respectively, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise, owing to the Exercise of the Powers of this Act.

Acceptance of Compensation for Price of or Damage to Lands.

LXXV. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Land, be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by the Verdict of a Jury under the Provision herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the said Company, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

LXXVI. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who, by reason of Absence or from any other Incapacity or Accident, is prevented from

Compensation to absent Parties to be ascer-

tained by
Valuation.

from treating or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose, and such Surveyor shall annex to his Valuation a Declaration of the Correctness thereof.

Form of
Conveyance.

LXXVII. And be it enacted, That all Conveyances of Lands so to be made as aforesaid may be according to the Form in the Schedule (F.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Company, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever, of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Company to attend the Reversion and Inheritance.

Costs of Con-
veyances.

LXXVIII. And with respect to the Costs of the Conveyances of any such Lands to be purchased or taken by the Company, be it enacted, That all such Costs shall be borne by the said Company, and such Costs shall include all Charges and Expences incurred on the Part as well of the Seller as of the Purchaser of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interest therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interest, and of making out and furnishing such Abstracts and attested Copies as the Company may require, and all other Expences incident to the Investigation, Deduction, Verification, and Completion of such Title; and before the Company enter into Possession of the Lands so respectively purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof as herein-after provided; nevertheless, if within Seven Days after Notice in Writing from the Company the Parties from whom such Land shall have been purchased do not deliver a Bill of their Costs to the Company, then the Company shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of
Costs.

LXXIX. And be it enacted, That if the Company and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery of *Ireland*, and for that Purpose either Party may apply to the said Court by Petition, and thereupon the Court shall order such Costs to be referred to one of the Masters, to be taxed in the usual Manner; and

and upon Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after such Taxation thereof it shall be lawful for the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Company, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Company, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom such Lands or Waters shall have been purchased or taken.

LXXX. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life, or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed to his Account there "*Ex parte* the *Lagan* Navigation Company," pursuant to the general Orders of the said Court; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Purchase Money payable to Parties under Disability amounting to 200*l.*, to be deposited in Bank of Ireland.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or,

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

LXXXI. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery in *Ireland* made on a Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited, and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in

Order for Application.

the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities, and, until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for the Investment and Application for the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Sums from 20l. to 200l. to be deposited, or invested in Trustees.

LXXXII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *Ireland*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified in Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Company approve thereof, and of the Trustees named for that Purpose, such Approval to be signified in Writing under their Common Seal; and the Money so paid to such Trustees, and the Proceeds arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *Ireland*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20l. to be paid to Parties.

LXXXIII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

When Parties refuse to convey, or do not show Title, the Purchase Money to be deposited.

LXXXIV. And for the Purpose of providing for the Payment and Application in certain Cases of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,) if the Owner of any such Lands or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same, or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Company, or if such Owner be gone out of the Kingdom, or cannot be found,

found, or be not known, or refuse to convey or release such Lands as directed by the Company, it shall be lawful for the Company to deposit the Purchase Money or Compensation payable in respect of such Lands or any Interest therein in the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed to his Account there to the Credit of the Parties interested in such Lands (describing them, so far as the said Company can do), subject to the Control and Disposition of the said Court of Chancery; and upon Receipt of such Money the Cashier of such Bank shall give to the Company, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in, and thereupon all the Interest such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Company.

LXXXV. And be it enacted, That, upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands purchased or taken by the Company, or any Part thereof, or any Interest in the same, the said Court of Chancery may in a summary Way, as to such Court shall seem fit, order such Money to be laid out or invested in the Public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court may seem fit.

Application of Monies so deposited.

LXXXVI. Provided always, and be it enacted, That where any Purchase Money or Compensation paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Court of Chancery may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c., or Reversions, as they may think just.

LXXXVII. And be it enacted, That if any Question arise respecting the Title to the Lands or Waters in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in Possession or Receipt of the Rents of such Lands at the Time of such Lands or Waters being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in Possession, and all Parties claiming under them or consistently with their Possession, shall

Party in Possession to be deemed the Owner.

shall be deemed entitled to the Monies so deposited, and to the Dividends or Interests of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in
Cases of
Money so
deposited.

LXXXVIII. And with respect to Costs in Cases of Monies deposited in the Bank of *Ireland*, be it enacted, That the Court of Chancery in *Ireland* may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Company; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Reinvestment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Payment of
Price to be
made pre-
vious to En-
try, except
to survey.

LXXXIX. And be it enacted, That the Company shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank of *Ireland* in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interest therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands it shall be lawful for the Company to enter upon the same without the previous Consent of the Owners, making Compensation for any Damage thereby occasioned to such Owners or Occupiers respectively.

Penalty on
Company
entering
without Con-
sent before
Payment.

XC. And be it enacted, That if the Company or any of their Contractors shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the said Company shall forfeit to the Party in Possession of such Lands the Sum of Ten Pounds over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices; and if the Company or their Contractors shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in Possession of such Lands, continue in
unlawful

unlawful Possession of any such Lands, the Company shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in Possession as aforesaid, such Penalty to be recoverable by the Party in Possession of such Lands, with full Costs of Suit, in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the Company to the Payment of any such Penalties as aforesaid if they shall *bonâ fide* and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Company may have reasonably believed to be entitled thereto, although such Person may not have been legally entitled thereto.

XCI. And be it enacted, That on the Trial of any Action for any such Penalties as aforesaid the Decision of the Justices under the Provision herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the Company.

Decision of Justices not conclusive as to Company's Right.

XCII. And be it enacted, That when the Company shall require to purchase any of the Lands which by this Act they are authorized to purchase or take they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey or release the same, or such of them as shall be known to the Company, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Lands so required, and shall state that the Company are willing to treat for the Purchase of the Interest of such Party in such Lands, and as to the Compensation to be made for the Damage that may be sustained by him by reason of the Execution of the Works by this Act authorized to be made.

Notice of Intention to take Lands.

XCIII. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Lands, or to treat with the said Company in respect of his Interest therein, or if such Party and the Company shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of the Works, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

Parties interested to state their Claims.

XCIV. And be it enacted, That where, according to the Provisions of this Act, the Company are authorized to enter upon and take possession of any Lands or Waters required for the Purposes of this Act, if the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the Company from entering upon or taking possession of the same, it shall be lawful for the Company to issue their Precept under their Common Seal to the Sheriff to deliver Possession of the same to the Person appointed in such Precept to receive the same, and upon the Receipt of such Precept the Sheriff shall deliver Possession of any

Proceedings in case of Refusal to deliver Possession of Lands.

such Lands accordingly; and the Costs accruing by reason of the issuing and Execution of such Precept, to be settled by the Sheriff, shall be paid by the Person refusing to give Possession; and such Costs, if not paid on Demand, shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Dispute as to Compensation to be settled by a Jury.

XCV. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise or if no Agreement can be come to between the Company and the Owners of any Lands or any Interest in any Lands taken or required for or injuriously affected by the Execution of the Works by this Act authorized, (including among such Owners all Parties by this Act enabled to sell or convey Lands,) as to the Value of such Lands, or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands or any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Company to take such Lands, or to proceed in the Execution of the Works by this Act authorized, or if any such Difference arise as to the Amount of the Damages occasioned to any Lands by the Exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of the Compensation to be paid by the Company in every such Case shall be settled by the Verdict of a Jury in manner herein-after mentioned.

Claims not exceeding 50*l.* to be settled by Two Justices.

XCVI. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall not exceed Fifty Pounds the same shall be settled by Two Justices.

Notice by Company of Intention to have a Jury summoned.

XCVII. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury by reason of any such Difference as aforesaid, then, One Month at least before issuing their Warrant for summoning a Jury as herein-after provided, the Company shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention to cause such Jury to be summoned; and in such Notice the Company shall state what Sum of Money they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Execution of the said Works.

Requisition by Party claiming Compensation to have a Jury summoned.

XCVIII. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands or of any Interest therein taken for or injuriously affected by the Execution of the Works by this Act authorized, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Company of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by

by him in respect thereof; and unless the Company shall be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall issue their Warrant to the Sheriff to summon a Jury accordingly in manner herein mentioned.

XCIX. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury the Company shall issue their Warrant to the Sheriff, under their Common Seal, requiring him to summon a Jury for that Purpose, and if such Sheriff be interested in the Matter in dispute such Application shall be made to some Coroner of the County in which the Lands in question or some Part thereof shall be situate, and if all the Coroners of such County be so interested such Application may be made to some Person having filled the Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute; and with respect to the Persons last mentioned Preference shall be given to One who shall have most recently served either of the said Offices.

Warrant for summoning Jury to be addressed to the Sheriff.

C. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury where the Term "Sheriff" is used the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff such Sheriff shall immediately on receiving Notice of the Delivery of the Warrant deliver over, on Application for that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book belonging to the County where the Lands or Waters in question shall be situate.

Provisions applicable to Sheriff to apply to Coroner.

CI. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose.

Summoning Jury.

CII. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the Bystanders, or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Impannelling Jury.

CIII. And be it enacted, That Fourteen Days Notice of the Time and Place of Inquiry shall be given in Writing by the Company to the other Party.

Notice of Inquiry.

CIV. And

Sheriff to
preside, and
Witnesses
to be sum-
moned.

CIV. And be it enacted, That the Sheriff shall preside on the said Inquiry, and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and if either Party so request in Writing the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trials of Actions in the Superior Courts.

Oaths of
Jurymen and
Witnesses.

CV. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage, and the Sheriff shall administer such Oath, as well as the Oaths of all Persons called upon to give Evidence.

Verdict to be
for Purchase
and Damage,
assessed
separately.

CVI. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the Purposes of this Act, or of any Interest therein, belonging to the Party with whom such Question of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the said Company, and also the Sum of Money to be paid by way of Compensation for the Damage occasioned to any such Lands by the Execution of the Works, whether it be for Damage sustained before the Time of the Inquiry, or for future Damage, either temporary or permanent, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the Company; and the Sums of Money to be paid for the Injury done by any such Severance or Withdrawal as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof or of any Interest therein.

Value of
Interests pre-
viously pur-
chased to be
deducted.

CVII. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands or Waters which shall have been theretofore rightfully purchased by the Company shall be first deducted.

Verdict and
Judgment to
be recorded.

CVIII. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and, being so signed, shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the County in which the Lands or any Part thereof shall be situate in respect of which such Purchase Money or Compensation shall have been awarded; and such Verdicts and Judgments shall be deemed Records, and the same or true Copies thereof shall be good Evidence in all Courts and elsewhere; and all

Persons

Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

CIX. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Company, all the Costs of such Inquiry shall be borne by the Company; but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by the Company one Half of the Costs shall be defrayed by the Owner of such Lands, and the other Half by the Company: Provided always, that in every Case where, by reason of Absence in Foreign Parts or of any Disability, the Owner of the Lands shall have been prevented from treating with the Company, all the Costs shall be borne by the Company.

Costs of the Inquiry.

CX. And be it enacted, That such Costs shall be settled by the Sheriff; and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, in taking the Inquiry, in the Attendances of Witnesses, in the Employment of Counsel, in recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry; and with respect to any such Costs payable by the Company, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to any Justice he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands or Waters, or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Particulars of the Costs.

CXI. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Juryman shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and in addition to the Penalty hereby imposed every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on Sheriff and Jury for Default.

CXII. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause,

Penalty on Witnesses making default.

[*Local.*]

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or

or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Reference of
Dispute as
to Compens-
ation to
Justices.

CXIII. And with respect to any such Question of disputed Compensation or other Matter of Difference by this Act authorized to be referred to the Determination of Two Justices, be it enacted, That either Party may apply to such Justices in respect of any such Matter, and thereupon such Justices, in Presence of the Parties, or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to them, as to them shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof; and in default of Payment of such Costs as directed by such Justices the same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Company
empowered
to purchase
Interest in
Lands, the
Purchase
whereof may
have been
omitted by
Mistake.

CXIV. And be it enacted, That if, at any Time after the Company shall have entered upon any Lands which under the Provisions of this Act they were authorized to purchase, and which shall be permanently required for the Purposes of this Act, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands or Waters which the said Company shall have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period by this Act granted for the Purchase of Lands by the said Company shall have expired or not, the Company shall remain in undisturbed Possession of such Lands, provided within Six Calendar Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Company, or in case the same shall be disputed then within Six Calendar Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Company shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Mesne Profits or Interests which would have accrued to such Parties respectively in respect hereof during the Interval between the Entry of the Company thereon and the Time of the Payment of such Purchase Money or Compensation by the Company, so far as such Mesne Profits or Interests may be recoverable in Law or Equity; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as, according to the Provisions of this Act, the same respectively would have been agreed on or awarded and paid in case the Company had purchased such Estate, Right, Interest, or Charge before their entering upon such Lands, or as near thereto as Circumstances will admit.

How Value of
such Lands
to be esti-
mated.

CXV. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any Mesne Profits thereon, the Jury shall

assess the same at such Price as they shall find to be the Value of such Lands, Estate, or Interest, and Profits, without regard to any Improvements or Works made in the said Lands by the Company, and as though such Works had not been constructed.

CXVI. And be it enacted, That, in addition to the said Purchase Money, Compensation, or Satisfaction, and before the Company shall become absolutely entitled to such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed, pay the full Costs and Expences of any Proceedings at Law or in Equity for the Recovery of the same, to the Parties with whom any Litigation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Company to pay Costs of Litigation as to such Lands.

CXVII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to give to the said Company any Mines of Coal, Ironstone, Limestone, or Fire-clay under any Land to be taken or purchased by them under the Provisions of this Act, unless the same shall have been expressly purchased by the said Company; but all such Mines of Coal, Ironstone, Limestone, and Fire-clay shall (except in such Cases as aforesaid) be deemed to be excepted out of every such Purchase respectively.

Company not to claim any Mines, &c.

CXVIII. And with respect to any such Lands which shall be so cut through and divided by the Works authorized by this Act as to leave either on both Sides or on one Side thereof a less Quantity of Land than Half a Statute Acre, be it enacted, That if the Owner of any such Land, not being situate in a City or Town, or built upon, require the Company to purchase any such small Parcel of Land along with the other Land required for the Purposes of this Act, the Company shall purchase the same accordingly, unless the Owner thereof have other Land adjoining to that so left into which the same can be thrown; and if such Owner have any other Land so adjoining he may require the Company, at their own Expence, to throw the Piece of Land so left into such adjoining Land by removing the Fences and levelling the Sites thereof, and by soiling the same, in a sufficient and workmanlike Manner.

Power of Owners of intersected Lands to insist on Sale.

CXIX. And with respect to any such Lands which shall be subject to any Mortgage, be it enacted, That the Company may purchase or redeem the Interest of the Mortgagee of such Lands, and that whether they shall have previously purchased the Equity of Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right or in Trust for any other Party, and whether he be in Possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely, or jointly with any other Lands not required for the Purposes of this Act; and in order thereto the Company may pay or tender to such Mortgagee the Principal and Interest due on such Mortgage; together with his Costs and Charges, if any, and also Six Months additional

Power to redeem Mortgages.

additional Interest; and thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the Company, or as they shall direct; or the Company may give Notice in Writing to such Mortgagee that they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice; and if they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his Intention to redeem the same, then, at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Company to the Mortgagee of the Principal Money due on such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Costs and Expences (if any), such Mortgagee shall convey or release his Interest in the Lands comprised in such Mortgage to the Company, or as they shall direct.

Deposit of
Mortgage
Money on
Refusal to
accept Re-
demption.

CXX. And be it enacted, That if in either of the Cases aforesaid, upon such Payment or Tender, any Mortgagee shall fail to convey or release his Interest in such Mortgage as directed by the Company, or if he fail to adduce a good Title thereto to their Satisfaction, then it shall be lawful for the Company at any Time after such Failure to pay into the Bank of *Ireland*, in the Manner provided by this Act in Cases of Money directed to be deposited in such Bank, the Principal and Interest together with the Costs (if any) due on such Mortgage, and also, if such Payment be made before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due; and thereupon, as well as upon such Conveyance by the Mortgagee, if any such be made, all the Estate and Interest of such Mortgagee, and of all Persons in Trust for him, or for whom he may be a Trustee, in such Lands, shall vest in the Company, and they shall be deemed to be in the actual Possession thereof in case such Mortgagee were himself entitled to such Possession.

Sum to be
paid when
Mortgage
exceeds
Value of
Lands.

CXXI. And with respect to any such mortgaged Lands which shall be of less Value than the Principal, Interest, and Costs secured thereon, be it enacted, That the Value of such Lands, or the Compensation to be made by the Company in respect thereof, shall be settled by Agreement between the Mortgagee of such Lands and the Party entitled to the Equity of Redemption thereof on the one Part, and the Company on the other Part, and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Company to the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend; and upon Payment or Tender thereof the Mortgagee shall convey or release all his Interest in such mortgaged Lands to the said Company, or as they shall direct.

Deposit of
such Money
when refused
on Tender.

CXXII. And be it enacted, That if, upon such Payment or Tender as aforesaid being made, any such Mortgagee fail so to convey his Interest in such Mortgage, or to adduce a Title thereto to the Satisfaction

faction of the Company, then they may pay the Amount of such Value or Compensation into the Bank of *Ireland* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and every such Payment or Deposit shall be accepted by the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of such mortgaged Lands from all Money due thereon; and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in Trust for him, shall become absolutely vested in the Company, and they shall be deemed to be in the actual Possession thereof in case such Mortgagee were himself entitled to the Possession thereof; nevertheless all Rights and Remedies possessed by the Mortgagee against the Mortgagor, by virtue of any Bond or Covenant, or other Obligation other than the Right to such Lands, shall remain in force in respect of so much of the Mortgage Debt as shall not have been satisfied by such Payment or Deposit.

CXXIII. And with respect to any such mortgaged Lands of which only a Part shall be required for the Purpose of this Act, be it enacted, That if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part, and also the Compensation, if any, to be paid in respect of the Severance thereof, or otherwise, shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Land on the one Part, and of the Company on the other, and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Company to such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and thereupon such Mortgagee shall convey or release to them, or as they shall direct, all his Interest in such mortgaged Lands the Value whereof shall have been so paid; and a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage, and shall be signed by the Mortgagee; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Company, at their Expence, to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Sum to be paid where only Part of mortgaged Land is taken.

CXXIV. And be it enacted, That if, upon Payment or Tender to any such Mortgagee of the Amount of the Value or Compensation so agreed upon or determined, such Mortgagee shall fail to convey or release to the Company, or as they shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to adduce a good Title thereto to the Satisfaction of the Company, it shall be lawful for the Company to pay the Amount of such Value or Compensation into the Bank of *Ireland* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank, and such Payment or Deposit shall be accepted by such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of the

Deposit of such Money when refused on Tender.

Portion of the mortgaged Lands so required from all Money due thereon, and thereupon such Lands shall become absolutely vested in the Company as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in Trust for him, and in case such Mortgagee were himself entitled to such Possession they shall be deemed to be in the actual Possession thereof; nevertheless every such Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of the Mortgage Money, or the Residue thereof, as the Case may be, and the Interest thereof respectively, upon and out of the Residue of such mortgaged Lands, or the Portion thereof not required for the Purposes of this Act, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage.

Release of
Lands from
Rent-charges.

CXXV. And with respect to any such Lands which shall be charged with any Rent Service, Rent-charge, or chief or other Rent, Payment by way of Commutation for Tithes, or other Payment or Incumbrance, be it enacted, That if any Difference shall arise between the Company and the Party entitled to any such Charge respecting the Consideration to be paid for the Release of such Lands therefrom, or from the Portion thereof affecting the Lands required for the Purposes of this Act, the same shall be determined as in other Cases of disputed Compensation.

Release of
Part of Land
from Charge.

CXXVI. And be it enacted, That if Part only of the Lands charged with any such Rent Service, Rent-charge, chief or other Rent, Commutations for Tithes, Payment, or Incumbrance, be required to be taken for the Purposes of this Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge and the Owners of the Lands on the one Part, and the Company on the other Part; and if such Apportionment be not so settled by Agreement the same shall be settled by Two Justices; but if the remaining Part of the Lands so jointly subject be a sufficient Security for such Charge, then, with Consent of the Owner of the Lands so jointly subject, such Owner not being under legal Disability or Incapacity, the Party entitled to such Charge may release therefrom the Lands so required, on condition or in consideration of such other Lands remaining subject to the whole thereof.

Deposit in
case of Re-
fusal to re-
lease.

CXXVII. And be it enacted, That, upon Payment or Tender of the Compensation so agreed upon or determined to the Party entitled to any such Charge as aforesaid, such Party shall execute to the Company a Release of such Charge, and if he fail so to do, or if he fail to adduce a good Title to such Charge to the Satisfaction of the Company, they shall pay the Amount of such Compensation into the Bank of *Ireland* in the Manner provided by this Act in the like Case of Monies required to be deposited in such Bank, and thereupon the Rent Service, Rent-charge, chief or other Rent, Commutation of Tithes, Payment, or Incumbrance, or the Portion thereof in respect whereof such Compensation shall so have been paid, shall cease and be extinguished.

CXXVIII. And

CXXVIII. And be it enacted, That if any such Lands be so released from any such Charge or Incumbrance, or Portion thereof, to which they were subject jointly with other Lands, such last-mentioned Lands shall alone be charged with the whole of such Charge, or with the Remainder thereof, as the Case may be, and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Lands for the whole or for the Remainder of the Charge, as the Case may be, as he had previously over the whole of the Lands subject to such Charge; and if, upon any such Charge or Portion of Charge being so released, the Deed or Instrument creating or transferring such Charge be tendered to the Company for the Purpose, the said Company shall affix and set their Common Seal to a Memorandum of such Release, endorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Charge shall have been purchased by virtue of this Act, and if the Lands be released from Part of such Charge, what Portion of such Charge shall have been so released, and how much thereof continues payable, or if the Lands so required shall have been released from the whole of such Charge, then that the remaining Lands are thenceforward to remain exclusively charged therewith; and such Memorandum shall be made and executed at the Expence of the Company, and shall be Evidence in all Courts and elsewhere of the Facts therein stated, but not so as to exclude any other Evidence of the same Facts.

Charge to continue on Lands not taken.

CXXIX. And with respect to any such Lands which shall be comprised in a Lease for a Term of Years unexpired, Part only of which Lands shall be required for the Purposes of this Act, be it enacted, That the Rent payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands, and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the said Company on the other Part; and if such Apportionment be not so settled by Agreement between the Parties such Apportionment shall be settled by Two Justices; and after such Apportionment the Lessee of such Lands shall, as to all future accruing Rent, be liable only to so much of the Rent as shall be so apportioned in respect of the Lands not required for the Purposes of this Act; and the Lessor shall have all the same Rights and Remedies for the Recovery of such Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for the Purposes of this Act, in the same Manner as they would have done in case such Part of the said Land had been included in the Lease.

Where Part only of Lands under Lease are taken, the Rent to be apportioned.

CXXX. And be it enacted, That every such Lessee as last aforesaid shall be entitled to receive from the Company Compensation for the Damage done to him in his Tenancy by reason of the Severance of the Lands required from those not required, or otherwise by reason of the Execution of any of the Works authorized by this Act.

Tenants to be compensated.

CXXXI. And

Tenants at Will or from Year to Year to cede Possession on Six Months Notice.

CXXXI. And with respect to any such Lands which shall be in the Possession of any Person having no greater Interest than as Tenant at Will or Lessee for a Year or from Year to Year, be it enacted, That at the Expiration of Six Months after receiving Notice to that Effect from the Company, or at any other Time when required after the Expiration of such Period, all such Persons shall respectively deliver up to the Company, or to the Person appointed by them to take possession thereof, any such Lands in their Possession required for the Purposes of this Act; and any such Notice shall be effectual whether it be given with reference to the Time of the Commencement of such Tenants holding or not, and whether such Notice be given before or after the Purchase of such Lands by the Company.

Compensation to such Tenants.

CXXXII. Provided always, and be it enacted, That if any such Person as last aforesaid be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, or if a Part only of such Lands be required Compensation for the Damage done to him in his Tenancy by the Severance of the Lands required from those not required, and the Amount of such Compensation shall be determined by Two Justices, in case the Parties differ about the same.

On Refusal, Sheriff to give Possession.

CXXXIII. And be it enacted, That if any such Person refuse to give up such Possession it shall be lawful for the Company, after making Payment or Tender of such Compensation as herein-before mentioned, but not otherwise, to issue their Precept under their Common Seal to the Sheriff to deliver up Possession of such Lands to the Person in such Precept nominated to receive the same, and upon the Receipt of such Precept the Sheriff shall deliver Possession of such Lands in obedience thereto, and the Party so refusing to give up Possession shall pay the Costs incurred in the issuing or Execution of such Precept, to be settled by the Sheriff, and if, on Demand, he fail to pay the same, they shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Production of Leases.

CXXXIV. And be it enacted, That if any Party claim Compensation in respect of any unexpired Term or Interest under any Lease or Grant of any such Lands, the Company may require such Party to produce the Lease or Grant in respect of which such Claim shall be made, or the best Evidence thereof in his Power, and if, after Demand made in Writing by the Company, such Lease or Grant, or the best Evidence thereof, be not produced within a reasonable Time, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly.

Compulsory Powers of Purchase limited.

CXXXV. And be it enacted, That the Powers of the said Company for the compulsory Purchase or taking of Lands respectively for the Purposes of this Act shall not be exercised after the First Day of *August* One thousand eight hundred and forty-eight; and no Land shall be taken from *Henry Garrett* Esquire or his Under-tenants

tenants without his Consent, unless the same shall have been specified within Twelve Months, and purchased and paid for within Two Years from the passing of this Act; nor shall any thing herein contained extend to enable the said Company to take any of the Lands of the Most Honourable *George Augustus* Marquess of *Donegal* or the Right Honourable *George Hamilton* Baron of *Ennishowen* and *Carrickfergus* commonly called Earl of *Belfast*, without their Consent in Writing first had and obtained.

CXXXVI. And for the Purpose of making Provision respecting the Sale of Lands hereby vested in the said Company, or to be acquired by the said Company under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the said Company shall and may at any Time, with the Approbation of the Commissioners for Public Works in *Ireland*, but not otherwise, (such Approbation to be signified in Writing under the Hands of the said Commissioners or any Two of them,) sell all or any such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof by Deed under the Common Seal of the Company, and a Receipt under such Common Seal shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and all Monies paid to the said Company for such Lands shall be expended, with such Approbation and subject to such Inspection of the Commissioners for Public Works in *Ireland* as aforesaid, in improving the said Navigation.

Lands not wanted to be sold.

CXXXVII. Provided always, and be it enacted, That nothing in this Act contained shall authorize and empower, or be deemed or construed to authorize and empower, the said Company to sell all or any Part or Parts of the Lands which by this Act are hereinbefore declared to belong to and be the Lands and Estate of the said Marquess of *Downshire*, the said Marquess of *Hertford*, and the said Sir *Robert Bateson* respectively.

Company not to sell any Lands belonging to certain Parties.

CXXXVIII. And be it enacted, That if the said Company shall not sell such superfluous Lands respectively during the Continuance of this Act, then all such superfluous Lands remaining unsold at the Expiration of this Act shall thereupon respectively vest and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Superfluous Lands not so sold to vest in Owners of adjoining Lands on Expiration of Act.

CXXXIX. Provided always, and be it enacted, That before the said Company dispose of any such superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed, or, if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be

Lands to be first offered to Owners of Lands from which they were taken, or to adjoining Owners.

entitled to such Right of Pre-emption such Offer shall be made to such Persons in succession one after another in such Order as the said Company shall think fit.

Right of Pre-emption to be claimed within Sixty Days.

CXL. And be it enacted, That if such respective Persons be desirous of purchasing such Lands respectively, then within Sixty Days after such Offer of Sale they shall signify their Desire in that Behalf to the Company, or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease, and thereupon a Declaration in Writing made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and was refused, or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

Differences as to Price to be settled as in other Cases.

CXLI. And be it enacted, That if any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Company do not agree as to the Price thereof, then such Price shall be ascertained as in other Cases of disputed Compensation; and upon Payment or Tender to the Company of the Purchase Money so agreed upon or determined they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof for the Estate which shall have so been purchased by him.

Effect of the Word "grant" in Conveyances.

CXLII. And be it enacted, That in every Conveyance of Lands to be made by the Company under this Act the Word "grant" shall operate as express Covenants by the Company, for themselves and their Successors, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Company, they were at the Time of the Execution of such Conveyances seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Company and their Successors,

cessors, and all other Persons claiming under them, and be indemnified and saved harmless by the Company and their Successors from all Incumbrances created by the Company :

A Covenant for further Assurance of such Lands, at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Company or their Successors, and all other Persons claiming under them :

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants, as they might do if such Covenants were expressly inserted in such Conveyances.

CXLIII. And be it enacted, That it shall be lawful for the Company to contract with any Party willing to sell any Waters or Interest in Waters beyond what the said Company are by this Act enabled to purchase by Compulsion, the exclusive Use, Occupation, or Possession of which may be deemed advantageous to be acquired and enjoyed by the Company for the Purpose of the said Navigation ; and it shall be lawful for all Parties who under the Provisions hereinbefore contained would be enabled to sell and convey Lands required for the said Navigation to sell and convey such Waters.

Power to purchase Interests in Waters required for the Navigation.

CXLIV. And be it enacted, That from and after the passing of this Act it shall be lawful for the said *Lagan* Navigation Company, with the Consent and under the Superintendence of the Commissioners of Public Works in *Ireland*, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to execute the following Works: they may make and maintain a new Cut or Canal from the first Lock of the said Navigation in the Townland of *Lower Malone* in the Parish of *Belfast* otherwise *Shankill* in the County of *Antrim*, along the West or Left Side of the River *Lagan*, crossing the High or Main Road near *Ormeau Bridge*, so as to fall into and communicate with the said River *Lagan* at or near the Mouth of the *Blackstaff* River ; they may deepen and embank the Course of the said River *Lagan* between the said first Lock and the *Blackstaff* River in and through the said Townland of *Lower Malone* ; they may make and maintain a Basin or Dock at or near the proposed Termination of the said new Cut or Canal in the Lands now in the Possession of *Henry Garrett* Esquire or his Under-tenants ; they may make and maintain a new Cut or Canal from the End or Tail of the fourth Lock of the said Navigation, through the Townland of *Upper Malone* in the Parish of *Shankill* in the said County of *Antrim*, so as to communicate with the said River *Lagan* at a short Distance from the Mills of *Edenderry* ; they may straighten and widen the Bed of the said River *Lagan* at or near a Place commonly called *Magee's Corner* in the Townland of *Edenderry* in the Parish of *Drumbo* in the County of *Down* ; they may make and maintain a new Cut or Canal from or near the Head of the Union Locks to the River *Lagan* near to the said Locks, together with Side Pounds, new Locks, and other Works connected therewith, in the Townland and

Company authorized to perform new Works.

Parish

Parish of *Blaris* in the County of *Down*; they may erect and maintain all necessary Roads, Avenues, and Approaches, Bridges, Gates, Locks, Sluices, Drains, Channels, Feeders, Inlets, Outlets, Warehouses, Wharfs, Quays, Vaults, Moorings, Buoys, Inclined Planes, Slips, Cranes, Engines, and other Works in the said respective Townlands and Parishes herein-before mentioned, convenient or proper for the said new Cuts, Canals, Basin, Docks, and Works respectively; they may take, use, and divert Water from the said Navigation and from the said River *Lagan* in the said respective Townlands and Parishes, for supplying the said Canals, Docks, Undertaking, and Works respectively; they may, in such Places as the said Company shall think fit, make, deepen, and widen as well the Bed of the said River *Lagan* as the present Canal of the said Navigation; they may repair, maintain, amend, and uphold all such Works and other Things as have already been erected, made, or done under or by virtue of the herein-before recited Acts or any of them; they may purchase, hire, and run Steam Vessels or Tugs along or connected with the said Navigation; and they may make, erect, construct, do, and perform all such Works, Matters, and Things as shall be requisite and convenient for making, completing, and maintaining the said several new Cuts, Canals, and Docks hereby authorized to be made, and the Navigation thereof, and for supplying the same with Water, and for making, completing, and maintaining the several Improvements and other Works above mentioned, according to the true Intent and Meaning of this Act: Provided always, that it shall and may be lawful to and for the Owners, Lessees, and Occupiers of the Lands along the new or extended Cut to navigate the same, and to use the Towing Path for that Purpose, free of all Rates, Tolls, and Duties whatsoever, any thing herein contained to the contrary notwithstanding.

Company to form Towing Path, &c.

CXLV. And be it enacted, That the Towing Path of the said intended new Cut shall be made and formed on the East or Right Side of the said Cut, from the first Lock to the Mouth of the *Blackstaff* River; and that where any Lands shall be intersected by the said new Cut the Company shall erect, maintain, and keep up Bridges, with the necessary Gates and proper Approaches to such Bridges, for the Use of the Owners and Occupiers of the said Lands, and shall also erect and keep up a Bridge at or near the said first Lock.

In case of Company not making a new Cut the Owners may make a Bridge.

CXLVI. And be it enacted, That in the event of the said Company not making the said intended new Cut it shall and may be lawful to and for the Owners and Lessees of the said Lands to make and erect a Bridge above the first Lock, for the Use of such Owners and Lessees, to communicate with that Part of the said Lands which have been separated from the Residue thereof by the existing Canal: Provided always, that such Bridge shall be made and constructed so as not to impede the said existing Navigation.

Not to take Lands of the Belfast Botanical

CXLVII. And be it enacted, That no Part of the intended Cut or Canal, or of the Embankment or other Works thereof, shall enter into, run through, encroach on, or occupy any Portion of the Land, Quays,

Quays, Plantations, Walks, or other Property of the Royal *Belfast* Botanical and Horticultural Society, without the Consent in Writing of the said Society first had and obtained. Society without Consent.

CXLVIII. And be it enacted, That the said Company shall at their own Expence raise the present Quay Wall, Banks, and Walk of the Royal *Belfast* Botanical Garden adjoining the River *Lagan* to such Height as will be on a Level with the Roadway or Track Line of the said Canal, and keep and maintain and put the same into good and substantial Order; and that the said Company shall also construct and maintain an Iron Railing along the entire Front of such Quay Wall for the Protection of the said Garden from Trespassers without the Authority of the Proprietors of the said Garden, and that in such Iron Railing there shall be a Gate of sufficient Width opposite the Landing Wharf for the Convenience of loading and unloading Lighters and Boats at the Quay of the said Society. Company to raise Quay Wall of Botanical Garden.

CXLIX. And be it enacted, That it shall be lawful to and for the Proprietors of the Royal *Belfast* Botanical and Horticultural Society for the Time being, and their Successors and Assigns, at all Times for ever hereafter, to use and navigate the said intended new Cut or Canal with Barges, Boats, Lighters, and other Vessels, in carrying and conveying Sand, Gravel, Brick, Stone, Lime, Timber, Slates, Earth, and all other building or other Materials or Goods, and all Garden, horticultural, botanical, or other Produce, to and from the said Royal Botanic Gardens, freed and discharged from the Payment of all Tolls, Rates, Lockage, Canal, and other Dues whatsoever. Proprietors of Botanical Garden to use new Cut free of Toll.

CL. And be it enacted, That all the Works hereby directed to be executed for the Use, Protection, and Benefit of the Royal *Belfast* Botanical and Horticultural Society shall be executed at the Expence of the said Company. All Works for Protection of Botanical Garden to be at Company's Expence.

CLI. And be it enacted, That, subject to the Provisions and Restrictions in this Act contained, it shall be lawful for the Company to enter upon, purchase, take, and use such of the Lands delineated and described on the Plan and Sections and in the Books of Reference herein-after mentioned as shall be necessary for the Purpose of the Improvement of the said Navigation. Company empowered to take Lands.

CLII. And whereas Plans and Sections showing the Lines of the said new Cuts, Canals, and Works hereby authorized to be made, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands through which the same are to be carried and made respectively, have been deposited with the Clerks of the Peace of the several Counties through which such Cuts, Canals, and other Works are intended to pass; be it enacted, That all Persons interested may at all seasonable Times inspect such Plans, Sections, and Books of Reference, and may require to be furnished by any such Clerk of the Peace with Extracts therefrom or Copies thereof; and every such Clerk of the Peace shall give Access to such Documents, and, if required, furnish Copies thereof or Extracts therefrom, and certify Deposited Plans and Books of Reference to be open for Inspection.

[Local.]

the same to be true Copies or Extracts, and in respect thereof he shall be entitled to One Shilling for every Inspection of such Document, and One Shilling for every Hour such Inspection shall continue beyond the first Hour, and Sixpence for every One hundred Words copied or extracted therefrom; and if any such Clerk of the Peace shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Errors and Omissions to be corrected.

CLIII. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plans or in the said Books of Reference or in the Schedule (H.) to this Act annexed, be it enacted, That the Correction of any such Matter may be referred by the Company to the Determination of Two Justices; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerks of the Peace of the several Counties, and Copies or Extracts thereof with the Clerks of the several Parishes in which the Lands affected thereby shall be situate; and such Certificate, and such Extracts or Copies respectively, shall be kept by such Clerks of the Peace and Clerks of the Parishes respectively along with the Documents to which they relate; and thereupon such Document shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Company to execute the said Works in accordance with such Certificate.

Copies of Plans to be Evidence.

CLIV. And be it enacted, That true Copies of such Plans and Books of Reference, or of any Correction thereof or Extracts therefrom, certified by any such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Company empowered to deviate from Plan to a certain Extent.

CLV. And be it enacted, That the Company in making the said Works shall have Power to deviate from the Line delineated in the Plans so deposited, provided that no such Deviation shall extend to a greater Distance than One hundred Yards from the Line so delineated upon the said Plans, nor beyond the Limits of Deviation marked thereon; nor shall such Deviation extend into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference; and provided also, that nothing herein contained with respect to such Power of Deviation shall authorize or empower the said Company to encroach on the Bed, Channel, or Strand of the River *Lagan*, or to make or raise any Obstruction in the Navigation thereof, or to diminish

diminish the spread Ground of the tidal Waters flowing up the said River, or to depart in any respect from the Course of the intended Canal as delineated on the deposited Plan, by approaching in the Execution of any Part of the Works contemplated by this Act nearer to the said River than the Course of such Canal as marked on such deposited Plan, without the Consent of the Corporation for preserving and improving the Port and Harbour of *Belfast* first had and obtained in Writing under their Common Seal, or to enter into or take for the Purposes of this Act any Part of the Lands, Plantation, Garden, or Property of the Royal *Belfast* Botanical and Horticultural Society, without the Consent in Writing of the said Society first had and obtained.

CLVI. And be it enacted, That the said Company shall not take or injure any Property of the following Kind, except such as shall be specified in the Schedule (H.) to this Act, without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission in such Schedule be certified according to the Provisions hereinbefore contained to have proceeded from Mistake; (that is to say,) any House or Building erected on or before the Thirtieth Day of *November* One thousand eight hundred and forty-two, or any Ground on or before that Day inclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk or Avenue to a House, nor any Portion of the Lands, Plantations, Quays, Walls, Garden, or Walks of the said Royal *Belfast* Botanical and Horticultural Society, or of the Interest of the said Marquess of *Donegal* in any Property, although such Lands, Plantations, Quays, Walls, Garden, or Walks, and Property, may be specified in the said Schedule.

Houses and inclosed Grounds not to be taken unless specified in the Schedule.

CLVII. And be it enacted, That it shall not be lawful for the said Company to enter upon any Lands or Grounds of or belonging to the *Belfast* Water Commissioners, or to place or lay thereon any Materials necessary for the Purpose of repairing, making, or maintaining any Works authorized by this Act, or for any other Purpose, or to divert, interrupt, or diminish the Waters of or belonging to the said Commissioners, without the Consent in Writing of the said Commissioners.

Company not to enter upon Lands or divert the Waters of the *Belfast* Water Commissioners without Consent.

CLVIII. And be it enacted, That (unless with the Consent of the Person or Corporation herein-after or otherwise empowered to sell the same) the Lands to be purchased and taken for making, completing, and maintaining the said new Cut or Canal hereby authorized to be made, and the Towing Paths, Banks, and Side Drains thereof, and the Ditches and Fences for separating such Towing Paths, Banks, and Side Drains from the adjoining Lands, shall not exceed Thirty Yards in Breadth measured horizontally, except in those Places where any Basin, Sluice, or Weir shall be made, or where the said Canal shall be raised higher or shall be cut more than Three Feet deeper than the present Surface of the Land, and except also in those Places where it shall be judged necessary for Boats to turn or lie in or pass each other, or where any Warehouse or other Building, Crane, or Weighing Machine may be erected, or where any

Breadth of Land to be taken for the Canal.

any Place may be set out or appropriated for the forming of any Dock, Quay, or Wharf, or for the Reception or Delivery of Goods, and shall not (unless with such Consent as aforesaid) in any Place exceed One hundred Yards in Breadth, except where the said Canal shall pass through or over any Common or Waste Land.

Company to make Bridges, &c. where their Works cross any public Road or Way.

CLIX. And be it enacted, That the said Company shall, at their own Expence, and to the Satisfaction and according to the Specification and under the Superintendence of the Surveyor for the County of *Antrim*, jointly with the Engineer of the said Company, make good and sufficient Bridges, retaining, preservation, and other good and sufficient Walls, Embankments, and Fences, over every Cut or Canal to be made by virtue of this Act, in all Places where any such Cut or Canal shall cross any public Road or common Path or Way, and shall make good all and every other Interruption to be occasioned by the Works of the said Company to any such public Road, Path, or Way, and that the Ascent to every Bridge to be made over any such Cut or Canal, for the Purpose of carrying a Turnpike Road over the said Canal, shall not be more than One Foot in Sixty Feet, unless otherwise provided for by this Act, and that the Parapet Wall on each Side of each such Bridge shall not be less than Four Feet above the Surface of such Bridge.

Company not to interfere with Ormeau Bridge.

CLX. And be it enacted, That it shall not be lawful for the said Company and they are hereby prohibited from interfering in any Manner with the *Ormeau Bridge* which crosses the River *Lagan*, or from depositing any Materials thereon, or filling up or raising the Roadway or present Level thereof, as contemplated by the deposited Plans of the said Company.

Regulating Mode of carrying the Ormeau Road over the Canal.

CLXI. And be it enacted, That the contemplated Elevation of the *Ormeau Road* over the said intended Canal shall commence on the County of *Antrim* Side of the Abutment of *Ormeau Bridge*, and that such Elevation shall run gradually from the said Abutment to the Centre of the intended Canal on a Rise of not more than One Foot vertical in Sixty Feet horizontal, and that the Elevation of such Road on the *Belfast* Side of the said intended Canal shall commence at such Point on said Road and run to the Centre of said Canal so as to make the same on a gradual Rise of not more than One Foot vertical in Three hundred Feet horizontal, and that no Departure, either in the Position of the said Canal as limited by the foregoing Elevations, or from the said Elevations, shall take place on the Part of the said Company, without the Consent of the Grand Jury of the County of *Antrim* first had and obtained.

Width of Bridge for carrying the Ormeau Road over the Canal.

CLXII. And be it enacted, That the Bridge or Roadway necessary to be made on the *Ormeau Road* for crossing the said intended Canal under such Road shall be constructed of the full Width of the present Road, from Range-wall to Range-wall, and that the said Roadway shall be retained by good and sufficient Embankments and Walls of Masonry, and that the Breadth thereof shall in no respect be diminished without the Consent of the Grand Jury of the County of *Antrim* first had and obtained.

CLXIII. And be it enacted, That before proceeding to execute such Portion of the Works contemplated by this Act as shall cross or in any way interfere with the *Ormeau Road*, leading from *Belfast* to the County of *Down*, a Plan, Estimate, and Specification shall be made by the Surveyor of the County of *Antrim* for said Work, and the Amount of such Estimate shall be deposited by the said Company in the Northern Banking Company in *Belfast*, in the Names of *George Macartney* and *John M'Neile* Esquires, Trustees named for that Purpose by the Grand Jury of the County of *Antrim*, or such other Trustees as the said Grand Jury shall from Time to Time appoint, to be by the said Trustees expended in the Execution of the said Work, under the joint Superintendence of the Surveyor of the County of *Antrim* and the Engineer of the said Company; and it shall not be lawful for the said Company and they are hereby prohibited from touching or in any Manner interfering with the said Road until such Deposit shall have been made in manner hereinbefore provided, the Balance of such deposited Sum, if any, after defraying the Expences of the Execution of such Work, to be repaid by the said Trustees to the said Company.

Company to deposit in Names of Trustees the Amount of the estimated Expence of Bridge for carrying the Ormeau Road over the Canal before commencing the same.

CLXIV. And be it enacted, That all Works, Superintendence, and Duties directed by this Act to be performed by the Surveyor of the County of *Antrim* shall be performed by him at the Expence of the said Company.

Company to pay Expences of County Surveyor.

CLXV. And be it enacted, That when and so often as any Portion of the Works hereby directed to be made in relation to or connected with County or other Roads shall require to be repaired or maintained, it shall and may be lawful for the Surveyor of the County of *Antrim* from Time to Time, by Notice in Writing under his Hand, to require the said Company forthwith, under the Direction of such Surveyor, to repair and maintain the same, and in case the said Company shall neglect or decline, on such Demand, to make such Repairs, or shall unnecessarily delay the Execution thereof, it shall and may be lawful to and for the said Surveyor to apply in a summary Way to the Justices at Petty Sessions in *Belfast* assembled, who are hereby authorized and required to hear and determine such Complaint, and to issue their Warrant under their Hands and Seals against the Goods and Chattels of the said Company for the Amount of such estimated Sum as may from Time to Time be necessary for making and completing the said Repairs and maintaining the said Works.

In case Company fail to repair Bridge, Justices may issue their Warrant against the Goods of the Company to recover the Amount of estimated Expence.

CLXVI. And whereas Lands belonging to the said Marquess of *Downshire*, situate in the Barony of *Lower Iveagh* in the County of *Down*, are frequently flooded and seriously damaged, owing to the said Navigation, and the Want of proper and sufficient Drains and Culverts, whereby great Injury is done to the said Lands; be it therefore enacted, That the said Company shall and they are hereby required, at their own Cost and Charges, on or before the First Day of *September* One thousand eight hundred and forty-four, to make and construct or cause to be made and constructed, over, under, or by the Side of or into the said Navigation, such a Number of good

Culverts and Drains to be made to drain the Lands of the Marquess of Downshire in the Barony of Lower Iveagh.

and effectual Drains and Culverts, and of sufficient Dimensions, between a Place called *Nogher's Quay* and a Place called *Blairis Bridge* or the *Warren Gate*, in such Situations between those Two Places as shall be pointed out by the said Marquess or his Successors in Title, or his or their Agent, and as shall be sufficient well and effectually to drain the said Lands.

As to the Situation, &c. of such Culverts, &c.

If the Company decline to make them they shall pay to the Marquess 600*l.*, and he shall cause them to be made

CLXVII. And be it enacted, That the Situation, Number, Size, Dimensions, Materials, and Sufficiency of such Drains and Culverts shall be left to the Decision of the said Commissioners of Public Works, in case the said Marquess or his Successors in Title and the said Company shall differ as to the same: Provided always, that in case the said Company shall, within the Space of Six Months from the passing of this Act, give or leave Notice in Writing at the Office of the said Marquess of *Downshire* at *Hillsborough* in the County of *Down*, that they the said Company are unwilling to make such Drains and Culverts, and otherwise drain the said Lands, in manner herein-before mentioned; then and in such Case the said Company shall immediately after such Notice, on Demand thereof, pay to the said Marquess, his Executors, Administrators, or Assigns, the Sum of Six hundred Pounds; and the said Marquess and the Persons claiming in succession after him shall and they are hereby authorized and empowered, at any Time after such Notice as aforesaid, at his and their own Costs and Charges, to make and construct such a Number of Drains, Culverts, and other Works, over, under, by the Side of or into the said Navigation, in the Manner and between the Places herein-before specified, as may be necessary for the Drainage of the said Lands.

Remedy in case the Company neglect to drain the Lands or pay the required Sum.

CLXVIII. Provided always, and be it enacted, That in case the said Company shall, on or before the said First Day of *September* One thousand eight hundred and forty-four, neglect or refuse well and effectually to drain the said Lands of the said Marquess of *Downshire* in manner aforesaid, or shall, in case the said Sum of Six hundred Pounds shall become payable as aforesaid, refuse or neglect to pay the same, on Demand thereof, it shall and may be lawful to and for the said Marquess of *Downshire*, his Executors, Administrators, and Assigns, to apply in a summary Way to the Justices of Petty Sessions in *Hillsborough* assembled, who are hereby authorized and empowered to hear and determine such Complaint, and to issue their Warrants under their Hands and Seals against the Goods and Chattels of the said Company for the said Sum of Six hundred Pounds.

Canal, &c. to be emptied for that Purpose.

CLXIX. Provided always, and be it enacted, That for the Purpose of enabling the said Marquess of *Downshire* and his Successors in Title to make and construct such Drains and Culverts as herein-before mentioned (in the event of the said Company refusing so to do) the said Company shall and they are hereby required, when called on so to do by the said Marquess of *Downshire* or his Successors in Title, to empty the Waters of the said Navigation, and keep the same dry for any Period not exceeding One Month during the Months of *September*, *October*, and *November* in any One Year,

in such Place and Places as shall be necessary for the Purpose of making the said Drains and Culverts respectively: Provided always, that nothing in this Clause contained shall be deemed to limit or restrict the other Rights of the said Marquess of *Downshire* and his Successors in Title, as a Landowner adjoining the said Navigation, in the full Benefit or Enjoyment of all the other Clauses and Provisions herein contained with reference to and for the Benefit of Landowners adjoining the said Navigation.

Reserving all other Rights as a Landowner to the Marquess of *Downshire*.

CLXX. Provided always, and be it enacted, That all such Drains and Culverts as shall be made in manner herein-before authorized for the Drainage of the said Lands of the said Marquess of *Downshire* shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company; and if at any Time after One Calendar Month's Notice in Writing shall be given to the said Company, by or on behalf of the said Marquess of *Downshire* or his Successors in Title, that the said Drains and Culverts or any of them are or is not cleansed, maintained, and repaired according to the Intent and Meaning of this Act, it shall be lawful for the said Marquess of *Downshire* and his Successors in Title to apply for and obtain an Order in Writing from any Two or more Justices of the Peace for the County of *Down*, presiding at such Petty Sessions as aforesaid, from Time to Time as often as there shall be Occasion, and the said Justices are hereby authorized and required to grant such Order as aforesaid enabling the said Marquess of *Downshire* and his Successors in Title to cleanse and repair such Drains and Culverts accordingly, and the reasonable Expences thereof, to be ascertained by the said Justices, shall be defrayed by the said Company, and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of One Calendar Month after Demand thereof made upon the said Company, such Expences shall and may be levied and recovered in such Manner as any other Money is by this Act directed to be recovered from the said Company.

Drain and Culverts to be kept in repair by the Company.

CLXXI. And be it enacted, That it shall be lawful for the Owners of Land adjoining the said Navigation, at their own Expence, to construct such Works, over, under, or across the said *Lagan* River Navigation and Canal, as may be necessary for the due Enjoyment of the Land of the said respective Landowners contiguous thereto; and in the event of any Difference between them and the said Company respecting the Works necessary for the Purposes aforesaid, such Difference shall be settled by the Award of some competent Person to be appointed by the said Commissioners, who shall have Power to award such reasonable Costs to be paid by either Party as to him shall seem meet.

Adjoining Landowners empowered to make and execute Works for their Convenience over or under the Canal.

CLXXII. And be it enacted, That it shall not be lawful for the said Company to make any Alteration whatever in the present Navigation, or the Works connected therewith, which shall have the Effect of obstructing, diminishing, or interfering with the Supply of Water from the River *Lagan* heretofore enjoyed by the Owners or Occupiers of the Mills on or adjoining to the said River *Lagan*: Provided

Not to alter Navigation so as to interfere with the Supply of Water to the Mills on the River *Lagan*.

Reservation
as to Works
at Hogg's
Weir, &c.

Provided always, that nothing herein contained shall operate to prevent the Landowners, Millowners, and others interested in the Waters of the said Navigation and River *Lagan*, and the Lands and Property adjacent thereto, from making such Sluices, Weirs, or other Works at *Hogg's Weir* or elsewhere as the Parties so interested and the said Company may mutually agree upon, or, in the event of Difference between them, as may be settled by the Award of a competent Person to be appointed by the said Commissioners, who shall have Power to award Costs, with Consent, in manner herein-before mentioned.

Lands at
Blairis be-
longing to
the Marquess
of Hertford
to belong to
the Com-
pany.

CLXXIII. And whereas it is desirable and expedient to the Interests of the said Navigation that the said Company should have, hold, and enjoy Land in the Parish of *Blairis* in the County of *Down*, belonging to the said Marquess of *Hertford*, now in the Occupation of *Thomas Carlton* and *Robert Gilbert*, for the Purpose of erecting Locks, Side Ponds, and Basins, with all necessary Works, near to or adjoining the *Union Locks*, and also the Trackway or Road belonging to the Marquess of *Hertford*, but now in the Possession of the said Company, and leading from *Hogg's Lock* to opposite the *Union Locks*, and it has been agreed by and between the said Marquess and the Proprietors of such Debentures or Certificates as aforesaid that the said Company shall have and enjoy so much of the said Land, not exceeding Eight Acres, as shall be necessary for the Purposes aforesaid; be it therefore enacted, That the said Land, and also the said Trackway and Road, as the same has been delineated on a Plan signed by the Agent of the said several Parties, shall be lotted out within Six Months from the passing of this Act, and that such Land and Trackway or Road shall henceforth be considered and treated as belonging to the said Navigation, and to be had and enjoyed therewith in perpetuity, free of all Charge, Let, or Hindrance whatsoever by or on behalf of the said Marquess, his Heirs, Executors, Administrators, or Assigns: Provided nevertheless, that all Sums of Money payable to the Lessees or Occupants of the said Land shall be paid and borne by the said Company in manner herein provided.

Drains to be
made to con-
vey Water
from adjoining
Lands,

CLXXIV. And be it enacted, That the said Company shall, at their own proper Costs and Charges, make or cause to be made Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of or into the said intended new Cut or Canal, and the Towing Paths on the Sides thereof, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to such Canal, and likewise make or cause to be made such back Drains as may be necessary and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of such Canal, to the Prejudice of any of the Lands or Grounds contiguous thereto, and also make in proper Situations Watering Places for Cattle, where by means of such Canal the Cattle of any Person occupying Lands adjacent to such Canal shall be deprived of their ancient Watering Places, and supply the same at all Times with Water; and all such Arches, Tunnels, Culverts, Drains, and other Passages, and Watering Places, shall from Time to Time be supported, maintained, cleansed, scoured,

scoured, and kept in good and sufficient Repair by the said Company; and if at any Time after One Calendar Month's Notice in Writing shall, by or on behalf of any Owner or Occupier of Lands adjoining or lying near to the said Canal, be given to the said Company, that the said Arches, Tunnels, Culverts, Drains, back Drains, or other Passages, or Watering Places, or any of them, are or is not made, cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, it shall be lawful for any Person to apply for and obtain an Order in Writing from any Two or more Justices of the Peace for the County in which the Works in question are situate, from Time to Time as often as there shall be Occasion, and the said Justices are hereby authorized and required, at their Discretion, to grant such Order as aforesaid enabling such Person to make, cleanse, and repair such Arches, Tunnels, Culverts, Drains, back Drains, or other Passages, or Watering Places, accordingly, and the reasonable Expences thereof (to be ascertained by the said Justices) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of One Calendar Month after Demand thereof made upon the said Company, such Expences shall and may be recovered and levied by such Owner or Occupier in such Manner as any other Money is by this Act directed to be recovered from the said Company.

CLXXV. And be it enacted, That the said Company shall, at their own Costs, divide and separate, and keep constantly divided and separated, the Towing Paths on the Side of the said intended new Cut or Canal, or such Part thereof respectively as shall be declared necessary by any Two or more such Justices, from the adjoining Lands or Grounds, by Posts or Rails, Hedges, Ditches, Trenches, Banks, or other Fences, sufficient to keep off Sheep and other Cattle, to be set out and made on the Lands or Grounds hereby vested in the said Company, or which shall be purchased by, conveyed to, or vested in the said Company as aforesaid; and the said Company shall, at their own proper Costs and Charges, from Time to Time maintain and support all such Towing Paths, and the Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences now existing or hereafter to be set up and made for the Purposes aforesaid, and also shall, at their like Costs and Charges, make, erect, and set up such and so many convenient Gates, Bridges, and Stiles in and over all the Hedges and Fences to be by them so made on the Side of such Towing Paths as aforesaid, and also such Bridges, Arches, and Passages over, under, and through the said Canal, and the said Trenches, Streams, and Watercourses, with proper Approaches to such Bridges and Passages respectively, as any Two or more such Justices shall from Time to Time judge necessary and appoint for the Use of the Owners and Occupiers of the Lands and Grounds or Hereditaments adjoining to the said Canal, and also shall, at their like Costs and Charges, from Time to Time maintain, support, and repair all such Gates, Bridges, Stiles, Arches, and Passages hereafter to be made, erected, and set up for the Purposes aforesaid, and shall do and perform all the several Matters aforesaid in such Manner and at

Company to
fence off the
Towing Paths
from the
adjoining
Grounds.

[*Local.*]

37 E

such

such Time as any Two or more such Justices shall from Time to Time appoint.

In case of Neglect the adjoining Owners and Occupiers may do it at the Company's Expence.

CLXXVI. And be it enacted, That in case the said Company or their Agents shall neglect or refuse to divide and separate, and keep divided and separated, the Towing Paths of the said intended new Cut or Canal in manner herein-before directed, or to make, erect, and set up such Gates, Bridges, and Stiles in and over the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, and Passages over, under, or through the said Canal, and the said Trenches, Streams, and Watercourses as aforesaid, or to repair such Gates, Bridges, Stiles, Arches, and Passages, for the Space of One Calendar Month next after the Time to be appointed by the said Justices as aforesaid, and after Notice shall have been given by or on behalf of the Owner of any such Lands or other Hereditaments who shall find himself aggrieved by any such Refusal or Neglect, to the said Company, then and in every such Case it shall be lawful for any Owner or Occupier of the said adjacent Lands or Hereditaments who shall find himself aggrieved as aforesaid to make, erect, and set up or repair, as the Case may be, all such Gates, Bridges, Stiles, Arches, and Passages as shall be necessary, and shall have been before directed or appointed by the said Justices to be made, erected, and set up or repaired by the said Company as aforesaid, so that in making, erecting, and setting up or repairing such Works the said Canal or the Banks thereof shall not be stopped or injured for any longer Space or Time or in any other Manner than shall be necessary for the doing thereof, and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Justices) shall be repaid by the said Company to the Owner or Occupier of the said adjacent Lands or other Hereditaments who shall have so made, erected, and set up or repaired such Works as aforesaid, and in case the same shall not be paid to the said Owner or Occupier by the said Company within Ten Days after Demand, then the same shall and may be recovered from the said Company in the same Manner as any other Money is by this Act directed to be recovered from the said Company.

Adjoining Owners or Occupiers may erect additional Gates, &c.

CLXXVII. Provided always, and be it enacted, That if any Owner or Occupier of any Lands or other Hereditaments by or through which the said intended new Cut or Canal shall be made shall at any Time hereafter choose to make or erect any Arches, Tunnels, Culverts, Drains, back Drains, Passages, Watering Places, Posts, Rails, Hedges, Ditches, Trenches, Banks, Fences, Gates, or Bridges, besides such as the said Justices shall have so directed or appointed to be made by the said Company, then and so often and in any such Case it shall be lawful for any such Owner or Occupier, with the Approbation and Consent of the Committee of the said Company, to make, fix, and erect, at his own proper Costs and Charges, such Arches, Tunnels, Culverts, Drains, back Drains, Passages, Watering Places, Posts, Rails, Hedges, Ditches, Trenches, Banks, Fences, Gates, or Bridges, of the same or the like Construction as others made by the said Company, in, over, or near to the
said

said Canal or the Towing Paths thereof, in such Places as such Owner or Occupier shall judge most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or other Hereditaments, and to repair and support the same, at his own like Costs and Charges, as Occasion shall require, so that the Navigation of, in, or upon the said Canal be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Arches, Tunnels, Culverts, Drains, back Drains, Passages, Watering Places, Posts, Rails, Hedges, Ditches, Trenches, Banks, Fences, Gates, or Bridges had been made or erected by the said Company as aforesaid.

CLXXVIII. And be it enacted, That it shall be lawful for the Lord of any Manor and the Owner of any Lands or Grounds near to or through or by which the said intended new Cut or Canal or any Part thereof shall pass to erect and use any Wharfs, Quays, Landing Places, Cranes, Weighing Machines, or Warehouses in or upon his Waste Lands or Grounds adjoining or near to such Canal or any Part thereof, and to land any Coal, Coke, Ironstone, Lime, Limestone, Minerals, and other Goods upon such Wharfs or Landing Places, or upon the Banks lying between the same and the said Canal or any Part thereof, and also to make and use proper and convenient Places for Boats to lie and turn in and pass each other, but so nevertheless that no such Wharf, Quay, Landing Place, Crane, Weighing Machine, or Warehouse, Lying or Turning Place, shall be made, erected, or set up on the Towing-path Side of the said Canal without the special Licence and Consent of the said Company, and that all Tolls which shall be paid for the Use of such Wharfs, Quays, Landing Places, Cranes, Weighing Machines, and Warehouses respectively shall be and the same are hereby accordingly vested in the Lord of such Manor or the Owner of such Lands or Grounds who shall make and erect the same as aforesaid, and his Representatives: Provided always, that the upright Wall of every Wharf to be made upon the Line of the said Canal shall be set at the least Eight Feet back from the Top-water Level of the said Canal, so that a Boat whilst lying thereat shall be clear of the Passage of other Boats, and not in anywise narrow, impede, or obstruct the Navigation of the said Canal or any Part thereof.

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

CLXXIX. And be it enacted, That it shall be lawful for the said Company, during the Continuance of this Act, to ask and take, with the Consent in Writing of the Commissioners of Public Works in *Ireland*, any Rates, Tolls, and Duties, not exceeding those mentioned and specified in Schedule (G.) to this Act annexed, and for all Vessels frequenting the Basins or Docks now erected and made or hereafter to be erected and made, such additional Sums as to the said Company, with the Consent in Writing of the Commissioners of Public Works in *Ireland*, shall seem meet, save in the Cases herein excepted and reserved.

Company, on passing of the Act, empowered to take Tolls.

CLXXX. Provided always, and be it enacted, That it shall not be lawful for the said Company to reduce, alter, vary, or change all or any of such Tolls, Rates, or Duties without an Order to be made at a General

Alteration of Tolls.

a General or Special Meeting of the said Company, and the Consent and Approbation of the Commissioners of Public Works in *Ireland*, such Consent to be signified in Writing under the Hands of the said Commissioners or any Two of them.

Tolls to be charged equally.

CLXXXI. Provided always, and be it enacted, That the several Tolls authorized to be taken by this Act shall at all Times be charged equally and after the same Rate in respect of the same Description of Vessel and Goods.

One Month's Notice of Alteration to be given.

CLXXXII. Provided always, and be it enacted, That previously to any Alteration of any of the Rates, Tolls, and Duties hereby authorized to be taken being carried into effect One Month's Notice at the least shall be given by Advertisement in some one of the Newspapers circulated within the Town of *Belfast*.

How Tolls to be calculated in respect of fractional Parts of a Ton or Mile.

CLXXXIII. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of all such Rates, Tolls, and Duties respectively; (that is to say,) where there shall be a Fraction of a Ton being less than Half a Ton no Rates, Tolls, or Duties shall be demanded or taken for such Fraction; and where there shall be a Fraction of a Ton exceeding Half a Ton such Fraction shall be deemed a Ton; and where there shall be a Fraction of a Mile being less than Half a Mile no Tolls, Rates, or Duties shall be demanded or taken for such Fraction; and where there shall be a Fraction of a Mile exceeding Half a Mile such Fraction shall be deemed a Mile.

Milestones to be erected.

CLXXXIV. And in order to ascertain Distances with greater Precision and Facility, be it enacted, That the Company shall cause the Length of the said Navigation to be measured, and Posts or other conspicuous Objects to be set up and maintained along the whole Line thereof, at the Distance of Half a Mile from each other, with Numbers or Marks inscribed thereon denoting such Distances.

How Tolls to be taken.

CLXXXV. And be it enacted, That such Rates, Tolls, and Duties respectively shall be paid to such Persons, and at such Places upon or near to the said Navigation, and in such Manner, and under such Regulations, as the said Company shall, by Notice to be annexed to such Account or List of Tolls, and such other Particulars as next herein-after provided, from Time to Time appoint and determine.

List of Tolls to be exhibited on a Board.

CLXXXVI. And be it enacted, That a List of all the Rates, Tolls, and Duties authorized by this Act to be taken and which shall be exacted by the Company shall be published by the same being painted upon One Toll Board or more in distinct Black Letters on a White Ground or White Letters on a Black Ground, and by such Board being exhibited in some conspicuous Place on or near the respective Places where such Rates, Tolls, and Duties shall be payable respectively.

CLXXXVII. And

CLXXXVII. And be it enacted, That no Rate, Toll, or Duty shall be demanded or taken by the Company during any Time at which the Boards herein-before directed to be exhibited shall not be so exhibited, or at which the Milestones herein-before directed to be set up and maintained shall not be so set up and maintained; and if any Person wilfully pull down, deface, or destroy any such Board or Milestone he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Tolls to be taken only whilst Board exhibited.

Penalty for defacing Bonds, &c.

CLXXXVIII. And be it enacted, That if Default be made in the Payment of any Rates, Tolls, or Duties payable under this Act in respect of any Boats, Barges, or Vessels, Passengers, Articles, or Things, it shall be lawful for the Person for the Time being appointed by the Company to collect such Rates, Tolls, or Duties to distrain any such Boats, Barges, or Vessels; and all the Tackle, Apparel, and Furniture belonging thereto, or the Goods, Articles, or Things therein or landed on the Docks, Basins, Quays, and Stores of the Company; or, if the same shall be removed without the Limits of the Navigation and Premises of the Company, to distrain any other Boats, Barges, or Vessels, and the Tackle, Apparel, and Furniture belonging thereto, and any other Goods, Articles, or Things within the Limits of the Navigation or Premises of the Company belonging to the Person liable to pay such Rates, Tolls, or Duties, and to sell any such Distress, and out of the Proceeds of such Sale to pay the Rates, Tolls, or Duties due to the Company; or it shall be lawful for the Company to recover such Rates, Tolls, or Duties by Action in any of the Superior Courts.

Recovery of Rates.

CLXXXIX. And be it enacted, That if any Collector of Tolls, Lock-keeper, Dock-keeper, Storekeeper, or any other Person in the Service or Employment of the said Company, shall be discharged or suspended from his Office, or die, abscond, or absent himself, and if the Person so discharged or suspended, or the Wife, Widow, or any of the Family or Representative of such Person so discharged or suspended, or who shall have died, absconded, or absented himself, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the Company, or to any Person appointed by them for that Purpose, any Toll House, Storehouse, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the Company, in the Possession or Custody of such Person at the Occurrence of any such Event as aforesaid, in right of his Appointment or Situation in the Service of the said Company, then, upon Application being made by the Company to any Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon such Toll House, Storehouse, Dwelling House, Office, or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters as aforesaid, and to deliver the same to the Company, or any Person appointed by them for that Purpose.

Delivery of Matters in Possession and Custody of Toll Collector at Removal.

CXC. And be it enacted, That it shall be lawful for the Company from Time to Time to make such Bye Laws as they shall think fit for all or any of the following Purposes; (that is to say,)

Bye Laws.

[*Local.*]

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For

- For governing or regulating the Use of the said Navigation, and of the Locks, Docks, Basins, Quays, and other Works belonging thereto or hereby authorized to be made :
- For regulating the placing and removing of Vessels entering in, lying in, or going out of the Locks, Basins, or Docks belonging to the said Navigation, and for the good Order and Government of all such Vessels :
- For regulating the Exercise of the several Powers of the Lock-keepers, Dock-keepers, Storekeepers, and other Officers and Servants to be appointed by the Company for the Purposes of superintending the Traffic upon the said Navigation :
- For regulating the Admission of Vessels into the said Navigation, and the Locks, Basins, and Docks belonging thereto, and their Removal out of the same :
- For regulating the shipping, unshipping, landing, warehousing, stowing, depositing, and removing of all Goods, Articles, or Things from, in, or on the Piers, Quays, Wharfs, Docks, or Warehouses of the Company :
- For regulating, with the Consent of the Commissioners of Her Majesty's Customs, the Hours during which the Gates or Entrances to the Docks of the Company and the Premises belonging thereto shall be open :
- For regulating the Duties and Conduct of all Persons, as well the Servants of the Company as others, who shall be employed in the Quays, Docks, and Premises of the Company :
- For regulating the Use of Fires, Candles, and Lamps within the Docks and Warehouses of the Company, and the Premises belonging thereto, and within any Vessel being within the said Docks or within Fifty Yards of any of the Piers, Quays, Warehouses, or Works of the Company :
- For preventing Damage or Injury to any Vessel, Goods, Articles, or Things in or on the Premises belonging to the Company :
- For regulating the Police of the Docks of the said Company, and the Times and Manner in which the Police Officers shall perform their Duties :
- For regulating the Use of the Cranes, Weighing Machines, Weights, and Measures belonging to the Company, and the Duties and Conduct of all Weighers and Meters appointed by them :
- For regulating the Duties and Conduct of the Carriers employed on the Premises of the Company, and fixing the Rates to be paid to them for carrying any Goods, Articles, or Things from or to the same :
- And it shall be lawful for the Company, from Time to Time, as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of *Ireland*, or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Common Seal of the Company, and, if affecting any other Persons than the Officers or Servants of the Company, be printed and published as herein provided.

Penalty for
enforcing
Bye Laws.

CXCI. And be it enacted, That it shall be lawful for the Company, by the Bye Laws so to be made by them, to impose such reasonable Penalties as they shall think fit, not exceeding the Sum of

Five Pounds for each Offence: Provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the Whole or Part only of such Penalty to be paid.

CXCII. And be it enacted, That no Bye Law shall be made by the Company under the Authority of this Act, except such as may relate solely to the Proprietors or Committee of Management of the Company, or their Officers or Servants, shall be valid or binding unless the same shall be allowed by Two of the Judges of the Superior Courts, or by the Justices assembled at some General or Quarter Sessions of the Peace for the County of *Antrim*; and it shall be incumbent on such Justices, on the Request of the Company, to inquire into any Bye Laws which may be tendered to them for that Purpose, and to allow or disallow of the same as they shall think meet: Provided always, that no such Bye Law shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given, in One or more Newspapers circulating within the Town of *Belfast*, One Month at least before the hearing of such Application; and any Person aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Company Ten Days before the hearing of such Application, may, by himself or his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

Bye Laws to be confirmed.

CXCIII. Provided always, and be it enacted, That for One Month at least previous to any such Application a Copy of every such proposed Bye Law shall be kept at the principal Office of the Company, and it shall be lawful for all Persons at all seasonable Times to inspect such Copy without Fee or Reward, and to be furnished by the Company with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words.

Copy of proposed Bye Laws to be open to Inspection.

CXCIV. And be it enacted, That such Bye Laws, when confirmed, shall be printed on Boards, and hung up, affixed, and continued on the Front or some conspicuous Part of the principal Office of the Company, and also in some conspicuous Place in or adjoining to each of the Locks, Basins, Docks, and Warehouses of the Company, according as the same may relate to the said Locks, Basins, Docks, or Warehouses respectively, and such Boards shall be from Time to Time renewed as often as the same or any Part thereof may be obliterated or destroyed.

Publication of Bye Laws.

CXCV. And be it enacted, That such Bye Laws, when so confirmed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Bye Laws to be binding on all Parties.

CXCVI. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Company, authenticated by the Signature of Three Members of the Committee, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same; and with respect to the Proof of the Publication thereof it shall be sufficient that painted Boards containing

Evidence of Bye Laws.

taining a Copy thereof were affixed or continued in the Manner by this Act directed; and in case of any such Boards being afterwards destroyed or obliterated it shall be sufficient to prove that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Boards did not contain a Copy of the Bye Law under which he shall be prosecuted, or that Boards were not affixed or continued to be affixed as required by this Act.

Penalty on pulling down Boards on which Bye Laws are painted.

CXCVII. And be it enacted, That any Person who shall destroy, pull down, injure, or deface any Board on the Premises of the Company on which any Bye Law of the Company, or any Toll or Rate to be taken under this Act, shall be painted, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Owner's Name and Abode to be painted on Boats above Two Tons.

CXCVIII. And be it enacted, That the Owner of every Vessel or Boat above the Burden of Two Tons navigating the said Navigation or any of the Off-branches thereof shall cause his, her, or their Names and Places of Abode, and also the Name of the Person having the Care of such Vessel or Boat, and his Place of Abode, with the Dimensions or Tonnage of such Vessel or Boat, to be painted in large capital Letters on the upper Part of the Quarter on each Side of such Vessel or Boat, and to be kept constantly legible on the same, and shall cause the same several Particulars to be entered in a Book to be kept by the said Company for that Purpose, and shall also cause each such Boat to be numbered, or in default thereof every such Owner shall forfeit the Sum of Forty Shillings, to be recovered by any Person who may sue for the same.

Owner of Boat or Vessel accountable for Damages.

CXCIX. And be it enacted, That the Owner of every such Boat or Vessel navigating the said Navigation or any of the Off-branches thereof shall be answerable for any Damage or Mischief which shall be done by any of the Crew or Persons belonging to any such Boat or Vessel, to any of the Works of the said Navigation, or to any of the Goods laden in such Boat or Vessel.

Owners to recover from Servants.

CC. And be it enacted, That it shall be lawful for any Owner of any such Boat or Vessel who shall pay the Amount of any Damage caused by the Misfeasance or Negligence of any Servant or other Person employed by him to recover the Amount so paid by him from such Servant or other Person by the same Means as the Company are enabled to recover the Amount of Damage from the Owner of any such Boat or Vessel.

Penalty for obstructing other Boats, &c.

CCI. And be it enacted, That if any Person having the Charge or Management of any Boat or other Vessel, or navigating or working the same, shall lay such Boat or Vessel so as to obstruct the Passage of other Boats or Vessels upon or along the said Navigation, or the Approach or Access of other Boats or Vessels to any of the Docks, Basins, or Quays belonging or appertaining thereto, and shall not upon Request immediately remove the same, or shall hinder the opening or shutting of any of the Locks, Sluices, Dams, or other Works of the said Navigation, or if the Person having the Care or Management

Management of such Vessel shall be absent (unless by reason of some inevitable Accident) from the Boat or Vessel to which he belongs, at any Time during the Course of the Passage of such Boat or Vessel on the said Canal, Cut, or River, every Person so offending shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

CCII. And be it enacted, That if any Person shall throw or put any Ballast, Earth, Dust, Ashes, Stones, Dung, Dirt, Rubbish, or Clay, into any Part of the said Navigation, or any Canal, Cut, or Branch, Dock or Basin thereof, or shall, without the Consent of the said Company or of some of their Officers lay any Stones, Dung, Dirt, Rubbish, Brick, Lime, Timber, or Clay on any Trackroad or Bank or Quay belonging to the said Navigation, such Person being thereof convicted before any Justice of the Peace of the County wherein such Offence shall be committed, by the Oath of One Witness at the least, shall forfeit to the said Company the Sum of Forty Shillings for each such Offence; and if any Person shall keep any Raft of Timber or Boards floating on the said Navigation or any Part thereof without the Consent of the said Company, such Person, being convicted thereof before any Justice of the Peace as aforesaid, shall forfeit the Sum of Forty Shillings to the said Company for every such Offence, and also make full Satisfaction to the said Company for any Damage that may be done thereby.

Penalty for
throwing in
Rubbish, &c.

CCIII. And be it enacted, That if any Boat or other Vessel shall happen to be sunk in the said Navigation, or in any Off-branch, Canal, Dock, or Basin appertaining thereto, and the Owner and Person having the Care thereof shall not without Loss of Time weigh or draw up the same out of the Way of other Vessels passing upon the said Navigation, or upon or in such Off-branch, Canal, Dock, or Basin respectively, any Agent or Servant of the said Company may cause such Boat or Vessel to be weighed or drawn up, and detain the same till Payment be made of all Expences occasioned thereby, and if such Payment be not made in Four Days shall cause Sale to be made thereof, for reimbursing the said Expences or incident Charges, and shall return the Overplus, if any there be, to the Owner of such Boat or Vessel.

Boats sunk
to be weighed
by the Com-
pany's
Agents.

CCIV. And be it enacted, That if any Person shall maliciously or carelessly open or cause to be opened any Lock, Sluice, Weir, Dam, Gate, or Watercourse belonging to the said Navigation, or to any of the Off-branches, Docks, or Basins thereof, or shall so leave any of the same open or running after any Boat or Vessel shall have passed any Lock or Water Gate belonging to the said Navigation, or shall otherwise maliciously mis-spend or waste the Water of the said Navigation, every Person for such Offence shall forfeit the Sum of Three Pounds; and if any Person shall wilfully and maliciously break down or damage, or cause to be broken down or damaged, any of the Works already made or which shall be made for the Use of the said Navigation, every such Person so offending, and being thereof convicted upon Information or Indictment, shall forfeit to the Company Treble

Penalties for
maliciously
opening
Locks, &c.

the Sum necessary to be laid out in repairing such Damage, which Sum shall be ascertained by the Jury who shall try such Offence, and the Judge before whom such Offence shall be tried shall commit such Offender to the Common Gaol till he shall pay to the said Company the Sum or Sums so ascertained; and in any Indictment such Offence shall be laid in the County in which the same happened.

Persons sued for Offences under the Act may plead the General Issue.

CCV. And be it enacted by the Authority aforesaid, That if any Suit shall be commenced or prosecuted against any Person or Persons for any Act, Matter, or Thing that shall be done in pursuance of this Act, such Person may plead the General Issue and give the special Matter in Evidence.

Provision for Damages not otherwise provided for.

CCVI. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by Two or more Justices; and when by this Act any Damages or Charges are directed to be paid in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices by whom the Offender shall be convicted of such Offence; and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Distress against the Company or the Treasurer.

CCVII. And with respect to any Sum of Money under the Provisions of this Act adjudged by any Justices to be paid by the Company, for which no other Mode of proceeding is provided by this Act, be it enacted, That if such Money be not paid by the Company to the Party entitled to receive the same within Thirty Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount may be recovered by Distress, and the Justices by whom such Sum of Money shall have been ordered to be paid, or any other Justice, on Application, shall issue his Warrant accordingly, and if sufficient Goods or Effects of the Company cannot be found whereon to levy such Sum of Money, the same may be recovered by Distress of the Goods of the Treasurer of the Company, and the Justice aforesaid, or any other Justice, on Application, shall issue his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence.

Reimbursement of the Treasurer.

CCVIII. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid he may retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Company coming into his Custody or Control, or he may sue for the same against the Company by Process of Law.

CCIX. And

CCIX. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, or any Bye Law of the Company affecting other Persons than the Debenture Holders, Officers, or Servants of the Company, be it enacted, That from Time to Time the Company shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company, and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Publication
of Penalties.

CCX. And be it enacted, That if any Person pull down or break or deface any such Board put up or affixed as required by this Act for the Purpose of publishing any Bye Law or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board; and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Defacing
Boards.

CCXI. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before any One or more Justice or Justices; and on the Complaint being made to any such Justice or Justices he or they shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against or upon the Oath of One credible Witness or more, it shall be lawful for such Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Two or more Justices shall think fit.

Penalties to
be summarily
recovered be-
fore Justices.

CCXII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and

Penalties to
be levied by
Distress.

and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any such Justice or Justices shall issue his or their Warrant of Distress accordingly.

Imprisonment in default of Distress.

CCXIII. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall, by Warrant, cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Penalties to be sued for within Six Months.

CCXIV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before any Justice or Justices unless the Complaint respecting such Offence shall have been made before such Justice or Justices within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

CCXV. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice or Justices touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath, or to give Evidence before such Justice or Justices, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CCXVI. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Company, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall

shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

CCXVII. And be it enacted, That the Justice or Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (H.) to this Act annexed. Form of Conviction.

CCXVIII. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts. Informalities.

CCXIX. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained. Distress how to be levied.

CCXX. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto; nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case. Distress not unlawful for Want of Form.

CCXXI. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice or Justices under the Provisions of this Act he may appeal to the General Quarter Sessions for the County in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon. Parties may appeal to Quarter Sessions on giving Security.

CCXXII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of Court to make such Order as they think reasonable.

[Local.]

37 H

such

such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Costs.

Act to be in force for Thirty-one Years.

CCXXIII. And be it enacted, That this Act shall continue and be in force for the Term of Thirty-one Years from the passing thereof, and that in case the same shall not be further continued then at the Expiration of the said Term the said Company shall convey the Lands and Hereditaments then vested in them to the Commissioners of Public Works in *Ireland*, and for that Purpose only shall continue a Corporation until the End of the Session of Parliament next after the Expiration of the said Term of Thirty-one Years.

Interpretation of Act.

CCXXIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Dublin*:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Clerk" shall include the Word "Secretary":

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure, and shall include Lands covered with Water and the Water:

The Word "Sheriff" shall include Under Sheriff or other legally competent Deputy; and where any Matter in relation to any Lands is required to be done by any Sheriff, or by any Clerk of the Peace, the Expression "the Sheriff" or the Expression "the Clerk of the Peace" shall in such Case be construed to mean the Sheriff or the Clerk of the Peace of the County, City, Liberty, or Place where such Lands shall be situated; and if the Lands in question, being the Property of one and the same Party, be situate not wholly in One County, City, Liberty, or Place, the same Expression shall be construed to mean the Sheriff or Clerk of the Peace of any County, City, Liberty, or Place where any Part of the Lands shall be situate:

The Word "Justice" shall mean Justice of the Peace for the County, City, Liberty, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be

interested in the Matter; and where the Matter shall arise in respect of Lands, being the Property of one and the same Party, situate not wholly in any One County, City, Liberty, or Place, the same shall mean a Justice acting for the County, City, Liberty, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter :

The Word "Toll" shall include any Rate or Charge or other Payment payable under this Act for any Vessel using the said Navigation, or for any Carriage or Animal using any Road or Trackway appertaining thereto :

The Expression "the Company" shall mean the Company incorporated by this Act :

The Word "Burden" shall mean the registered Tonnage of a Vessel.

The Word "Vessel" shall include all Sea-going and River-going Craft, of what Kind, Description, or Nature soever :

CCXXV. And be it enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, and incurred preparatory thereto, and in the Execution thereof, together with Interest on any Monies advanced for that Purpose, shall be paid, discharged, and defrayed out of the first Monies to arise or be raised or received by virtue of this Act. Expences of this Act how to be defrayed.

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

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

LIST of the present HOLDERS of CERTIFICATES or DEBENTURES granted by the LAGAN NAVIGATION COMPANY for Sums of Money expended on the said Navigation, and now due and unpaid, with Arrears of Interest thereon.

Name of Holder.	No of Debenture.	When dated.	For what Sum given.	What Sum due.						Nature of Holder's Interest, and whether in his own or in whose Right.
				Principal.			Interest due on 1st Nov. 1842.			
				New Currency.						
				Old Currency.	£	s.	d.	£	s.	d.
Representatives of the late Philip Courtenay - - - - -	51	1783, June 1	1,000	923	1	6½	375	19	8½	
Representatives of the late W. Tennent - - - - -	52	„ July 1	1,000	923	1	6½	368	9	8½	
Henry Augustus Seymour - - - - -	53	„ Nov. 1	1,000	923	1	6½	368	9	8½	
Representatives of the late Philip Courtenay - - - - -	54	1784, Jan. 1	1,000	923	1	6½	375	19	8½	
Representatives of the late John M'Connell and P. Courtenay } - - - - -	55	„ Ap. 1	1,000	923	1	6½	368	9	8½	
Henry Augustus Seymour - - - - -	56	„ June 1	1,000	923	1	6½	368	9	8½	
Representatives of the late Philip Courtenay - - - - -	57	„ Sept. 1	1,000	923	1	6½	375	19	8½	
Ditto - - - - -	58	„ Oct. 1	1,000	923	1	6½	368	9	8½	
James M'Cleery - - - - -	59	„ Dec. 1	1,000	923	1	6½	368	9	8½	
Representatives of late Philip Courtenay - - - - -	60	1785, Mar. 1	1,000	923	1	6½	375	19	8½	
John Gausen - - - - -	61	„ May 1	1,000	923	1	6½	368	9	8½	
Henry Augustus Seymour - - - - -	62	„ June 1	1,000	923	1	6½	368	9	8½	
Ditto - - - - -	63	„ Sept. 1	1,000	923	1	6½	368	9	8½	
Representatives of late Philip Courtenay - - - - -	64	„ Oct. 1	1,000	923	1	6½	375	19	8½	
Ditto - - - - -	65	„ Nov. 3	1,000	923	1	6½	375	19	8½	
Representatives of late Philip Courtenay and Trustees of R. Bell - - - - -	66	1786, Jan. 9	1,000	923	1	6½	368	9	8½	
George Langtry - - - - -	67	„ Ap. 28	1,000	923	1	6½	368	9	8½	
J. M'Cleery and Representatives of late P. Courtenay - - - - -	68	„ May 1	1,000	923	1	6½	368	9	8½	
Representatives of late Philip Courtenay - - - - -	69	„ Nov. 1	1,000	923	1	6½	375	19	8½	
James M'Cleery - - - - -	70	1787, Jan. 1	1,000	923	1	6½	368	9	8½	
Ellen Templeton and Robert M'Clelland - - - - -	71	„ Mar. 1	1,000	923	1	6½	373	9	8½	
Representatives of late Philip Courtenay - - - - -	72	„ June 30	1,000	923	1	6½	375	19	8½	
James M'Cleery - - - - -	73	„ Nov. 12	1,000	923	1	6½	368	9	8½	
Representatives of late Philip Courtenay - - - - -	74	1788, Feb. 1	1,000	923	1	6½	375	19	8½	
Ditto - - - - -	75	„ May 1	1,000	923	1	6½	369	1	1½	

Name of Holder.	No. of Debenture.	When dated.	For what Sum given.	What Sum due.						Nature of Holder's Interest, and whether in his own or in whose Right.
				Principal,			Interest due on 1st Nov. 1842.			
				New Currency.						
				£	s.	d.	£	s.	d.	
Representatives of late Philip Courtenay. - - - }	76	1788, Oct. 1	1,000	923	1	6½	368	9	8½	
Henry Augustus Seymour - - -	77	„ Dec. 1	1,000	923	1	6½	368	9	8½	
Ditto - - - - -	78	1789, Mar. 1	1,000	923	1	6½	368	9	8½	
James M'Cleery - - - - -	79	„ Ap. 1	1,000	923	1	6½	368	9	8½	
Trustees of Robert Bell - - -	80	„ June 1	1,000	923	1	6½	368	9	8½	
James M'Cleery - - - - -	81	„ Aug. 1	1,000	923	1	6½	368	9	8½	
Ditto - - - - -	82	„ Sept. 1	1,000	923	1	6½	368	9	8½	
Representatives of late Philip Courtenay - - - }	83	„ Oct. 1	1,000	923	1	6½	368	9	8½	
J. M'Cleery and Representatives of late Philip Courtenay - }	84	1790, Mar. 1	1,000	923	1	6½	368	9	8½	
Henry Augustus Seymour - - -	85	„ Ap. 1	1,000	923	1	6½	368	9	8½	
Representatives of P. Courtenay and V. Whitla - - }	86	„ July 1	1,000	923	1	6½	368	9	8½	
James M'Cleery - - - - -	87	„ Sept. 1	1,000	923	1	6½	368	9	8½	
Representatives of P. Courtenay -	88	„ Oct. 1	1,000	923	1	6½	368	9	8½	
H. A. Seymour and John Gausson -	89	„ Dec. 1	1,000	923	1	6½	368	9	8½	
J. M'Cleery and A. M'Laine - -	90	1791, Mar. 1	1,000	923	1	6½	368	9	8½	
Representatives of P. Courtenay -	91	„ June 1	1,000	923	1	6½	368	9	8½	
H. A. Seymour and J. M'Cleery -	92	„ Sept. 1	1,000	923	1	6½	368	9	8½	
Representatives of late Philip Courtenay - - - }	93	„ Oct. 1	1,000	923	1	6½	368	9	8½	
William Bell - - - - -	94	„ Nov. 1	1,000	923	1	6½	368	9	8½	
Wm. Bell and Representatives of the late Elizabeth M'Comb - }	95	„ Dec. 1	1,000	923	1	6½	368	9	8½	
James M. Cleery - - - - -	96	1792, Jan. 1	1,000	923	1	6½	368	9	8½	
Ditto - - - - -	97	„ „	1,000	923	1	6½	368	9	8½	
Representatives of the late Samuel Thompson - - }	98	„ „	1,000	923	1	6½	368	9	8½	
Ditto - - - - -	99	„ Mar. 1	1,000	933	1	6½	368	9	8½	
William Bell - - - - -	100	„ May 1	1,000	923	1	6½	368	9	8½	
Henry Augustus Seymour - - -	101	„ June 1	1,000	923	1	6½	368	9	8½	
Sir Robert Bateson, Bart. - - -	102	„ Aug. 1	1,000	923	1	6½	368	9	8½	
Jonah S. Wells - - - - -	103	„ Sept. 1	1,000	923	1	6½	368	9	8½	
Representatives of the late P. Courtenay - - - }	104	„ Dec. 1	1,000	923	1	6½	368	9	8½	
Ditto - - - - -	105	1793, Jan. 1	1,000	923	1	6½	368	9	8½	
John Stevenson and William Stevenson -	106	„ „	1,000	923	1	6½	368	9	8½	
Representatives of the late Samuel Thompson - - }	107	„ „	1,000	923	1	6½	368	9	8½	
J. M'Cleery jun. and Representatives of the late P. Courtenay }	108	„ „	1,000	923	1	6½	368	9	8½	
Henry Augustus Seymour - - -	109	„ May 1	1,000	923	1	6½	368	9	8½	
Representatives of the late P. Courtenay. - - - }	110	„ July 1	1,000	923	1	6½	368	9	8½	
Ditto - - - - -	111	„ Sept. 1	1,000	923	1	6½	368	9	8½	
Representatives of the late Wm. Tennent - - - - - }	112	„ Dec. 1	1,000	923	1	6½	368	9	8½	

OLD DEBENTURES.

Dean and Chapter of Down -	17	1777, Sept. 25	250	230	15	5	35	12	3
Corporation of Horse Breeders -	18	„ Nov. 1	300	276	18	6	41	10	9

SCHEDULE (B.)

Form of Certificate of Interest in Stock.

“ The Lagan Navigation Company.”

Number original Certificate [or Certificate substituted,
or One of Certificates substituted for Number as the Case
may be].

This is to certify, That *A. B.* of is the sole Pro-
prietor [or otherwise, as the Case may be,] of the Sum of
in the Joint Stock of the Lagan Navigation Company. Given under
the Common Seal of the said Company, the Day of
in the Year of our Lord

SCHEDULE (C.)

Form of Transfer of Interest in Stock.

I of in consideration of the Sum
of paid to me by of
do hereby transfer to the said the Sum of
now belonging to me, and standing in my Name [or “ Part of a larger
Sum standing in my Name,” as the Case may be,] in the Joint Stock
of the Lagan Navigation Company. As witness my Hand and
Seal, the Day of in the Year of our
Lord

SCHEDULE (D.)

Form of Debenture.

“ The Lagan Navigation Company.”

Debenture, Number

By virtue of an Act passed, &c. intituled, &c., we, the Lagan
Navigation Company, in consideration of the Sum of
Pounds paid to us by *A. B.* of and for the Purpose
of securing the Repayment of the same Sum, with Interest after the
Rate of per Centum per Annum, do bind ourselves
unto the said *A. B.*, his Executors, Administrators, and Assigns, in
the penal Sum of and do assign by way of Mortgage
unto the said *A. B.*, his Executors, Administrators, and Assigns, the
said Lagan Navigation, and all the Tolls, Lockages, Quayages,
Dockages, Storages, Duties, and Sums of Money arising by virtue of
the said Act, to hold unto the said *A. B.*, his Executors, Adminis-
trators, and Assigns, until the said Sum of Pounds,
together with Interest for the same at the Rate of for
every One hundred Pounds by the Year, be satisfied [the Principal
Sum to be repaid at the End of Years from the Date
hereof, or otherwise, according as may be specially agreed]. Given
under our Common Seal, this Day of
in the Year of our Lord

SCHEDULE (E.)

Form of Proxy.

A. B. of _____ One of the Proprietors of
 the Lagan Navigation Company, doth hereby appoint *C. D.* of
 _____ in his Absence to vote in his Name upon any
 Matter relating to the Affairs of the Company proposed at the
 Meeting of the Proprietors of the said Company to be held on
 the _____ Day of _____ next, in such Manner as he
 the said *C. D.* shall think proper. In witness whereof the said *A. B.*
 hath hereunto set his Hand [*or, if a Corporation, their Common*
Seal], the _____ Day of _____ One thousand eight
 hundred and _____

SCHEDULE (F.)

Form of Conveyance to the Company.

I *A. B.* of _____ in consideration of the Sum of
 _____ Pounds paid to me [*or, as the Case may be, into the*
 Bank of Ireland, in the Name and with the Privity of the Accountant
 General of the Court of Chancery in Ireland, ex parte "The Lagan
 Navigation Company" (*or to A. B. of _____ and C. D. of _____*
 Trustees appointed to receive the same), pursuant to an
 Act passed, &c. intituled, &c. [*describing this Act*], by the said Lagan
 Navigation Company, do hereby convey to the said Lagan Navigation
 Company all [*describing the Property to be conveyed*], together with
 all Ways, Rights, and Appurtenances thereto belonging, and all such
 Estate, Right, Title, and Interest in and to the same as I am or shall
 become seised or possessed of, or am by the said Act empowered to
 convey, to hold the Premises to the said Lagan Navigation Company
 for ever during the Continuance and Succession of the said Company,
 and in the event of the Dissolution of the said Company, and from
 and after such Event, to the Use of Her Majesty, Her Heirs and
 Successors.

SCHEDULE (G.)

Rates of Tolls.

For every Boat, Barge, or other Vessel having no Cargo on board,
 and navigating the Lagan Navigation or any Part thereof, either
 upwards or downwards, or in which any Goods, Merchandizes, or
 Commodities, or any Matter whatsoever, not exceeding Fifteen
 Tons, shall be carried, any Sum not exceeding One Shilling and
 Three-pence per Mile:

For every Boat, Barge, or other Vessel navigating the Lagan Navi-
 gation or any Part thereof, either upwards or downwards, in which
 any Goods, Merchandizes, or Commodities, or any Matter what-
 soever, exceeding Fifteen Tons, shall be carried, any Sum not
 exceeding the Rate of One Penny per Ton per Mile:

For every Passenger in any such Boat, Barge, or other Vessel, any
 Sum not exceeding One Penny per Mile.

SCHEDULE (H.)

Nos on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
36	Marquis of Donegall - - }	Proprietors of the Botanic Garden }	Proprietors of the Botanic Garden - }	Quay Wall and Planting.
38	Ditto - - -	Miss Jane Gregg -	Francis Glenfield -	Meadow.
39	Ditto - - -	Francis Glenfield -	Ditto - - -	Ditto and Plantation.
41	Ditto - - - {	Alex. M'Donnell, Esq. - - }	Marquis of Donegall, Peter Downey, or Alex. M'Donnell, Esq. - - }	Meadow Ground and Planting.
42	Ditto - - - {	Henry Garrett, Esq. and Heirs of late James Lennon - }	Rev. Dr. Cooke -	Garden and Field.
43	Ditto - - -	Ditto - - -	Hugh C. Clarke -	Ditto ditto.
44	Ditto - - -	Ditto - - - {	Heirs of late James Lennon or Rev. Dr. Cooke - }	Meadow and Grazing.
45	Ditto - - -	Henry Garrett, Esq.	Henry Garrett, Esq. -	Meadow, Pasture, and Ozier Ground.

SCHEDULE (I.)

Form of Conviction.

to wit. }

BE it remembered, That on the _____ Day of _____ in the Year of our Lord _____ A. B. is convicted before me C. D., One of Her Majesty's Justices of the Peace for the County of L., [*here describe the Offence generally, and the Time and Place when and where committed,*] contrary to the Lagan Navigation Act, 1843. Given under my Hand and Seal, the Day and Year first above written,

C. D.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.