



ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. clii.

An Act to appoint Commissioners for the Execution of certain Improvements in the Navigation of the River *Slaney*, and for other Purposes.

[30th June 1852.]

WHEREAS an Act was passed in the Ninth and Tenth Years of Her Majesty, intituled *An Act for improving and altering a Portion of the Harbour of Wexford in the County of Wexford in Ireland, and the Entrance thereof; for improving the Navigation of the River Slaney, and also the Bridge over the same River at or near to the Town of Wexford; and for embanking and reclaiming divers Waste Lands, Mud Banks, or Slobs, in and adjacent to the said Harbour and River, and for other Purposes*: And whereas a Bill is now pending in Parliament to repeal the said Act, and to enable the *Wexford Harbour Improvement Company* to make new Arrangements for a more effective and expeditious Execution of a Portion of the Undertaking authorized by the Act so to be repealed, and for that Purpose to allow them to sever their Undertakings, and to transfer to Commissioners to be appointed under this Act Powers to execute Works for deepening and improving the Navigation of the River *Slaney*; but the same cannot be done without the Aid and Authority of Parliament: And whereas the Queen's most Excellent Majesty in right of Her Crown is or claims to be seised of the Bed and Shores

9 & 10 Vict.
c. 87.

[Local.]

28 T

of

The River Slaney Improvement Act, 1852.

of the said River *Slaney* below High-water Mark at ordinary Spring Tides, and of every Haven, Bay, Creek, and Inlet thereof, and to be entitled to all Lands embanked or reclaimed from the same, except such Part or Parts of the said Bed, Shores, or Lands (if any), as may have been granted by Her Majesty or Her Predecessors to, and which are now by virtue of any such Grant vested in, any other Person or Persons: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. In citing this Act in other Acts of Parliament and in legal Instruments, and in all other Proceedings, it shall be sufficient to use the Expression "The River *Slaney* Improvement Act, 1852."

Appoint-
ment of
River *Slaney*
Commis-
sioners.

9 G. 4. c. 82.

II. There shall be appointed for the Purpose of carrying this Act into execution a Body of Commissioners who shall be called "The River *Slaney* Commissioners," and the Number of the said Commissioners shall be Nine, and within Two Calendar Months from the passing of this Act Five of the said Commissioners shall be appointed by the Commissioners for the Time being of the Town of *Enniscorthy* acting under the Provisions of an Act passed in the Ninth Year of His Majesty *George* the Fourth, intituled *An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in Ireland, in certain Cases*, such Appointment to be made by a Majority of the said Town Commissioners (who are hereby empowered and required to make the same) present at a Meeting convened for that Purpose, and the other Four of the said Commissioners shall be appointed by Writing under the Hand of the Trustees or Trustee of the Estate of the Right Honourable *John Charles* Earl of *Portsmouth*, or by the Lord of the Manor of *Enniscorthy* for the Time being; and the said Commissioners so appointed shall remain in Office until the Second *Monday* in the Month of *January* One thousand eight hundred and fifty-four; and in the said Month of *January* One thousand eight hundred and fifty-four, and on or before the Second *Monday* in that Year, and in every succeeding Year, the said Town Commissioners and the said Trustees or Trustee or Lord of the Manor for the Time being, shall in manner aforesaid respectively appoint Commissioners to carry this Act into execution for the Term of One Year: Provided always, that every Commissioner going out of Office, or ceasing to be a Commissioner (not being disqualified), may be re-elected: Provided also, that if any Commissioner shall die, or resign, or be disqualified, or cease to be a Commissioner, another Commissioner shall be appointed in his Place within Two Calendar Months after the Death, Resignation,

The River Slaney Improvement Act, 1852.

tion, Disqualification, or ceasing to act of any such Commissioner; that is to say, in case such Commissioner shall be or have been one of the Commissioners appointed by the Commissioners for the Time being of the Town of *Enniscorthy* then by such Town Commissioners in such Manner and Form as herein-before mentioned; and in case such Commissioner shall be or have been One of the Commissioners appointed by the Trustees or Trustee of the said *John Charles* Earl of *Portsmouth*, or by the Lord of the Manor of *Enniscorthy* for the Time being, then by such Trustees or Trustee, or such Lord of the Manor as aforesaid, in such Manner and Form as herein-before mentioned: Provided always, that if, after the Death of the said *John Charles* Earl of *Portsmouth*, any Lord of the said Manor shall be Infant, Lunatic, Married Woman, or under any other like Disability, then the Commissioners or Commissioner for the Time being, who, under the Provisions herein contained, ought to be appointed by the Lord of the Manor who shall be under such Disability as aforesaid, shall be appointed by the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Lords Commissioners for the Time being for executing the Office of Lord High Admiral, such Appointment to be signified in Writing under the Hand of the Secretary of the Admiralty for the Time being: Provided always, that if at any future Time it shall be considered expedient by the said Lord High Admiral, or the Lords Commissioners for executing the Office of Lord High Admiral, to appoint any Number of other Commissioners not exceeding Four on the Part of the Admiralty, to act jointly with the Nine Commissioners to be appointed as aforesaid, it shall be lawful for the said Lord High Admiral or Lords Commissioners, and he and they is and are hereby empowered so to do, and from Time to Time to revoke any such Appointment at his or their Pleasure, and to fill up any Vacancies on the Death, Resignation, or ceasing to act of any such Commissioners, every such Appointment to be made by a Certificate in Writing under the Hand of the Secretary of the Admiralty for the Time being, deposited with the Clerk of the Peace for the County of *Wexford*, who is hereby authorized and required to receive the same: Provided also, that until such Certificate shall have been so deposited as aforesaid, the said Lord High Admiral or Lords Commissioners shall be deemed not to have exercised their Power of appointing any of the Four Commissioners under the Power herein-before contained.

III. The following Clauses of the Commissioners Clauses Act, One thousand eight hundred and forty-seven, shall be incorporated with this Act, and the said Clauses shall, so far as the same respectively are not varied hereby or inconsistent herewith, apply to the Powers, Functions, Duties, Acts, and Proceedings of the said River

Slaney

10 & 11 Vict.
c. 16. incorporated with
this Act.

The River Slaney Improvement Act, 1852.

Slaney Commissioners, but not further or otherwise; that is to say, the Clauses

- With respect to the Meetings and other Proceedings of the Commissioners, and their Liabilities;
- And with respect to the Contracts to be entered into, and the Deeds to be executed by the Commissioners;
- And with respect to the Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners;
- And with respect to the Appointment and Accountability of the Officers of the Commissioners, and with respect to the Mortgages to be executed by the Commissioners;
- And with respect to the making of Byelaws;
- And with respect to giving Notices and Orders;
- And with respect to Recovery of Damages and Penalties.

Certain Provisions of 8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 27. incorporated with this Act.

IV. The following Clauses of the Lands Clauses Consolidation Act, 1845, and of the Harbours, Docks, and Piers Clauses Act, 1847, shall be incorporated with this Act, and the said Clauses shall, so far as the same are respectively applicable, and are not varied hereby or inconsistent herewith, apply to the Powers, Functions, Duties, Acts, and Proceedings of the said River *Slaney* Commissioners, but no further or otherwise; that is to say,

- The Clauses of the said "Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands by Agreement;
- The Clauses of the said "Harbours, Docks, and Piers Clauses Act, 1847," with respect to the Construction of Warehouses, Wharfs, and other Conveniences;
- And with respect to the Construction of Works for the Accommodation of the Officers of Customs;
- And with respect to the Protection of the Harbour, Dock, and Pier;
- And with respect to the Police of the Harbour, Dock, and Pier;
- And with respect to the Appointment of Meters and Weighers.

Meetings and Residence of River *Slaney* Commissioners.

V. The Meetings of the River *Slaney* Commissioners shall be held in the Town of *Enniscorthy*, and it shall not be lawful for any Person to act as a River *Slaney* Commissioner who shall not reside within Ten Miles of the said Town.

Power to improve between *Pouldarrig* and *Enniscorthy*.

VI. It shall and may be lawful for the said River *Slaney* Commissioners, and they are hereby expressly authorized, to improve and deepen the said River *Slaney* from *Pouldarrig Point* aforesaid to the said Bridge of *Enniscorthy*, so that the Tide may at all Times flow and ebb freely up to *Enniscorthy* aforesaid, and so as that the Bed of the said River from the said Town of *Wexford* to *Enniscorthy*

The River Slaney Improvement Act, 1852.

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

VII. For the Purposes of this Act, and subject to the Provisions in the said "Lands Clauses Consolidation Act, 1845," contained, it shall be lawful for the said River *Slaney* Commissioners to purchase from any Person willing to sell the same, and to hold Land adjoining or near to the said River, between the Limits aforesaid, for the Purpose of constructing and erecting thereon Quays, Jetties, Towing Paths, Spoil Banks, or other Works for the general Convenience of the Navigation of the said River, and the Trade resorting thereto; provided that such Lands shall not exceed in the whole Ten Acres.

Commis-
sioners may
purchase
Lands by
Consent.

VIII. A Certificate in Writing, signed by the Secretary of the Admiralty for the Time being, deposited with the Clerk of the Peace

[Local.]

28 U

Secretary of
the Admi-
ralty's Re-
port that
for

The River Slaney Improvement Act, 1852.

River has been improved conclusive.

for the County of *Wexford*, shall be the conclusive and only Evidence that the said River has been so deepened, dredged, and improved within the Limits aforesaid by the last-mentioned Commissioners.

Power to charge Toll.

IX. It shall be lawful for the said River *Slaney* Commissioners, and they are hereby authorized from Time to Time to demand and receive for every Vessel which shall pass up the said River or any Part thereof, between *Pouldarrig Point* aforesaid and the said Bridge of *Enniscorthy*, any Toll or Sum not exceeding the Rates following; that is to say,

For every Vessel (exceeding Fifteen Tons) laden with Limestone, Threepence *per* Ton upon each and every Ton which such Vessel shall measure or be authorized by Licence to carry:

For every other Vessel exceeding Fifteen Tons, and not being a Vessel kept or used exclusively for Pleasure, Sixpence *per* Ton upon each and every Ton which such Vessel shall measure or be authorized by Licence to carry, and a proportionate Part of such Sums respectively for a Fraction of a Ton.

Power to reduce Toll and to raise it again.

X. It shall be lawful for the said River *Slaney* Commissioners from Time to Time to reduce the Toll hereby authorized to be taken to such an Extent as they may think proper, and afterwards from Time to Time to advance the same to any Sum or Sums not exceeding the said Sum of Sixpence *per* Ton: Provided always, that previously to any Reduction or Advance of the said Toll being carried into effect, One Month's Notice of the Intention to reduce or advance the same shall be given by the said last-mentioned Commissioners in some Newspaper published in the said County of *Wexford*.

Tolls to be charged equally.

XI. Provided always, That the several Tolls authorized to be taken by the said last-mentioned Commissioners shall at all Times be charged equally and after the same Rate in respect of the same Description of Vessels and Goods.

Slaney Commissioners may borrow Money.

XII. It shall be lawful for the River *Slaney* Commissioners, with the Consent of the Lord High Admiral or of the said Lords Commissioners first obtained in Writing, to borrow on the Security of the Tolls hereby authorized, and for the Purposes of the said Navigation, any Sum of Money not exceeding the Sum of Fourteen thousand Pounds.

Application of Monies.

XIII. The Tolls which shall be received by the River *Slaney* Commissioners shall be applied in the first instance in paying the Interest of any Money borrowed under the Powers of this Act; and in the second place in defraying the Expenses of improving and managing

The River Slaney Improvement Act, 1852.

managing the said Navigation; and thirdly, in maintaining the River and carrying the Purposes of this Act into execution.

XIV. The Tolls and other Monies which shall be levied at the Time when any Money shall be lent to the River *Slaney* Commissioners on the Credit of the said Toll, shall not be reduced without the Consent in Writing of Three Fourth Parts at the least in Value and Amount of the Lenders of such Money: Provided always, that all Lenders shall be considered consenting Parties who shall not dissent in Writing within the Period of One Month next after they respectively shall have been applied to in Writing by the Secretary or Clerk for the Time being of the last-mentioned Commissioners.

Toll charged at Time of Money borrowed not reducible without Consent.

XV. And to the end that the Toll by this Act imposed may be effectually levied, be it enacted, That it shall be lawful for any Person appointed by the River *Slaney* Commissioners to collect any such Toll, and for such Persons as they may authorize, to enter either alone or with Assistants any Vessel which shall pass up the said River or any Part thereof between *Pouldarrig Point* aforesaid and the said Bridge of *Enniscorthy*, and to ascertain the Toll payable in respect of such Vessel.

Power to Collector to enter Vessels.

XVI. If any Master or other Person having Charge of any Vessel in respect of which any Toll shall be payable to the Admiralty Commissioners or to the River *Slaney* Commissioners shall refuse or neglect to pay the same, then it shall be lawful for the Person appointed by the said Commissioners, or either of them, to collect such Toll, and such other Persons as they may authorize, to go on board of such Vessel, and demand such Toll, and on Nonpayment thereof, or any Part thereof, to take and distrain such Vessel, and all the Cargo, Tackle, and Furniture in or upon the same or belonging thereto, or any Part thereof respectively, and to detain such Distress until the Toll shall be paid; and in case any Part of the said Toll shall remain unpaid for the Space of Fourteen Days next after any Distress shall have been so made, then it shall be lawful for the said Collector to sell the Distress, and therewith to satisfy the Toll so unpaid, and all the Expenses of taking and keeping and selling such Distress, rendering the Overplus (if any) to the Master or other Person in charge of such Vessel upon Demand.

Toll recoverable by Distress.

XVII. If any Master or Person having the Charge of any Vessel shall evade the Payment of any Toll payable to the said Admiralty or the said River *Slaney* Commissioners under this Act, he shall pay to them Three Times the Amount of such Toll, and the same shall be recovered from such Master or Person in charge in the same Manner

Penalty for evading Toll.

as

The River Slaney Improvement Act, 1852.

as Penalties imposed by this Act are recoverable under the Provisions in that Behalf contained in the said "Commissioners Clauses Consolidation Act, 1847."

Masters of registered Vessels to produce Certificate of Registry.

XVIII. The Master or Commander of every registered Vessel shall, on Demand, produce the Certificate of the Registry of such Vessel to any Person authorized by the said Admiralty or the said River *Slaney* Commissioners to collect the Toll in respect of such Vessel; and if any such Master or Commander shall refuse or neglect to produce such Certificate to any such Person on Demand, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Exempting Vessels in Her Majesty's Service.

XIX. Every Vessel belonging to or employed in the Service of or seized or detained on behalf of Her Majesty, Her Heirs and Successors, and every Vessel in the Service of the Customs or Excise or Post Office, and all Officers or Persons employed therein respectively, or in the Service or Employ of the Admiralty or Ordnance, shall have free Use of the said River *Slaney* without any Charge or Rate whatsoever being made for the same, and without any Toll or Rate being payable for any Stores belonging to or purchased for Her Majesty's Service, or for any Baggage belonging to such Officers or Persons aforesaid; and nothing in this Act or in the recited Act contained shall confer any Power or Control over any of the said Vessels, their Officers or Crews: Provided always, that if any Person shall claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Ten Pounds.

Tonnage of British registered Vessels to be ascertained by the Register; that of other Vessels Admeasurement according to the 5 & 6 W. 4. c. 56. or 6 & 7 Vict. c. 16.

XX. The Tonnage of every *British* Vessel liable to the Payment of any Tonnage Rate under this Act, and duly registered according to Law, shall be ascertained according to the certified Tonnage in the Register, and the Tonnage of all other Vessels shall be ascertained according to the Rules of Admeasurement established by an Act of Parliament passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Admeasurement of the Tonnage and Burden of the Merchant Shipping of the United Kingdom*, or by an Act passed in the Session of Parliament held in the Sixth and Seventh Years in the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to the Customs*, as the Case may require, or any Law for the Time being regulating such Admeasurement.

Rates of Foreign Vessels to be reduced to

XXI. Provided always, That any Rates, Duties, or Charges chargeable by the said recited Acts upon Vessels not belonging to or the Property of Her Majesty's Subjects, or for the Pilotage or Ballastage

The River Slaney Improvement Act, 1852.

age of such Vessels, shall not be applicable to Vessels belonging to Countries with which Treaties of Reciprocity have been concluded, or may hereafter be concluded, so long as such Treaties shall continue in force, but the same Duties, Rates, or Charges shall be levied upon the Vessels of such Countries during such Periods as aforesaid, and for the Pilotage and Ballastage of such Vessels, as may be from Time to Time payable by the said recited Act upon Vessels belonging to or the Property of *British* Subjects.

the Rates on British Ships, where Reciprocity Treaties shall be entered into with Foreign Countries.

XXII. If any Dispute shall arise concerning the Right or Liability to or the Amount of any Toll due or payable, or alleged to be due or payable by virtue of this Act, or concerning the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Person distraining to detain such Distress, or (if the Case shall so require) the Proceeds of the Sale thereof, until the Question in dispute shall be determined by Two or more Justices of the Peace assembled at Petty Sessions for the District within which the Person from whom the Tolls or Charges shall be claimed shall reside; and upon Application made to such Justices for that Purpose by either Party, after Summons signed by any Justice of the Peace and served on the other of them (the Service of such Summons being proved to the Satisfaction of the said Justices), they shall examine the Matter, upon Oath of the Parties or Witnesses, or either of them, and determine the same, and award such Costs to be paid by either of the Parties to the other of them as the said Justices shall think reasonable, and such Costs, if not paid on Demand, shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Disputes to be settled before a Justice.

XXIII. The River *Slaney* Commissioners shall from Time to Time cause to be painted on Boards, in large and legible Characters, and affixed within their principal Office, and also on some conspicuous Part of the Toll House or Place where the Toll shall be payable, the Rates which shall be from Time to Time payable to the last-mentioned Commissioners under this Act: Provided always, that no Toll shall be payable except during the Time that such Board shall continue so affixed: Provided also, that if any such Board shall be destroyed, injured, or obliterated, the Toll shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such Board, in the same Manner as if such Board had continued affixed and in the State required by this Act.

Board with Statement of Toll to be set up.

XXIV. Provided also, if any Person shall pull down, deface, or damage any Board put up or affixed by the last-mentioned Commissioners under the Provisions of this Act, or shall obliterate or alter

Penalty for pulling down Board.

[*Local.*]

28 X

any

The River Slaney Improvement Act, 1852.

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 Expenses attending the Restoration of such Board, such Expenses to be recoverable as any Penalty by this Act imposed may be recovered.

Appeal to
Quarter Ses-
sions.

XXV. If any Person shall think himself aggrieved by the Determination or Adjudication of any Justice under the Provisions of this Act, he may appeal to the General Quarter Sessions for the said County of *Wexford*, 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, shall be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice shall enter into Recognizances with Two sufficient Sureties before a Justice of the Peace, conditioned duly to prosecute such Appeal and to abide the Order of the Court thereon.

Power to
Quarter Ses-
sions to hear
Appeals.

XXVI. 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 such Appeal the Court may, if they think fit, mitigate any Damages, 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.

Power to
enter into
Contracts
with the
Wexford
Harbour
Commission-
ers, &c.

XXVII. It shall be lawful for the River *Slaney* Commissioners to make and enter into such Contracts or Agreements with the *Wexford* Harbour Commissioners and with each other for carrying into effect all or any of the Purposes and Objects of this Act, or maintaining and keeping in repair and condition the several Works hereby authorized to be constructed, or any of them, as the Parties to such Contract or Agreement shall deem advisable, and subject to such Terms and Conditions as may be mutually agreed upon between them, and which may be not inconsistent or interfere with the Provisions of any other Act of Parliament.

No Works
below High-
water Mark
without
Consent.

XXVIII. Nothing in this Act contained shall extend or be construed to extend to authorize the making, constructing, or erecting of any Work below the Line of High-water Mark at ordinary Spring Tides,

The River Slaney Improvement Act, 1852.

Tides, without the previous Consent of Her Majesty, Her Heirs and Successors, to be signified in Writing under the Hand of One of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and of the said Lord High Admiral, or of the said Lords Commissioners, having been first obtained for that Purpose, such Assent to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and the said Lord High Admiral or the said Lords Commissioners may approve of, such Approval to be signified as last aforesaid; and where any such Work shall have been constructed it shall not be lawful for the River *Slaney* Commissioners at any Time to alter or extend the same without obtaining previously the like Consents and Approvals; and if any such Work shall be commenced or completed contrary to the Provisions hereof, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or the said Lord High Admiral, or the said Lords Commissioners, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Costs and Charges of the said River *Slaney* Commissioners, such Costs and Charges to be recovered in any competent Court.

XXIX. Previously to commencing any Works or Improvements in or affecting the River *Slaney*, the River *Slaney* Commissioners shall deposit at the Admiralty Office, Plans, Sections, and Working Drawings of the said Works, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Works shall be constructed only in accordance with such Approval.

Commissioners to deposit Plans, &c. of Works with Admiralty.

XXX. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the River *Slaney* Commissioners in or affecting any tidal Water, or navigable River, or of the intended Site thereof, the River *Slaney* Commissioners shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the same Commissioners, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the same Commissioners.

Power to Admiralty to order local Survey, &c.

XXXI. If

The River Slaney Improvement Act, 1852.

Works across tidal Waters abandoned may be removed by Admiralty, &c.

XXXI. If any Work to be constructed by the River *Slaney* Commissioners in or across any tidal Water or navigable River, or if any Portion of the Work which affects any such Water or River, or Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition at the Cost and Charge of the River *Slaney* Commissioners, and the Amount thereof shall be a Debt due from the same Commissioners to the Crown, and be recoverable accordingly with Costs of Suit.

Certificate of Secretary of Admiralty conclusive Evidence.

XXXII. Any Certificate under the Hands of the Secretary of the said Lord High Admiral, or the said Lords Commissioners for the Time being, of the Approval or Consent of the said Lord High Admiral or the said Lords Commissioners for the Time being, to or in any Matter or Thing in respect to which such Approval or Consent is hereby required or authorized to be given, shall be to all Intents and Purposes conclusive Evidence of such Approval or Consent.

Period for Completion of Works limited.

XXXIII. In case the Works hereby authorized to be done in improving the said River *Slaney* shall not be completed within Twenty-one Years next after the passing of this Act, or in case such Progress shall not have been made towards the Completion of the said Works within Five Years next after the passing of this Act as shall be satisfactory to the said Lord High Admiral or to the said Lords Commissioners for the Time being, the Power given by this Act, or the said "Commissioners Clauses Consolidation Act, 1847," and the said "Lands Clauses Consolidation Act, 1845," for executing the said Works, or otherwise in relation thereto, shall cease.

Rights of Lord of Manor on Banks of River Slaney not to be prejudiced.

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

Works on Bed and Shores of

XXXV. Notwithstanding anything herein-before contained, the River *Slaney* Commissioners shall not construct any of the Works herein-

The River Slaney Improvement Act, 1852.

herein-before mentioned upon, or otherwise interfere with any Part of the Bed or Shores of the said River *Slaney*, or of any Haven, Bay, Creek, or Inlet thereof belonging to Her Majesty in right of Her Crown, or upon any other Land, Soil, Tenements, or Hereditaments belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods and Forests and Land Revenues, or One of them, first had and obtained for that Purpose, and which such last-mentioned Commissioners or Commissioner are and is hereby empowered to give upon Payment of such Compensation in Money, or upon such other Terms and Conditions as they or he shall think fit.

River not to be executed without the Consent of the Commissioners of Woods, &c.

XXXVI. If in the course or by means of the Execution of any of the said Works, any Part of the Shores or Bed of the said River *Slaney*, or of any Haven, Bay, Creek, or Inlet thereof, belonging to Her Majesty, shall be inned, gained, or reclaimed from the Water, the River *Slaney* Commissioners shall not have or exercise any Right upon the same, or in respect thereof, but such inned, gaining, or Reclamation shall enure absolutely for the Benefit of Her Majesty the Queen, Her Heirs and Successors, and it shall not at any Time afterwards be lawful for the said Commissioners to take, enter upon, or interfere with the Land so inned, gained, or reclaimed, for any Purpose whatsoever, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them.

Any Land reclaimed by the Works not to be taken without Consent of the Commissioners of Woods, &c.

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

Saving Rights of the Crown.

XXXVIII. Nothing in this Act contained shall extend to prejudice or derogate from the Jurisdiction or Authority or any of the Rights or Privileges of the Corporation of the *Trinity House of Deptford Strond*.

Saving the Rights of the Trinity House.

XXXIX. In this Act the Word "Vessel" shall include Ship, Lighter, Steamboat, Barge, and Boat of every Description; the Words "River *Slaney* Commissioners" shall mean the Commissioners for the Time being nominated, appointed, or acting as Commissioners for deepening and improving the Navigation of the River *Slaney* pursuant

Interpretation of Terms.

The River Slaney Improvement Act, 1852.

suant to the Provisions of Clause II. of this Act; and for the Purposes of this Act the Word "Harbour" in the "Harbours, Docks, and Piers Clauses Act, 1847," shall mean that Part of the River *Slaney* which is within the Limits of Clause VI. of this Act.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1852.