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C H A P. XII.

*An Act to encourage the Draining and Improving of the Bogs, and unprofitable Low Grounds; and for easing and dispatching the Inland Carriage, and Conveyance of goods, from one Part to another within this Kingdom.*

8 G. 1. 6.  
23 G. 2. 3.  
23 G. 2. 5.  
25 G. 2. 10.  
29 G. 2. 10.

WHEREAS the great tracts of bogs, and fenny, waste grounds, which incumber the mid-land parts of this kingdom, are not only lost and useless to the owners, unpassable and inaccessible in themselves, but a bar and hindrance to the inland commerce of the habitable remainder, a retreat and harbour for malefactors, and an occasion of a corrupt air, to the prejudice of the health and lives of the inhabitants of the territories adjacent: and whereas by a survey and estimate already made of the several rivers, boggs, and other intermediate tracts, whose names, together with the course, situation, and extent of every of them respectively, are hereafter in this act specified, it is judged and represented, that the same are, and that every of them respectively is, fit and capable to be made navigable and communicable together in manner as hereafter in this act is set forth; and that the making such navigable and communicable passages for boats and other vessels of burthen to pass through and from the said mid-land country into the said principal rivers, and thence to the principal sea-ports of the kingdom; hereafter in this act named, would not only open a cheap and expeditious communication betwixt his Majesty's subjects inhabiting the several parts of his said kingdom, but would also facilitate, and, by the benefit of such master-drains, in a good measure effect the draining, recovering, peopling, and improving the said bogs, and other lost grounds, and thereby recover and enlarge both the land and product of the kingdom, create profitable employments for the poor, and encrease the revenues and publick funds of the nation in proportion to the trade, wealth, numbers, and employments of the people thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in Parliament assembled, and by the authority of the same, That George Frizell esquire, Henry Crofdall esquire, Samuel Eyre esquire, and John Ringrose esquire, their heirs and assigns, and such person or persons, as they, or any three or more of them, shall nominate and appoint under their hands and seals, their deputies, agents, officers, workmen, and servants, shall be and are hereby authorized and empowered at their proper costs and charges to make the river Shannon navigable, portable and

Undertakers  
to make the  
Shannon na-  
vigable from  
Limerick to  
Carrick  
Drumrusk.

passable for boats, barges, lighters, and other vessels of burthen, to navigate and pass therein, and by, and through the same, from the now key, wharf, or common landing place of the city of Limerick to the town of Carrick Drumrusk in the county of Leitrim, through and by the counties of Limerick, Clare, Galway, Tipperary, King's-County, West-meath, Longford, Roscommon, and Leitrim, and from time to time to continue, maintain, exercise, and use such navigation, at his and their will and pleasure; as also by, through, and upon such passages, cuts, sluces, and water-courses, into the said river, as he or they shall think fit, and for those purposes to clear, scower, cleanse, open, enlarge, or straighten the said river, or any other streams, brooks, or water-courses, which already do come or may be hereafter brought into the same, and to dig or cut the banks of the said river, or of any other the streams, brooks, or water-courses aforesaid, and to make any new cuts, trenches, or passages for water, in or through the lands or grounds adjoining, or next unto the said river; streams, brooks, or water-courses, or any of them, as they shall think fit and proper for the navigation and passages of boats and other vessels, or any way necessary for the more convenient, easy, and better carrying on and effecting the said undertaking, being the soil or ground, propriety or other estate or interest, of the King's Majesty, his heirs or successors, or of any other person or persons, bodies politick or corporate, or to remove and take away all trees, stumps, roots, rocks, quarries, gravel-beds, and other bars and impediments whatsoever, which may in any wise obstruct, retard, or impede the current flux and free passage of the waters, or hinder the navigation and passage of boats, lighters, or other vessels, either in sailing, rowing, setting, haling, or towing the same in, through, or upon the said river, brooks, streams, cuts, or water-courses, or any of them; and to build, erect, set up, and make over, or in the said rivers, streams, brooks, cuts, trenches, and water-courses, or upon the lands adjoining, or contiguous to the same, or to any of them, such and so many bridges, sluces, pennis for water-locks, wears, stanks, dams, cranes, wharfs, ware-houses, and other works, as and where they the said undertakers, their heirs, assigns, and nominees, shall think fit, and from time to time to alter, repair, and amend the same, and to make any ways, passages, and other conveniencies, for the carrying and conveying commodities, and other things, to and from the said rivers, streams, brooks, cuts, trenches, and water-courses; and for carrying and conveying all manner of materials for erecting the said works, and for altering, repairing, and amending the same, and to lay down, frame, and work the said materials on the ground, near to the place or places where the

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said works, or any of them shall be or are to be made, erected, or done, and to amend, heighten, or alter any bridges, or turn or alter any high way in or upon the said river, streams, brooks, cuts, trenches, or water-courses, as may any ways hinder such navigation or passage thereon; as also to set out, appoint, and use towing paths and ways for towing, haling, or drawing of boats, barges, lighters, and other vessels passing in and upon the said river, streams, brooks, cuts, trenches, and water-courses, as the said undertakers, their heirs, assigns, and nominees shall think convenient, and to do all other matters and things, which the said undertakers, their heirs, assigns, and nominees shall think necessary for the making and maintaining of the said river, streams, brooks, cuts, trenches, water-courses and passages navigable and passable as aforesaid, or for the improvement or preserving thereof; the said undertakers, their heirs or assigns, first giving satisfaction to the owners or proprietors of such lands, tenements, or hereditaments respectively as shall be digged up, cut, or removed, or otherwise made use of for the carrying on, or effecting, the said navigation, or for maintaining or managing the same, according as is hereafter in and by this act directed and appointed.

First giving satisfaction to the owners of the lands cut, &c.

Members of Parliament and justices of peace for counties adjoining, and their successors, commissioners to determine differences between undertakers and the proprietors, and the proportions of the satisfaction. Any seven may act. Altered 8 G. 1. 6. and other commissioners appointed.

III. And for the better effecting the premises, and due rating the things, for which satisfaction shall be given by the intent of this act, be it enacted by the authority aforesaid, That the present members of Parliament, and justices of the peace (the said undertakers only excepted), for the said several next adjoining counties herein before named, and their successors, to be named and chosen as in and by this act is hereafter directed, shall be, and are hereby constituted and appointed commissioners for settling, determining, and adjusting, in manner hereafter mentioned, all matters, about which any difference may arise between the said undertakers, their heirs, assigns, or nominees, and the proprietors of the said lands, tenements, or hereditaments, and they the said commissioners, or any seven or more of them, are hereby empowered and authorized, and shall have full power and authority, to mediate between the said undertakers, their heirs, assigns, or nominees, and the owners and occupiers of such lands, tenements, and hereditaments, adjoining or near the said river, streams, brooks, cuts, trenches, and water-courses, as shall be intended to be made use of for the carrying on or effecting the undertaking aforesaid, and to settle and determine what satisfaction every such person or persons, bodies politick or corporate, shall have for such proportion of his, her, or their lands, tenements, or hereditaments as shall be cut, digged, removed, or made use of as aforesaid, and for the damage that shall be thereby sustained, and to adjust and settle what share and proportion of such purchase-

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money, or satisfaction, every tenant or other person, having a particular estate, term, or interest in any of the premises, shall have or receive for his, her, or their respective interest; and if it shall happen, that any person or persons, bodies politick or corporate, shall decline such mediation, or refuse to deal or agree with the said undertakers, their heirs, assigns, or nominees, or through any disability by nonage, coverture, settlement, intail, or other impediment, cannot contract for the same, that then and in every such case the said commissioners, or any seven or more of them, are hereby authorized and empowered from time to time, to issue out their warrant or warrants under their hands and seals to the sheriff for the time being of the respective county, wherein such lands, tenements, and hereditaments, adjoining or near the said river, streams, brooks, or water-courses shall be so intended to be made use of for the carrying on and effecting the undertaking aforesaid, for the summoning, impanelling and returning, and the said sheriff is hereby required accordingly to summon, impanel, and return, a jury of able and sufficient men, qualified according to the laws and statutes of this realm to be returned for tryals of issues joined in his Majesty's courts at Dublin, to appear before the said commissioners, or any seven or more of them, at such time and place as by such warrant and warrants shall be appointed; and also to return in issues upon every person so impanelled, and returned, the sum of forty shillings, which shall be duly estreated and levied; and for default of sufficient number of jury-men appearing, such sheriff or his deputy shall return other honest and indifferent men of the standers by, or that can be speedily procured to attend that service, to make up the said jury to the number of twelve; and all parties concerned shall and may have their lawful challenges against any of the said jury-men; and the said commissioners, or any seven or more of them, are hereby empowered to order and authorize the said jury to view the place or places, or matters in question, as they the said commissioners, or any seven or more of them shall think fit; which jury upon their oaths, to be administered by the said commissioners, (which oath, as also oaths to such person or persons as shall be called upon to give evidence before them, the said commissioners, or any seven or more of them, are hereby empowered to administer) shall enquire and assess such damages, and recompence, as they shall think fit, to be awarded to the owners and occupiers of any such lands, tenements, or hereditaments, or any part thereof as shall be used for, or damaged by, making the said river, streams, or cuts, navigable, for their respective estates and interests therein, by reason of their cutting, digging, removing, or otherwise using any of his, her, or their lands, tenements,

On refusal or disability to agree their oaths by warrant from commissioners to return juries to view and on oath assess damage and recompence. 3 G. 2. 3.

Tales.

Challenges to the jury.

Commissioners to administer oaths.

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21 days notice of meeting to be given.

Such judgments, &c. conclusive.

and kept among records of sessions.

On payment or tender of sum assessed, undertakers to proceed.

before, be lawful to and for the said undertakers, their heirs, assignees, or nominees, their agents, work-men, and servants, to remove, dig, cut, or use so much of the said lands, tenements, and hereditaments, for which such satisfaction shall be assessed or decreed as aforesaid, and thereon to make, erect, or to do any works, matters; or things for the effecting and carrying on the said navigation, and for the supporting and maintaining the same, as the said undertakers, their heirs, assigns, or nominees, shall think requisite, and to have, use and enjoy the same, to and for their own proper use and benefit; and this act shall be sufficient to indemnify as well the said commissioners, as the said undertakers, their heirs, assigns, and nominees, and all persons employed or authorized by them, against the owners or occupiers aforesaid, their heirs, executors, administrators or assigns, to all intents and purposes whatsoever.

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III. Provided always, That no commissioner or commissioners shall sit or act in any cause, where he or they are any ways particularly interested or concerned.

No commissioner to act where concerned.

IV. And be it further enacted by the authority aforesaid, That for supplying the number of the said commissioners in any case of death, or any of their refusal to act, the surviving or other commissioners, or any seven or more of them, shall from time to time by instrument in writing under their respective hands and seals nominate and appoint some other person or persons within the respective county or counties, wherein such vacancy shall happen, having an estate in land to the value of fifty pounds *per annum*, in the place of him or them so dying or refusing; which said new commissioner or commissioners, so nominated and appointed, shall from thenceforth have like power and authority in all things relating to the matters aforesaid, as if he or they had been expressly named in this act; and every such instrument and nomination of new commissioners shall from time to time be recorded by the clerk of the peace for the county, wherein such instrument shall be so made.

On death of commissioner, or refusal to act, the rest (or any 7) may appoint another having 50l. per annum in land. Altered 3 G. 2. 3.

V. And be it further enacted by the authority aforesaid, That for and in consideration of the great charges and expences the said undertakers, their heirs, assigns, or nominees, shall be at, not only in making the said rivers, cuts, streams, and passages navigable as aforesaid, but also in repairing and keeping up the works, locks, and other premises, so to be made and erected as aforesaid, and making them fit and useful for the said navigation, it shall and may be lawful to and for the said undertakers, their heirs, assigns, and nominees, and no others, from time to time and at all times hereafter, to ask, demand, receive, recover, and take to and for their own proper use and behoof in respect of their charges and

Undertakers may take to their own use, in respect of their charge, for toll 2d. every 100lb. weight conveyed, every 10 miles, and 3d. every passenger. Altered 3 G. 2. 3. & 29 G. 2. 10.

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Expences aforesaid, for every hundred weight of all and every such goods, wares, and merchandizes or commodities, as shall be boated, carried or conveyed, up or down the said river Shannon, or other the cuts, streams, or courses aforesaid, between the said city of Limerick, and the town of Carrick-Drumrusk aforesaid, any tolls, rates, or duties, not exceeding two pence for every ten miles in length of such navigable river: and also for every passenger navigating or passing therein any toll, rates, or duties not exceeding three pence for every such ten miles as aforesaid, and in like proportion for any other greater or lesser number of miles thereof; which miles shall be numbered and charged from the key, wharf, or other bank or place where such goods or merchandizes, wares, commodities, or passengers shall be loaden or taken on board such boat or other vessel to the key, wharf, or other bank or place, where the same shall be again unloaden or put on shore, at the length and rate of common Irish miles: (that is to say) at one English mile and an half or twelve furlongs at least to each mile; and shall for the avoiding of controversies or disputes in the levying or paying the said toll, rates or duties, and by direction and approbation of the said commissioners, or any seven or more of them, be set out and marked at the end of every such ten miles, beginning at and from the said key of Limerick upwards, with piers, collums, or breaches of timber, stone, bricks, or other conspicuous and distinguishable marks, to be erected and placed in or cross upon any or either bank of the said river, streams, cuts, trenches, and water-courses at the end of every such ten miles as aforesaid.

12 furlongs a mile.

A mark at every 10 miles.

Undertakers may sue for said toll, or distrain the said goods, and sell if not redeemed in 16 days.

VI. And be it further enacted by the authority aforesaid, That in case of refusal, neglect or denial, of payment on demand of the said several rates and prices beforementioned; the said undertakers, their heirs, assigns or nominees, shall or may sue for the same by action of debt, or upon the case, in any court of record; or detain, with-hold; or make stay, by way of distress of any goods, or any vessels carrying any such goods, commodities, or passengers, for which the said rates and prices ought to be paid: and if such distress shall not be redeemed, by paying the said rates and prices according to this act, together with the reasonable and necessary charges for such distraining, within sixteen days after taking thereof, the person or persons distraining may with the constable or other officer of the place, where such distress shall be taken, (who is hereby required to be aiding and assisting therein) cause the said vessel or goods so distrained, or any part thereof, to be appraised by two sworn appraisers, to be appointed by such constable or other officer, whom such constable or other officer is hereby empowered to swear to appraise the same truly and indifferently

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ferently according to the best of their judgment; and after such appraisement shall and may lawfully sell the same, or any part thereof, for satisfaction of such rate or duty, and of the charges of such distress, appraisement, and sale; leaving the overplus, if any be, in the hands of such constable or other officer for the owners use; in which case no replevin shall lye, or be granted, or executed against such distress, but the whole and absolute property thereof after such sale shall be and remain in the vendee.

against which no replevin lies.

VII. And be it further enacted by the authority aforesaid, That the said commissioners, or any seven or more of them, together with the said undertakers, their heirs assigns, or nominees, by any instrument or instruments in writing under their hands and seals shall from time to time, and at all times hereafter, make, publish, alter, repeal or amend such orders, by-laws, and regulations, for the better management of the navigation aforesaid, with penalties for the breach thereof, as they shall think reasonable; and shall and may issue out their warrants for all and every sum and sums of money, that shall be so assessed, for such breaches or other damages touching and concerning the premises, to be levied in such manner, as for touching and concerning the rates and taxes, by this act appointed to be paid, is herein already directed and declared.

Commissioners and undertakers may make and alter by-laws for regulating said navigation, with penalties for breach. 29 G. 2. 10.

VIII. And be it further enacted by the authority aforesaid, That in case any dispute or difference shall arise betwixt such undertakers, their heirs, assigns, or nominees, and the owner or master of such boat, or other vessel, or of such goods, wares, merchandizes and other things, which by this act shall be liable to the payment of any of the duties or sums of money aforesaid concerning the weight or quantity, of the same, or if such master or owner shall refuse to, make oath thereof, (which oath such undertakers, or any of them, are and is hereby empowered to administer) it shall then and in such case be lawful to and for such undertakers, or any of them, or their heirs, assigns, and nominees, to weigh or cause to be weighed all such goods, wares, merchandizes and things, and the said master or owner of such boats, goods, or other things, so liable to the payment of such duty as aforesaid, shall bear and pay the costs and charges of such weighing thereof; and in case of refusal or neglect so to pay the same, such undertakers, their heirs, assigns and nominees, shall and may have the like remedy for recovery thereof, as by force of this act he or they shall or may have for recovery of the said duties, or of any sum or sums of money payable for or on account thereof, as aforesaid.

Undertakers may administer oath as to the weight;

and on refusal may weigh the goods, at charge of owner, &c.

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A. D. 1715. Chap. 12. Boatmen may let up engines on the banks to draw up vessels.

IX. And whereas it will be necessary in some places to hale and tow up barges, boats, lighters, and other vessels by the strength of men, horses, engines, and other means: be it further enacted by the authority aforesaid, That it shall and may be lawful to and for water-men, boat-men, and barge-men, passing and navigating upon the said river, streams, cuts, or water-courses, and their helpers and assistants, to set up and make use of winches, capstans, and other engines in convenient places, and the same to use by strength of men, horses, or other draught, going upon the banks or land near the said river, streams, cuts, or water-courses, in convenient manner, without the hindrance, trouble, or interruption of any person or persons, and to draw or hale up any barges, boats, lighters, or other vessels thereby.

Boat-owners responsible for damage by the men.

X. And for preventing of damages or mischiefs that may be done or committed by any rude or disorderly persons rowing, navigating, or managing boats, barges or other vessels, in or upon the said river, streams, cuts, or water-courses; and to the end that the masters and owners thereof may be more careful therein, be it enacted by the authority aforesaid, That the master and owner of any barge, boat, or vessel, they, or either of them, shall be and are hereby made accountable and responsible for any damage or mischief, that shall be done by his men to any of the bridges, weyres, or locks, dams, and engines, in, upon, or near the said river, streams, cuts, or water-courses, or for any trespass or damage, which shall be done to the owners or possessors, of any lands or tenements adjoining to the same, or any of them; and the said master or owner of such boat or vessel shall and may be sued and prosecuted for the same in any court of record, and, if found guilty, or a verdict passed against him, or judgment be given against him, the plaintiff in any such case shall not only recover the damages, which he shall have thereby sustained, but also full costs, with the like remedy for the same as when costs by law are awarded.

with full costs.

The river Shannon, &c. not subject to commission of sewers.

XI. And be it further enacted by the authority aforesaid, That the said river Shannon between the said key of Limerick and the town of Carrick-Drumrusk aforesaid, or any of the matters or things which shall be made, erected, or used for making and keeping the said river, and the streams, brooks, cuts, and water-courses aforesaid navigable, portable, and passable as aforesaid, shall not be under the surveys or orders of any commission of sewers granted or erected, or to be granted or erected in this kingdom, nor subject thereto, nor to any law or statute made, or to be made, for sewers, unless they are particularly named; any law or statute to the contrary notwithstanding.

unless particularly named.

XII. And

XII. And be it further enacted by the authority aforesaid, That if the said undertakers, their heirs, assigns, or nominees, shall in pursuance of the powers in this act by any means raise the water in the said river above its antient or usual height, where by the adjacent lands may be more liable to be overflowed or damaged, than they have formerly been, that then they the said undertakers, their heirs, assigns, and nominees, at their own proper costs and charges shall cause all the banks of the said river to be proportionably raised and heightened in all places, where need shall require, so that the new banks shall be able and sufficient to contain the waters at such their raised heights; and also shall from time to time maintain and repair the said banks, as often as occasion shall require; and shall also make and maintain in such new banks such and so many sluices and outlets for drawing water out of the adjacent meadows and grounds, as the said commissioners, or any seven or more of them, at any meeting upon such notice as aforesaid shall direct and appoint; or if the said undertakers, their heirs, assigns, or nominees, in pursuance of the powers aforesaid shall make any new cuts or trenches, by reason whereof any person or persons shall not have convenient ingress or egress into, or out of, their respective grounds, or other hereditaments, or any part thereof, as occasion shall require, that then and in such case the said undertakers, their heirs, assigns, and nominees, at their own proper costs and charges, shall erect and build such sufficient bridge or bridges over every such new cuts, as by the said commissioners, or any seven or more of them, shall be directed.

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Undertakers to raise and maintain banks to hinder overflowing, where necessary;

and make bridges over new cuts.

XIII. And be it further enacted by the authority aforesaid, That it shall be lawful for any owners and occupiers of any lands, adjoining to the said intended navigable passages, to use any pleasure boats upon the said river, without any interruption from the said undertakers, their heirs, assigns, or nominees, and without paying any rate or duty for the same; no such goods, merchandizes, passengers, or other things being carried therein, as are hereby made liable to the said duties.

Pleasure boats may be used without toll.

XIV. And be it further enacted and declared by the authority aforesaid, That the said river Shannon is, and for ever hereafter shall be, esteemed and taken to be navigable from the said key or wharf of Limerick aforesaid, to the said town of Carrick-Drumrusk; and that all the King's liege people whatsoever may have, and lawfully enjoy, their free passage, in, along, through, and upon the said river Shannon, with boats, barges, lighters, and other vessels; and also all necessary and convenient liberties for navigating the same, without any let, hindrance, or obstruction whatsoever, paying such rates and duties as are by this

Said river deemed navigable, and a free passage on paying said rates.

A. D. 1715. Chap. 12. Act appointed to be paid to the said undertakers, their heirs, assigns or nominees, for the conveniency and assistance of the navigation thereof from the said wharf or key of Limerick up to the said town of Carrick-Drumrusk, or down the said river from the said town of Carrick-Drumrusk to the said wharf or key of Limerick aforesaid; and in any other shorter or lesser extent thereof.

General issue may be pleaded on executing this act, and defendant may recover full costs.

XV. And be it further enacted by the authority aforesaid, That if any action, suit, or information, shall be commenced or prosecuted against any person or persons for any thing, that he or they shall do, or cause to be done in pursuance of this act, or for executing any of the powers and authorities, or any of the orders and directions herein mentioned, all and every person and persons, so sued and prosecuted in any court whatsoever, shall and may plead the general issue, and give this act and the special matter in evidence; and if in any such suit the plaintiff or prosecutor shall become nonsuit, or forbear prosecution, or discontinue his suit, or if a verdict shall pass against him, or judgment be given against him upon a demurrer, then in any of the said cases the defendant or defendants shall recover full costs; for which he or they shall have the like remedy, as where damages or costs by law are awarded; and this act shall be taken and allowed in all courts within this kingdom as a publick act; and all judges and justices are hereby required to take notice thereof as such, without special pleading the same; saving always, reserving to the lords, owners, or proprietors of all royalties or liberties of fishing or fowling in or upon the said river, streams, or water-courses, their respective rights and priviledges of fishing and fowling in and upon the same; any thing herein contained to the contrary notwithstanding.

This a publick act.

Saving royalties or liberties of fishing or fowling.

If damages sustained, commissioners to ascertain the same by jury, and give judgment and costs.

XVI. And be it further enacted by the authority aforesaid, That if any person or persons, at any time after the said river is made navigable, shall happen to sustain any damage or injury in his or their meadow-grounds, lands, tenements, hereditaments, mills, weyers, or water-engines, otherwise than is provided for by this act, by the said undertakers, their heirs, assigns, or nominees, raising the water too high, or not sufficiently making up, or repairing the banks of the said river, or cleansing the same, or by their taking away, washing, or diverting water from the said mills or water-engines; in such case the said commissioners, or any seven or more of them, shall enquire of and ascertain such damages by jury, and give judgment for the same, with costs to the parties grieved, in the very same manner and form, as the recompence and damage are herein before appointed to be assessed for any lands, tenements, or hereditaments, that shall be any ways made

made use of, cut, or damnified in making the said river navigable; and on default of payment thereof by a certain day, to be appointed by the said commissioners, they the said commissioners, or any seven or more of them, shall and may sequester and assign over all and every the rates and duties, herein before appointed to be paid for the carriage of any goods upon the said river, unto, and for the use of the party or parties, for whom such damages are assessed, until he or they shall be thereby fully paid and satisfied all such damages and costs as aforesaid, in order and course successively, as such judgment for the same shall be in priority of time, and shall be taken, had, and recovered, by the person or persons so appointed to receive the same, in such manner, and by and with the like powers, priviledges, and authorities, as the said rates and duties are herein before appointed to be recovered by the said undertakers, their heirs, assigns or nominees.

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XVII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to empower the said commissioners, undertakers, or other person or persons whatsoever, to pull down or abate, or otherwise injure the salmon weyre or salmon fishery of Limerick aforesaid, commonly called The Salmon Weyre of Parteen, or The great Lax Weyre; nor to make any cut or channel, or set up any lock, sluice, flood-gate or device in the channel or banks thereof; nor to alter or remove the current, or to make any other new channel, or cut in or through the banks on either side of the said weyre, or in or through the lands thereto adjoining; nor to do any other act or thing which may prejudice, annoy, or in any wise impair or damnify the said weyre, or the fishery thereof, until such time as the owners or occupiers thereof by articles, or other proper instrument or instruments under their hands and seals, to be recorded in the office of the clerk of the peace for the said county of Limerick, shall have freely consented and agreed to the making and perfecting such navigation in, through, or by the said weyre, or the lands thereto adjacent, and not otherwise; any thing in this act to the contrary contained in any wise notwithstanding.

Not to injure the salmon weir at Limerick, &c.

XVIII. And to the end that the like provision may be made for the several other rivers, boggs, and intermediate tracts in this act hereafter named, and that the same may be likewise opened, cleansed, and made navigable, as well for the present discharging and carrying off the waters from the said several tracts of boggs, and other lost and useless grounds, whereby to facilitate the further reclaiming and improving them hereafter, as also for the navigation and passing of boats, and other vessels of bur-

A. D. 1715. Chap. 12. then therein, in order to the easing and dispatching the carriage and conveyance of goods, and thereby creating and maintaining an inland communication and commerce betwixt the several counties and territories thereto adjacent; be it further enacted by the authority aforesaid, That the several and respective lists of commissioners hereafter in this act severally inserted, and their successors, shall be and are hereby constituted and appointed commissioners to inspect, direct, and superintend; and also to settle, determine, and judge, all matters and differences touching the opening, cleaning, making, and keeping navigable the several and respective rivers, bogs, flows, and other intermediate tracts, to which they are herein respectively annexed or subjoined; for which purpose it is hereby declared and enacted, That the said commissioners in the said respective lists hereafter in this act inserted, and their successors, to be named and chosen in like manner as the successors of the commissioners for the said river Shannon are herein already appointed to be named and chosen, and every of them, shall from time to time, and at all times hereafter, have, use, exercise, and enjoy, such and the like powers, privileges, liberties, and authorities, in all things, and to all intents constructions, and purposes whatsoever, and shall do, execute, and perform all and every such acts, matters, and things, for and towards the promoting, finishing, regulating, and preserving the several navigations and other improvements, with respect to the several rivers and tracts, for which they and every of them are respectively herein appointed to be commissioners, and to which they are by their said several lists hereafter in this act respectively for that purpose subjoined or annexed as aforesaid, and not further nor otherwise, as or which they the said other commissioners herein already appointed for the said river Shannon, their successors, or any of them, by virtue of this act shall, may, or ought to have, use, exercise, or enjoy, with respect to the navigation of the said river Shannon, and to the inspection, conservation, and government thereof.

And to appoint undertakers, grant the toll, &c.

XIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners hereinafter appointed, and their successors, for regulating and preserving the respective navigation of the said other rivers and tracts, of the major part of any of the said respective lists of them, at their first general meeting or meetings, or at any time or times hereafter, by any instrument or instruments in writing under their hands and seals to empower, authorize, and constitute such person or persons to be undertaker or undertakers for carrying on, and completing, at the proper costs and charges

of such undertaker or undertakers, such respective navigations of and in the said respective rivers and other tracts, for which they are or shall be commissioners, as to such commissioners, or to such major part of them, shall seem fit; and thereupon to grant, assure, convey, and confirm to such undertaker or undertakers, and to his and their heirs, assigns, and nominees, in consideration and satisfaction for the charges and expence which they shall be at in the making, carrying on, and perfecting such respective navigation or navigations, and in supporting, repairing, and conserving the same, when so perfected, all and every the toll, rates, duties, prizes, profits, benefits, and advantages, which by virtue of this act shall or may accrue or arise by the said navigation or navigations.

XX. And it is hereby enacted, That such undertaker and undertakers so named and appointed, their heirs, assigns, and nominees, shall accordingly have, hold, possess, and enjoy all such toll, rates, duties, prizes, perquisites, benefits, and advantages, to him or them so granted and conveyed by the said commissioners, together with all and every other estate, right, and interest of and to such respective navigation or navigations, and every part thereof, to the sole and proper use, behoof, and benefit of such respective undertaker or undertakers, his and their respective heirs, assigns, and nominees for ever, in as large, ample, and beneficial manner, and with such and the like remedy for recovery thereof; but with the like saving and indemnity to all and every the rights, royalties, and privileges; and also subject to the like payment of recompence and satisfaction for all and every the lands, tenements, and hereditaments, mills, weyres, fisheries, and other estate or interest whatsoever, of all and every person and persons, body and bodies politick and corporate, which shall or may be removed or abated, or in any wise injured, prejudiced, or damaged thereby; and in all points subject to the like inspection, regulations, orders, decrees, and directions of the said commissioners, and to the like limitation in the levying of the said toll and duties, with the like respect and proportion to the burthens and voyages of vessels trading within such respective navigations, and every of them, as they the said other undertakers, herein already named for the river Shannon aforesaid, their heirs, assigns, and nominees, are in and by this act empowered and intituled to carry on, and perfect, support, and preserve the navigation of the said river Shannon; and to have, hold, possess, and enjoy the toll, rates, duties, benefits, profits, and other right, title, estate, and interest, with all powers, authorities, and other benefits and advantages thereunto annexed, as the

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Such undertakers to enjoy the same, with like benefit, &c. as before.

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mitted, and not otherwise.

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XXI. And for the more orderly carrying on and affecting, preserving, and regulating the said several services, by appointing such commissioners to inspect into and govern the same, as by the vicinity of their respective abodes to the respective rivers, bogs, and other tracts, so committed to their care, and also by their respective interest, authority, and reputation in the several counties thereto adjoining, may be fittest and ablest to inspect into, and to direct and regulate the same; be it further enacted by the authority aforesaid, That the order and disposition of the several lists of the said commissioners for the said several rivers hereafter named, and for the respective navigable and communicable drains, cuts, and passages to the said several rivers respectively appropriated and belonging, and for inspecting into, and directing and governing the respective navigations therein, and the orderly carrying on, and effecting, exercising and preserving the same, shall be as follows: (that is to say) for part of the river Liffy, the Rye, part of the Boyne, the Mungagh and Brofny, and for the navigable and communicable drains, cuts, canals, and passages betwixt them, bearing west south-west from the city of Dublin, to fall into the Shannon at Bannagher, by and through the counties of Dublin, Meath, West-meath, Kildare, and King's-county, and for the ordering, directing, and governing the navigation therein, and all things relating to the carrying on and effecting, and to the orderly using and managing thereof, when perfected, the persons following: (that is to say) the present members of Parliament, and justices of the peace for the said several adjacent counties in this paragraph already named, and their successors, to be hereafter named and chosen in such manner as the successors of the said commissioners for the said river Shannon are herein before directed to be chosen, shall be and are hereby appointed and declared commissioners, to have the like powers and authorities, and to the like uses, trusts, and purposes, with respect only to the said rivers and canals in this paragraph already mentioned, as in and by this act are granted to and vested in the said commissioners for the river Shannon aforesaid, and not otherwise. And also for the river Barrow, and the navigable canal to be joined thereto, bearing north north-west from the town of Rosse in the county of Wexford, to fall into the grand canal leading from Dublin to Limerick, in that part of the great Bogg of Allen, called Monroe, lying betwixt Croghan in the King's-county, and Beggar's-bridge, in the county of West-meath, through and by the counties of Wexford, Kilkenny, Ca-

Order and disposition of the several lists of commissioners,

for the rivers Liffy, Rye, Boyne, Mungagh, and Brofny,

Barrow,

therlogh;

therlogh, Kildare, King's and Queen's counties, and West-meath, the persons following: (that is to say) the present members of Parliament, and justices of the peace of the said several adjacent counties in this paragraph already named, and their successors, to be named and chosen in like manner as for the river Shannon aforesaid, shall be and are hereby appointed commissioners with like powers and authorities, and to the like uses, trusts, and purposes, with the said commissioners for the river Shannon aforesaid, and not otherwise. And also for the river and bog of Glyn, with the rivers of upper and lower Bann, bearing and extending north and north-west from Newry in the county of Down to Coleraine in the county of London-derry, through and by the counties of Down, Lowth, Armagh, Antrim, Tyrone, and London-derry, the persons following: (that is to say) the present members of Parliament, and justices of the peace for the said several adjacent counties in this paragraph already named, and their successors, to be named and chosen in like manner as is herein before declared, shall be and are hereby appointed commissioners, with the like powers, and to the like uses, trusts, and purposes, with the said commissioners for the said river Shannon, and not otherwise. And also for the rivers Nore and lower Brofny, bearing and extending north north-west from Waterford and Ross, into the grand canal aforesaid, at Eyre-court, through the counties of Waterford, Wexford, Kilkenny, Catherlogh, Queen's-county, Kildare, King's-county, and West-meath, the persons following: (that is to say) the present members of Parliament, and justices of the peace for the said several adjacent counties in this paragraph already named, and their successors, to be hereafter chosen in like manner as for the other rivers aforesaid is herein before directed, shall be and are hereby appointed commissioners with the like powers, and to the like uses, trusts, and purposes, with respect to the rivers and canals in this paragraph already named, as the said commissioners of the said river Shannon, and other rivers aforesaid, and not otherwise. And also for the rivers Liffy and Greece, with the navigable communication betwixt them, bearing and extending south-west from Dublin to Kilcullen, and thence into the Barrow near Carlow, through the counties of Dublin, Meath, Kildare, Queen's-county, and Carlow, the persons following: (that is to say) the present members of Parliament, and justices of the peace for the said several adjacent counties in this paragraph already named, and their successors, to be hereafter chosen in like manner as for the other rivers is herein before directed, shall be and are hereby appointed commissioners, to have the like powers and authorities,

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Glyn and Bann,

Nore and lower Brofny,

Liffy and Greece,

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 and to the like trusts and uses, with respect only to the said ri-  
 vers and canals in this paragraph already named, as the said com-  
 missioners for the other rivers aforesaid, and not otherwise. And  
 also for the river of Black-water, bearing and extending west  
 north-west from the town of Youghall to New-market in the  
 county of Cork, through the counties of Waterford and Cork,  
 the persons following: (that is to say) the present members of  
 Parliament, and the justices of the peace for the said several  
 adjacent counties in this paragraph already named, and their suc-  
 cessors, to be hereafter chosen in like manner as successors are by  
 this act directed to be chosen for the other commissioners, shall  
 be and are hereby appointed commissioners, vested with the like  
 powers and authorities to such intent and uses with respect only  
 to the said river in this paragraph already named, and no other,  
 as the commissioners for the river Shannon, and other rivers  
 aforesaid, and not otherwise. And also for the river Foyle, part  
 of Finn Derg and Moorn, bearing south south-west from Lon-  
 donderry to Omagh, through the counties of Londonderry and  
 Tyrone, the persons following: (that is to say) the present mem-  
 bers of Parliament, and justices of the peace for the said next  
 adjacent counties in this paragraph already named, and their suc-  
 cessors, to be hereafter chosen in like manner as for the other  
 rivers aforesaid, as herein before directed, shall be and are here-  
 by appointed commissioners, and vested with the like powers and  
 authorities, and to the like uses and trusts, with respect only to  
 the said rivers in this paragraph already named, and no others,  
 as the said commissioners for the said rivers, and not otherwise.  
 And also for the river Earn, bearing and extending east south-  
 east from Ballyshanny to Killyshandra, through the counties of  
 Fermanagh and Cavan, the persons following: (that is to say)  
 the present members of Parliament for the said next adjacent  
 counties in this paragraph already named, and their successors, to  
 be hereafter chosen in like manner as for the other rivers aforesaid,  
 as herein before directed, shall be and are hereby appointed  
 commissioners, and vested with the like powers and authorities,  
 and to the like trusts and uses with respect only to the said ri-  
 vers in this paragraph already named, and no other, as the said  
 commissioners from the said other rivers, and not otherwise. And  
 also for the rivers Martin, Cloydagh, Part Black Water, Oune-  
 begg and Mague, and the navigable cuts and communications be-  
 twixt them, bearing and extending north by west from Cork  
 to Limerick, through the counties of Cork and Limerick, the  
 persons following: (that is to say) the present members of Parlia-  
 ment, and justices of the peace for the said several adjacent coun-  
 ties

Blackwa-  
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Foyle, &c.

Earn,

Martin,  
Cloydagh,  
&c.

ties in this paragraph already named, and their successors, to be  
 hereafter chosen in like manner with the successors to the other  
 commissioners aforesaid, shall be and are hereby appointed com-  
 missioners to have the like powers and authorities, and to the like  
 trusts and uses, with respect only to the said rivers in this paragraph  
 already named; and to no other, as the said commissioners for the  
 said river Shannon, and other rivers aforesaid, and not other-  
 wise. And also for the river Boyne, bearing west by south from  
 Drogheda into the great canal aforesaid, near Edenderry in the  
 King's-county, through the counties of Lowth, Meath, West-  
 Meath, Kildare, and King's-county, the persons following: (that  
 is to say) the present members of Parliament, and justices of the  
 peace for the said several adjacent counties, in this paragraph  
 already named, and their successors (to be hereafter chosen in  
 like manner as for the said other rivers is herein before direct-  
 ed) shall be and are hereby appointed commissioners, and vested  
 with like powers and authorities, and to the like trusts and uses  
 (with respect only to the said river in this paragraph already  
 named; and no other) as the said commissioners for the other ri-  
 vers aforesaid, and not otherwise. And also for the rivers Un-  
 shon and Arrow, and part of the Boyle, bearing south south-  
 west from the bay of Sligoe into the Shannon at Carrick-  
 Drumusk, through the counties of Sligoe, Roscommon, and  
 Leitrim, the persons following: (that is to say) the present mem-  
 bers of Parliament, and justices of the peace for the said feve-  
 ral adjacent counties in this paragraph already named, and their  
 successors (to be hereafter chosen in like manner as for the other  
 rivers aforesaid is herein before directed) shall be and are here-  
 by appointed commissioners, and vested with the like powers and  
 authorities, and to the like trusts and uses (with respect only to  
 the rivers and cuts in this paragraph already named and no other)  
 as the commissioners herein before named for the other rivers  
 aforesaid, and not otherwise. And also for the rivers Corb,  
 Mask, and Moy, and the canals of communication betwixt them,  
 bearing and extending from Gallway to Killalla north by east  
 through and by the counties of Gallway, Mayo, and Sligoe, the  
 persons following: (that is to say) the present members of Par-  
 liament, and justices of the peace for the said several adjacent  
 counties in this paragraph already named, and their successors (to  
 be hereafter chosen in like manner as for the other rivers is  
 herein before directed) shall be and are hereby appointed com-  
 missioners; and vested with the like powers and authorities, and  
 to the like trusts and uses (with respect only to the said rivers  
 and canals in this paragraph already named, and no other) as the

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Boyne,

Unshon and  
Arrow, and  
part of the  
Boyle,

Corb, Mask,  
and Moy,

A. D. 1715. Chap. 12. Slaney, said commissioners for the other rivers aforesaid, and not otherwise. And also for the river Slaney, bearing north north-west from Wexford to Baltinglass, through the counties of Wexford, Carlow and Wicklow, the persons following: (that is to say) the present members of Parliament, and justices of the peace for the said several adjacent counties in this paragraph already named, and their successors (to be hereafter chosen in like manner as for the said other rivers is herein before directed) shall be and are hereby appointed commissioners, and vested with the like powers and authorities, and to the like trusts and uses, (with respect only to the said rivers in this paragraph already mentioned, and no other) as the said commissioners for the other rivers aforesaid, and not otherwise. And also for the river Shure, bearing from Waterford to Thurles, and thence to Roscrea, north-west through the counties of Waterford, Kilkenny, and Tipperary the persons following: (that is to say) the present members of Parliament, and justices of the peace for the said several adjacent counties in this paragraph already named, and their successors (to be hereafter chosen in like manner as for the said other rivers is herein before directed) shall be and are hereby appointed commissioners, and vested with the like powers and authorities, and to the like trusts and uses (with respect only to the said river Shure in this paragraph already named, and to no other) as the commissioners for the other rivers aforesaid, and not otherwise.

Colgan, And also for the river of Colgan, and the navigable canals to be added thereto, bearing east south-east from Gallway bay into the Shannon at Portumny, the persons following: (that is to say) the present members of Parliament and justices of the peace for the said county of Gallway, and their successors, to be hereafter chosen in like manner as for the said other rivers is herein before directed) shall be and are hereby appointed commissioners, and vested with the like powers and authorities, and to the like trusts and uses, (with respect only to the said rivers and canals in this paragraph already named, and no other) as the said commissioners for the other rivers aforesaid, and not otherwise. And also for the river Inny, bearing south-west from Loughshillen to the Shannon, through and by the counties of Meath, Cavan, West-meath, and Longford, the persons following: (that is to say) the present members of Parliament, and justices of the peace for the said several adjacent counties in this paragraph already named, and their successors (to be hereafter chosen in like manner as for the said other rivers herein before directed) shall be and are hereby appointed commissioners, and vested with the like powers and authorities, and to the like uses and trusts (with respect only to the said river Inny in this paragraph already named,

and to no other) as the said commissioners for the other rivers aforesaid, and not otherwise. And also for the river Suck, bearing south south-east from Castlerea in the county of Roscommon into the Shannon at Clonfert, through and by the counties of Roscommon and Gallway, the persons following: (that is say) the present members of Parliament, and justices of the peace for the said several adjacent counties in this paragraph already named, and their successors (to be hereafter chosen in like manner as for the said other rivers is herein before directed) shall be, and are hereby appointed commissioners, and vested with the like powers and authorities, and to the like trusts and uses, (with respect only to the said river Suck in this paragraph already named, and to no other) as the said commissioners for the other rivers aforesaid, and not otherwise. And also for the river Lee, bearing from Cork to Mackroom west by south through the county of Cork, the persons following: (that is to say) the present members of Parliament and justices of the peace for the said county of Cork, and their successors (to be hereafter chosen in like manner as for the said other rivers is herein before directed) shall be and are hereby appointed commissioners, and vested with the like powers and authorities, and to the like trusts and uses, (with respect only to the said river Lee in this paragraph already named, and to no other) as the said commissioners for the other rivers aforesaid, and not otherwise. And also for the river Bandon, from Kinsale to Dunmanaway west and by south through the county of Cork, the persons following: (that is to say) the present members of Parliament and justices of the peace for the said county of Cork, and their successors (to be hereafter chosen, and in like manner, as for the said other rivers herein before directed) shall be and are hereby appointed commissioners, and vested with the like powers and authorities, and to the like trusts and uses (with respect only to the said river Bandon, in this paragraph already named, and to no other) as the said commissioners for the other rivers aforesaid, and not otherwise. And also for the river Leune, from Castlemain harbour to Ross-castle in the county of Kerry east south-east the persons following: (that is to say) the present members of Parliament and justices of the peace for the said county of Kerry, and their successors (to be hereafter chosen as in like manner as for the said other rivers herein before directed) shall be and are hereby appointed commissioners, and vested with the like powers and authorities, and to the like trusts and uses (with respect only to the said river Leune in this paragraph named, and to no other) as the said commissioners for the other rivers aforesaid, and not otherwise.

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Undertakers failing to perfect navigation in 7 years, their interest, duties, &c. to cease;

and the commissioners may enlarge the term, or appoint others;

but such undertakers failing shall remain intitled as to the part finished.

XXII. Provided always, and it is nevertheless enacted by the authority aforesaid, That in case any undertaker or undertakers of any the respective navigations, in and by this act mentioned and intended, shall fail or neglect to make and perfect such navigation within the space and term of seven years at most next after his or their becoming undertaker or undertakers thereof, then the whole estate, right, title, and interest, with all and every the toll, duties, and other benefits and advantages of, in, and to such respective navigation, or such part thereof as shall then remain undone, which by this act are given or intended to be given to such undertaker or undertakers, their heirs, assigns, or nominees, shall cease and determine, and be utterly null and void; and the commissioners for the time being, or any seven or more of them, who shall have the charge and inspection of such respective navigation, shall and may at their discretion, either enlarge the said former term, and re-appoint such failing undertaker or undertakers for any further time, not to exceed seven years more, or otherwise shall and may by any instrument in writing under their hands and seals appoint any other undertaker or undertakers to carry on and compleat such navigation, or such part thereof as shall then remain undone or unfinished as aforesaid; which last undertaker or undertakers, so appointed and performing accordingly, shall in such case be vested with, and shall accordingly have, perceive, use, and enjoy to him or them, or to his and their heirs, assigns, and nominees, all and every the powers, liberties, benefits, tolls, rates, and duties, with all and every the other estate, right, title, interest, and term of, in, and to such part (and no more) as shall then remain undone or unfinished of such navigation, which he or they the said first undertaker or undertakers, their heirs, assigns, or nominees, might or ought to have had, perceived, used, or enjoyed by virtue of this act; had he or they performed and finished the same within the said first term of seven years, as by this act is directed: but that such undertaker or undertakers, so failing in part as aforesaid, shall nevertheless be and remain possessed of, or intituled to such part of the navigation aforesaid, as shall have been by him or them finished and perfected within the said first term of seven years, and of and to all and every the tolls, duties, benefits, and advantages, and all other estate, right, title, and interest whatsoever, of, in, and to such part, by him or them so finished and perfected as aforesaid, in as full and ample manner (for so much and no more) as if such failure or neglect had never happened; any thing herein before contained to the contrary notwithstanding.

XXIII. Provided

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Not to prejudice salmon fishery of the Bann or Blackwater.

consent of owners thereof, in writing recorded in offices of clerks of the peace, to be first had.

Manure for land exempt from duty.

Timber, stones, bricks, &c. for building, to pay half.

XXIII. Provided also, That nothing in this act contained shall extend, or be construed to extend, to impower the said commissioners, undertakers, or other person or persons whatsoever, to pull down or abate, or otherwise injure the salmon weyre or salmon-fishery of the Bann-water, commonly called the fishery of Colraine; nor the salmon weyre or fishery of the Black-water, commonly known by the name of the salmon weyre of Lismore, nor either of them, nor to make any cuts or canals, locks, sluices, flood-gates, or other devises in the channels or banks of the said rivers, or either of them, at or near the said fisheries, or any of them; nor to alter, remove, or divert the currents, nor make any other new channels or cuts in or through the banks or adjoining lands, nor to do any other act or thing, which may prejudice, annoy, or in any ways impair or damage the said weyres or fisheries, or any, or either of them, until the respective owners or occupiers thereof by articles or other proper instruments under their respective hands and seals, to be recorded in the several offices of the respective clerks of the peace of the said counties of Londonderry and Waterford respectively, shall have first consented and agreed to the making and perfecting such navigation or navigations in, through, or by the said respective weyres or fisheries, or either of them, or the lands thereto respectively adjacent, and not otherwise; any thing in this act before contained to the contrary in any wise notwithstanding.

XXIV. Provided always, That none of the rates or duties aforesaid shall be levied or demanded for any dung, muck, marl, sand, or lime-stone, that shall be boated or carried in any of the navigations aforesaid for manure or improvements of land; and that all gross timber for building, and also all rough and unhewn stones, and all bricks, limes, files, slates, and other covering for the same, shall pay one moiety or half of the said duties, in proportion to their respective quantities, and no more, any thing in this act before contained to the contrary notwithstanding.