



ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. lxxxix.

An Act to enable *Edward Joshua Cooper* Esquire to establish and protect a Salmon Fishery upon the Lakes and Rivers of *Owenmore* and *Arrow* and also within the Bay of *Ballisodare* in the County of *Sligo* in *Ireland*. [30th June 1837.]

WHEREAS the Rivers *Arrow* and *Owenmore* rise from Two large Lakes in different Parts of the County of *Sligo* in *Ireland*, and, after flowing through a very large Tract of Country, unite their Streams at about a Mile above the Town of *Ballisodare* in the said County, from whence they flow in the same Channel to the Bay of *Ballisodare*, where by One Mouth they discharge their Waters into the said Bay of *Ballisodare*, at a Distance of about a Furlong below the said Town, a considerable Portion of their Course between the said Town and the Sea being interrupted by a Series of Ledges of Rock, in passing over which their Waters form a Number of Cascades or Waterfalls: And whereas Numbers of Salmon yearly congregate within the said Bay of *Ballisodare* and below the said Waterfalls near the said Mouth of the said united Rivers, but by reason of the said Cascades or Waterfalls they are prevented from ascending higher into the said Rivers and into the Lakes connected therewith so as to deposit their Spawn in a safe Part of the same, some of them however at High Spring Tides ascending the lower Fall, but are unable to ascend the continuing Cascades or Falls from the Shallowness of the Water preventing them from making their Spring, and therefore they return again into the Ocean, and such Rivers and Lakes

[Local.]

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Conveyance
of Eastern
Bank and
Right of Sal-
mon Fishery
to Joshua
Edward
Cooper, Esq.
by Indenture
12th May
1806.

are well adapted to invite the spawning of Fish therein, and to protect the breeding of Salmon, but no Salmon Fishery has or could have heretofore existed in any Part of said Rivers above the said Waterfalls for the Cause aforesaid: And whereas near the Town of *Collooney* in the said County of *Sligo*, claimed to be the Property of *Edward Joshua Cooper* Esquire, about a Quarter of a Mile above the Junction of said Rivers as aforesaid, the said River of *Owenmore* flows over a single Ledge of Rock by a Cascade or Waterfall sufficient to prevent the further Passage of the said Fish up the said River, even though the Impediments before described as situated below the Town of *Ballisodare* were removed: And whereas a safe and commodious Passage for the Fish up the said Rivers for the Purpose of depositing their Spawn therein might be effected by the Construction of Passages or Water Cuts on the Eastern Side of each of those Places where as aforesaid the Ledges of Rock obstruct the Channels of such Rivers: And whereas Sir *Edward Crofton* Baronet, by a certain Deed executed by him, and bearing Date the Twelfth Day of *May* in the Year of our Lord One thousand eight hundred and six, granted and conveyed all his Estate and Interest in and to the said Town and Lands of *Knockmuldowny* otherwise *Ballisodare* aforesaid, comprising the entire Eastern Bank of the said River below the said Town, together with the Salmon Fishery and all other the Fisheries of the River commonly called the River of *Ballisodare*, unto *Joshua Edward Cooper* (who was the Uncle of the said *Edward Joshua Cooper*), and to his Heirs and Assigns for ever, of all which Portion or Part of the said Town and Lands of *Ballisodare* and Fishery and Rights of Fisheries the said *Joshua Edward Cooper* up to the Time of his Death continued seised in Fee Simple, together with a very large Proportion of the Lands through which the said Rivers flow, particularly in, about, and between the Towns of *Collooney* and *Ballisodare*: And whereas the said *Joshua Edward Cooper* did after the said Conveyance and to the Time of his Death uninterruptedly exercise and enjoy the exclusive Right of taking the Salmon which so as aforesaid annually congregate within the Mouth of the said united Rivers, which after their Union are called the River of *Ballisodare*, and also immediately below the Waterfalls situate at *Ballisodare* aforesaid: And whereas the said *Joshua Edward Cooper* died on or about the Eighth Day of *June* One thousand eight hundred and thirty-seven intestate, whereby all the aforesaid Estates, Towns, Lands, and Fishery have descended to and are now vested in the said *Edward Joshua Cooper*, who is the Nephew and Heir at Law of the said *Joshua Edward Cooper*: And whereas the said *Edward Joshua Cooper* is desirous of constructing the said Canals or Water Cuts at his own Expende, on the Terms that the exclusive Right of fishing for and the Protection of Salmon and other Sea Fish in the said Rivers, Lakes, and Bay shall in consideration thereof be vested in and confirmed to the said *Edward Joshua Cooper*, his Heirs and Assigns, granting and reserving nevertheless to the Proprietors of Land forming the Banks of the said Rivers and Lakes the Right of taking Salmon and other Sea Fish therein by Rod, Line, and Fly only: And whereas the Establishment of a Salmon Fishery by the Means aforesaid in the said Bay of *Ballisodare* and in the said Rivers and Lakes would be beneficial to the Public by affording Employment to the labouring Poor, and supplying an advantageous Article of Traffic and of Consumption in the neighbouring Market Towns of *Sligo*, *Collooney*, and *Ballisodare*, which are claimed to be the Property of the said *Edward Joshua Cooper*, and seated on the said Rivers, and also in

the Port and Town of *Sligo*, which is situated within Four Miles of the said Bay of *Ballisodare*: And whereas the said Fishery cannot be established in manner aforesaid without the Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subject the said *Edward Joshua Cooper* doth most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said *Edward Joshua Cooper*, his Heirs and Assigns, shall be and he and they are hereby fully authorized and empowered, at his and their own proper Costs and Expences, and by his and their deputed Agents, Workmen, and Servants, to divert and turn the Waters of the said Rivers by making, completing, and maintaining Two Canals, Passages, or Cuts, one communicating with the said united Rivers of *Arrow* and *Owenmore* near the Bridge of *Ballisodare*, and the other Canal or Cut communicating with the said River *Owenmore*, and extending Forty-three Perches from the upper Fall at *Collooney* to the Foot of the lower Fall, and running at the Back or West Side of the Town of *Collooney*, in such Manner as may be sufficient to effect the aforesaid Object of enabling the said Salmon to ascend into the said Rivers and Lakes: Provided always, that in making and completing the said Canal, Passages, or Cuts the same shall be altogether situated on the Estate and Property of the said *Edward Joshua Cooper*, and that no Trespass be in any Manner committed on or Injury done to the Land of any other Person or Persons whomsoever; and provided also, that by means of said Canals, Passages, or Cuts, and the Construction thereof, the Waters of the said Rivers be not diverted from their former Course in such Manner or in such Quantity as to injure any Mill as herein-after provided; and it shall and may be lawful for the said *Edward Joshua Cooper*, his Heirs and Assigns, to maintain and keep in the said Estate as aforesaid Three or more Reservoirs or Ponds at certain Distances or Intervals upon the aforesaid Canals, Passages, or Cuts, wherein to enable the Salmon and other Sea Fish to rest and recruit their Strength during their Passage from the Sea upwards into the said Rivers and Lakes of *Arrow* and *Owenmore*.

Authorizing the Diversion of the Rivers herein mentioned.

II. And for preventing Injury or Damage to the Owners and Occupiers of Mills or Eel Weirs which may be affected by the making of the said Canals, Passages, or Cuts and other Works, be it further enacted, That nothing in this Act contained shall authorize or empower the said *Edward Joshua Cooper*, his Heirs or Assigns, or any Person or Persons acting by or under his or their Authority, to take, use, or divert, or permit to flow through the said Canals or Cuts or either of them, the Waters of either of the said Rivers of *Arrow* and *Owenmore* or any other Rivers or Streams, in such Manner as in any respect to interfere with the working of any Mill, or diminish the free Supply of Water to any Mill which at or previously to the Commencement of this Act may be situated upon the said Rivers or either of them, or upon any Stream or River flowing thereout, or in any Manner derive their Supply of Water therefrom, or so as in any Manner to injure or interfere with the due Enjoyment of any Eel Weir which at or previous to the passing of this Act shall or may have been set up or situated on any Part of the said Rivers flowing into the said Bay.

Not to affect the Mills on the Rivers.

III. And

Power to contract for the Purchase of Rights of Fishery, &c.

III. And be it further enacted, That it shall be lawful for the said *Edward Joshua Cooper*, his Heirs or Assigns, and he and they are hereby authorized and empowered from Time to Time to treat, contract, and agree for the absolute Purchase of the existing Rights and Privileges of fishing for Salmon and other Sea Fish within the said Bay of *Ballisodare* with any Persons or Corporations, or any Tenants for Life or in Fee Tail, General or Special, or for any Term of Years absolute or determinable on any Life or Lives, or with any Feoffees in Trust, Commissioners, Executors, Administrators, Husbands, Guardians, or Committees of or for Lunatics or Idiots, or other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, or other Persons under Disability of acting for themselves, who are or shall be seised, possessed of, or interested in their own Right, or with any other Persons whomsoever who shall be willing to sell the same, or their Estate, Right, or Interest therein for the Purposes of this Act.

Rights purchased of any Corporation or Person under any Disability to be valued by Two Surveyors or their Umpire.

IV. Provided always, and be it further enacted, That the Consideration Money to be paid for any such Rights or Privileges to be purchased from or conveyed by any Corporation or any other Person under any Disability or Incapacity as aforesaid, shall in no Case be less than such Sum as the same shall be valued at by Two able practical Surveyors, one of whom shall be nominated by the said *Edward Joshua Cooper*, his Heirs or Assigns, and the other by such Corporation or Person; and if such Two Surveyors shall not agree in the Valuation thereof, then by such Third Surveyor as any Two Justices acting for the County in which such Rights and Privileges shall be situated shall for that Purpose nominate and appoint; and each of the said Two Surveyors, if they shall agree in and make their Valuation, or, if not, then the Surveyor so to be nominated and appointed by the Justices as aforesaid, shall annex to their or his Estimate or Valuation a Declaration of the Correctness thereof.

Corporations, &c. empowered to sell.

V. And be it further enacted, That it shall be lawful for all Corporations, and all Tenants for Life and in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees, Trustees, Commissioners, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, and to and for all other Persons whomsoever who are or shall be seised, possessed of, or interested in any such existing Rights and Privileges, to contract and agree with the said *Edward Joshua Cooper*, his Heirs or Assigns as aforesaid, for the Sale thereof, and to sell and convey the same to the said *Edward Joshua Cooper*, his Heirs or Assigns; and all Contracts, Bargains, Sales, and Conveyances which shall be made by virtue of this Act shall be good, valid, and effectual to all Intents and Purposes, not only to convey the Rights and Privileges of the Corporations or Persons conveying, but also to convey the Rights and Privileges of their said several and respective Cestuique Trusts, and all Persons claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate, and
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the same shall be deemed and considered to bar the Dowers of the Wives of such Persons, and all other Estates Tail and other Estates in Possession, Remainder, Reversion, or Expectancy, and the Issue of such Persons claiming under them, any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Corporations, and all Tenants for Life or in Fee Tail, General or Special, or for any Term of Years absolute or determinable on any Life or Lives, and all Feoffees, Trustees, Commissioners, Executors, Administrators, Husbands, Guardians, Committees, and other Trustees whomsoever, and all other Persons are and shall be hereby indemnified for what they shall do by virtue of this Act.

VI. And be it further enacted, That all Sales, Conveyances, and Assurances of the said Rights and Interests to the said *Edward Joshua Cooper*, his Heirs or Assigns, shall be by Deed duly stamped, in which the Consideration Money for the same shall be truly stated, and may be made in the Form or to the Effect following; (that is to say,)

‘ I [or We, as the Case may be], of in con-
 ‘ sideration of the Sum of paid to me [or us, or
 ‘ into the Bank of Ireland, as the Case may be,] by *Edward Joshua*
 ‘ *Cooper*, under or by virtue of an Act passed in the Year of
 ‘ the Reign of Queen *Victoria*, intituled [here insert the Title of this Act],
 ‘ do hereby grant and release [or assign, as the Case may be,] to the said
 ‘ *Edward Joshua Cooper*, his Heirs or Assigns, all [here describe the
 ‘ Rights to be conveyed], and all my [or our] Right, Title, and Interest in
 ‘ and to the same and every Part thereof, to hold to the said *Edward*
 ‘ *Joshua Cooper*, his Heirs and Assigns for ever, [or, as the Case may be,]
 ‘ during all the Remainder of my [or our] Term, Estate, or Interest in
 ‘ the same. In witness whereof I [or we] have hereunto set my Hand
 ‘ and Seal [or our Hands and Seals, or our Common Seal, as the Case
 ‘ may be,] this Day of in the Year of our Lord
 ‘ One thousand eight hundred and .’

And every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual to all Intents and Purposes whatsoever as to and against the Person making the same and his Cestuique Trusts, and all other Persons claiming or to claim by, from, or under or in Trust for him, and the same shall be deemed and construed to merge all Terms of Years, and to bar the Dower of the Wife of such Person, and all Estates Tail and other Estates in Possession, Reversion, or Expectancy, and the Issue of such Person claiming under them, and all other Estates, Rights, Titles, Remainder, Reversions, Limitations, Trusts, and Interests whatsoever.

VII. And be it further enacted, That upon the Payment of the Monies so contracted or agreed to be paid by the said *Edward Joshua Cooper*, his Heirs or Assigns, to the Parties or Persons respectively entitled to such Money, or their Agents, or upon Payment thereof into the Bank of *Ireland* for the Purpose of being disposed of in manner herein directed, (as the Case may be,) all such existing Rights and Privileges, and all other Claims and Demands in respect thereof in Law or in Equity of the Parties and Persons respectively to whom or for whose Use the same shall be paid, shall vest in the said *Edward Joshua Cooper*, his Heirs or Assigns

On Payment of the Purchase Money all the Rights and Privileges to be vested in the said Joshua Edward Cooper.

[Local.]

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for ever; and the said Bay of *Ballisodare*, and (after the Construction of the aforesaid Canals, Passages, or Cuts) the said Lakes and Rivers of *Arrow* and *Owenmore*, and the several Rivers and Streams connected therewith or flowing thereunto, into which Salmon and their Fry or Spawn or Young or other Sea Fish may at any Time thereafter enter, shall be and be deemed and taken to be the free Fishery of the said *Edward Joshua Cooper*, his Heirs and Assigns for ever; and it shall and may be lawful for him or them, or his or their Deputies, Agents, or Assistants, and to or for them solely and exclusively from thenceforth for ever (except as herein-after mentioned) to fish for and take, catch, and kill by Nets, Wires, Lines, and all and every lawful Ways, Means, Engines, and Contrivances, at all lawful and reasonable Times and Seasons, Salmon and other Sea Fish only within the said Bay, Rivers, and Lakes, and the several Rivers and Streams connected therewith, and to sell or otherwise dispose of such Fish to and for his and their own Use and Benefit.

Application
of Compensation Money
when
amounting
to 200*l.* and
upwards.

VIII. And be it further enacted, That if any Money which shall be agreed or awarded to be paid for the Purchase of such Rights and Privileges shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of Her Majesty's Court of Chancery there, to be placed to his Account *ex parte* "The *Sligo* Salmon Fishery," pursuant to the Orders of the said Court, without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Corporations or Persons who would have been entitled to the same, in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or such other Incumbrance or Part thereof as the said Court shall authorize to be paid affecting the same, or affecting any Lands, Tenements, or Hereditaments standing settled therewith to the same or like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of Lands, Tenements, and Hereditaments which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments to which the said Rights and Privileges were attached or appurtenant stood settled, and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court upon Application being made thereto as aforesaid, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Corporations

or Persons who would for the Time being have been entitled to the Benefit of the said Rights and Privileges so hereby directed to be purchased in case such Purchase and Settlement were actually made.

IX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid as aforesaid shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Corporations or Persons for the Time being entitled to the same, or of their Guardians or Committees in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *Ireland* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Corporations or Persons making such Option, and approved of by the said *Edward Joshua Cooper*, his Heirs or Assigns, (such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Dividends to arise thereon may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application of Purchase Monies when less than 200*l.* and exceeding 20*l.*

X. Provided also, and be it further enacted, That where such Money so to be paid as before mentioned shall not exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Corporations or Persons who would for the Time being have been entitled to the said Rights and Privileges so purchased for the Purposes of this Act, or in case of Infancy, Idiocy, or Lunacy, then to their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Persons so entitled respectively.

Application thereof when not exceeding 20*l.*

XI. And be it further enacted, That where by reason of any Disability or Incapacity of any Corporation or Person entitled to any of the Rights and Privileges to be purchased under the Authority of this Act the Purchase Money for the same shall be required to be paid into the said Court of Chancery, to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses as the Lands, Tenements, or Hereditaments to which such Rights and Privileges were attached or appurtenant, it shall be lawful for the said Court to order the reasonable Expences of all such Purchases to be made from Time to Time in pursuance of this Act, and also the Re-investment of the Purchase Money thereof in Land, or other Disposition of the same, to be paid by the said *Edward Joshua Cooper*, his Heirs or Assigns, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct, and shall also pay all Costs of and concerning the Payment of the said Purchase Monies into the said Court of Chancery, and the Purchase of Bank Annuities therewith, and obtaining an Order of the said Court to pay the Dividends of the said Bank Annuities to the Person or Persons entitled to receive the same.

Expences of Purchases may be allowed by the Court.

XII. And in order more clearly to define the Limits and Extent of the aforesaid Bay of *Ballisodare*, be it further enacted, That the said Bay of *Ballisodare*

Defining Limits of *Ballisodare* Bay.

Ballisodare shall for the Purposes of this Act be deemed and taken to extend over and include all that Estuary, Arm of the Sea, or Portion of Strand over which the Tide now flows, extending from the aforesaid Falls of *Ballisodare* to the Point of Land called *Dirke*, in the Barony of *Tynneragh* on the West Side of the said Bay, and to the most Northern Point of the Land Hills of *Port Curry* or *Droughmore* otherwise *Inmurry Dough* in the Barony of *Carberry* and the said County of *Sligo* on the East Side of the said Bay.

For Protec-
tion of the
Fish.

XIII. And be it further enacted, That if any Person or Persons whomsoever shall after such Purchase and Conveyance as aforesaid, without the Licence or Consent in Writing of the said *Edward Joshua Cooper*, his Heirs or Assigns, take, catch, or kill by any Ways or Means whatsoever (save only by or with Angling Rods, with Lines and Flies, as herein-after excepted,) any Salmon or other Sea Fish or their Fry or Spawn, in or upon the said Canals, Passages, or Cuts, or in or upon the said Bay, or the Lakes and Rivers of *Arrow* and *Owenmore*, or either of them, or any Weirs, Rivulets, or Streams flowing to or connected with the said Bay or any or either of the aforesaid Lakes and Rivers, and into which Salmon or other Sea Fish or their Fry or Spawn may at any Time thereafter enter, every such Person or Persons shall for every such Offence, whether committed on the same or different Days, forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner as herein-after provided.

Land Owners
may fish with
Rod, Lines,
and Flies.

XIV. Provided always, and be it enacted, That it shall and may be lawful to and for the several Land Owners on the Banks of the said Bay, Rivers, and Lakes, and the several Rivers and Streams connected therewith or flowing thereunto, at all lawful Times and Seasons, by themselves or their immediate Tenants or Servants authorized by them in Writing, to take, catch, and fish for Salmon or other Sea Fish by and with Rods and Lines and Flies only, but with no other Engine or Contrivance whatsoever, and that such Land Owners or their deputed Servants shall not be liable to any Suit, Damages, Penalty, or Prosecution by or on behalf of the said *Edward Joshua Cooper*, his Heirs or Assigns, or any other Person or Persons whomsoever, for fishing with Rod, Line, and Fly in manner aforesaid, any thing in this Act contained to the contrary thereof notwithstanding.

Powers of
General Law
for Protec-
tion of Fish-
eries extend-
ed to the
Fishery here-
by estab-
lished.

XV. And be it further enacted, That the said *Edward Joshua Cooper*, his Heirs and Assigns, shall and may, from and after the Construction of the aforesaid Canals, Passages, or Cuts, and such Purchase and Conveyance, for ever have, use, and exercise all such Rights, Powers, and Authorities for the Preservation and Protection of the said free Fishery, and for the Detection, Prosecution, Conviction, and Punishment of Trespassers on such Fishery, and of all other Offenders against any of the Laws in force with regard to the Protection and Preservation of Fisheries, as may now be lawfully enjoyed, used, or exercised by the Proprietor of any like Fishery under and by virtue of any Law or Statute now in force in *Ireland*.

Penalty for
wilful Da-
mage.

XVI. And be it further enacted, That if any Person shall wilfully or maliciously damage the said Canals, Passages, or Cuts aforesaid, or any

Part

Part thereof, or any Embankments, Mounds, or other Works to be made and executed for the Purpose of establishing or protecting the said Fishery, or shall wilfully and maliciously, and without Authority from the said *Edward Joshua Cooper*, his Heirs or Assigns, or of his or their Agents, Surveyors, or others duly authorized to act herein, remove or take away any Works, Engines, Implements, Materials, or Things thereunto belonging or employed in the said Fishery, or in any way direct or procure the same to be done, or shall be aiding or assisting therein, whereby the said Canals, Passages, Cuts, or Embankments or other the said Works may be damaged or injured, any Person so offending, and being thereof lawfully convicted, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, at the Discretion of the Justice or Justices before whom he or they shall be convicted, over and above the Damage so done as aforesaid, and the Value of any Materials or Things so taken therefrom, and the Expence of replacing the same.

XVII. And be it enacted, That all Offences whatsoever which by virtue or under the Authority of this Act shall be subject or punishable with any pecuniary Penalties, Fines, or Forfeitures, and also any Offence against this Act, shall and may, in any Case where no express Provision exists or has been made to the contrary, be heard, adjudged, and determined in a summary Way by and before any Justice or Justices of the Peace acting in and for the County or Place wherein the Offence shall be committed; and the said Justice or Justices is hereby required to summon the Party or Parties accused, and to examine into the Matters thereof, and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses (which Oath the said Justice or Justices is and are hereby empowered and required to administer), the Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the said Justice or Justices shall and may award to the Offender or Offenders such Punishment as by this Act he or they is or are made subject and liable to; and that the Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, if any, which may have been so awarded, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case of Nonpayment thereof then the same shall and may, by Warrant under the Hand and Seal or Hands and Seals of the said Justice or Justices (which they and he are and is hereby empowered and required to grant), be levied and recovered, together with the Costs of Conviction and Recovery, (to be ascertained as aforesaid,) by Distress and Sale of the Goods, Chattels, and Effects of such Offender or Offenders wheresoever such Goods, Chattels, and Effects may be found; and the Overplus, if any, of the Money arising by such Distress and Sale, after deducting such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, together with the Costs of Conviction and the reasonable Expences attendant upon such Distress and Sale, shall be rendered to the Owner or Owners of the Goods, Chattels, and Effects so distrained; and it shall and may be lawful to and for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his or their Appearance before the said Justice

Recovery of Penalties.

[*Local.*]

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or Justices on such Day as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day not being at a greater Distance than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; and that if upon the Return of such Warrant it shall appear that no sufficient Distress can be found, or in case the said Penalty or Penalties, or Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, shall not be forthwith paid, or in case it shall appear to such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that such Offender or Offenders hath or have not sufficient Goods, Chattels, and Effects whereon such Penalties, Fines, or Forfeitures and Costs may be levied, it shall and may be lawful to and for the said Justice or Justices, and they and he are and is hereby authorized and empowered, by Warrant under their or his Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties, Fines, or Forfeitures, together with all such Costs and Expences as aforesaid, shall be sooner paid and satisfied.

Application
of Penalties.

XVIII. And be it further enacted, That all Fines and Penalties shall, when recovered under this Act, be paid to the said *Edward Joshua Cooper*, or his Heirs or Assigns, or his or their Deputies or Agents, to and for his or their own proper Use and Benefit.

Justices may
proceed by
Summons
for Recovery
of Penalties.

XIX. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for the Justice before whom Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

For apprehending
Offenders.

XX. And be it further enacted, That it shall and may be lawful for any Person or Persons who shall see any Offence committed against the Provisions of this Act by any Person or Persons destroying or doing any wilful Damage to the said Canals, Passages, or Cuts, or any or either of them, or other Works aforesaid, or otherwise, contrary to any of the Provisions in this Act contained, to apprehend and detain any such Offender or Offenders without any Warrant or other Authority than this Act, and to take and convey or cause him or them to be taken and conveyed by some Constable or other Peace Officer before any Justice of the Peace for the County or Place within which the Offence shall be committed, to be dealt with according to Law.

Form of
Conviction.

XXI. And be it further enacted, That all and every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn
up

up in the following Form of Words, or any other Form of Words to the same Effect ; (that is to say,)

‘ to wit. } **B**E it remembered, That on the _____ Day
 ‘ of _____ at _____ was duly convicted
 ‘ before me _____ for that the said _____ on the
 ‘ Day of _____ at _____ did _____ contrary to the
 ‘ Form and Effect of the Statute made in the First Year of Her Majesty
 ‘ Queen *Victoria*, intituled [*here insert the Title of this Act*], and I do
 ‘ therefore declare and adjudge the said _____ to forfeit and
 ‘ pay the Sum of _____ and in default of Payment thereof
 ‘ to be committed to _____ for the Space of _____ Months,
 ‘ or until the said Fine shall be paid. Given under _____ Hand and
 ‘ Seal the Day and Year first above written.’

XXII. And be it further enacted, That no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or any other Writ or Process whatsoever into any of Her Majesty’s Courts of Record at *Dublin* or elsewhere. Proceedings not to be quashed for Want of Form.

XXIII. And be it further enacted, That any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice or Justices of the Peace touching any Matters of Fact contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecutors or the Person or Persons accused, and shall, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, refuse or neglect, without a reasonable Excuse, to appear and attend in pursuance of the said Summons, or shall refuse to be examined upon Oath (or in case of a Quaker or Quakers on solemn Affirmation) and to give Evidence before such Justice or Justices, then or in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds. Penalty on Witnesses not attending.

XXIV. And be it further enacted, That all Persons who in any Examination to be taken upon Oath by virtue of this Act shall wilfully and corruptly give false Evidence before any such Justice or Justices of the Peace shall incur the Guilt of wilful and corrupt Perjury, and be and become liable to all such Pains and Penalties as Persons guilty of wilful and corrupt Perjury may be by the Laws subject and liable to. Persons giving false Evidence to be deemed guilty of Perjury.

XXV. Provided always, and be it further enacted, That it shall and may be lawful for any Person or Persons who may think himself, herself, or themselves to be aggrieved by the Order or Determination of any Justice or Justices of the Peace in any Proceeding under this Act, to appeal to the Justices of the Peace at their next General or Quarter Sessions of the Peace to be held in and for the County, Town, or Place in which such Proceeding shall take place, within Four Calendar Months next after the Cause of Complaint shall have arisen, the Person or Persons so desirous of appealing first entering into a Recognizance before such Justice or Justices before whom such Proceeding shall have taken place, with Two good and sufficient Sureties, conditioned to appear at such next Quarter Sessions, and thereat to try such Appeal, and to abide the Order and Award Power of Appeal to the Quarter Sessions.

Award of the said Court of Quarter Sessions thereupon; and the said Justices at Quarter Sessions shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, and make such Order thereupon as to the Justice may appertain, and award such Costs to either of the Parties as they shall judge reasonable and proper; and all such Determination of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Limitation
of Actions.

XXVI. And be it further enacted, That if any Action, Suit, or Information be brought or commenced by any Person or Persons for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities or the Orders and Directions herein-before given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed, or in case there shall have been a Continuation of Damages then within Six Months next after the doing or committing of such Damages shall have ceased, and not afterwards, and shall be laid and brought in the same County where the Matter in dispute shall arise, and not elsewhere, and the Defendant or Defendants in such Action or Suit shall and may, at his, her, or their Election, plead specially or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and in such Case also, or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, Suits, or Informations after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full Costs, and shall have such Remedy for the Recovery of the same as any other Defendant or Defendants hath or have in other Cases of Law.

Public Act.

XXVII. And be it further enacted, That this Act shall be taken and deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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