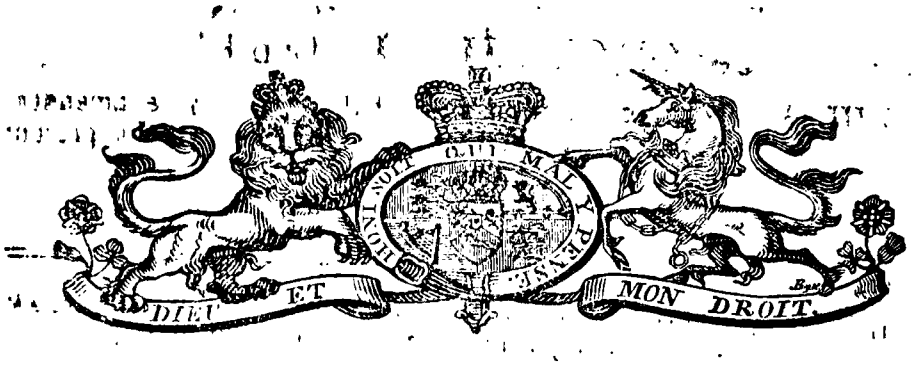


ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

CAP. LXXXII.

An Act to amend an Act made in the Fifty-fifth Year of His present Majesty's Reign, for enabling the Commissioners of Customs and Port Duties in *Ireland* to purchase Premises for erecting Docks, Warehouses, and Offices in *Dublin*.

[6th *July* 1819.]

WHEREAS by an Act made in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Commissioners of Customs and Port Duties in* Ireland *to purchase Premises for the erecting additional Docks, Warehouses, and Offices, in* Dublin, certain Powers were given to the said Commissioners for carrying the said Act into Execution: And whereas further Powers are necessary to be given for more fully effectuating the Purposes of the said Act; 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 this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said Commissioners of Customs and Port Duties, or any Three of them, and they are hereby authorized and empowered, by Warrant under their Hands and Seals, or under the Hands and Seals of any Three of them, to order and direct any Person or Persons whom they shall appoint for that Purpose, to close and stop up any Street, Road, Lane, Court or Alley, or any Part thereof, contained within or passing through any Ground or Premises purchased

55G.3.c.144.

Commissioners empowered to stop up Streets, Alleys, &c. on Notice in Dublin Gazette.

purchased or to be purchased by the said Commissioners, for the Purposes in the said Act mentioned; provided always, that the said Commissioners, or any Three of them, shall give Ten Days previous Public Notice in the *Dublin Gazette*, and in any One of the Newspapers published in *Dublin*, of their Intention to stop or close up any such Street, Road, Lane, Court or Alley, or any Part thereof; and it shall be lawful for the said Commissioners, or any Three of them, and they are hereby authorized and empowered, to renew such Warrant or Warrants from Time to Time, as Occasion may require.

Commissioners may treat with Parties injured by stopping up Streets, &c. and make Compensation to them.

II. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Three of them, and they are hereby authorized and empowered, from Time to Time, by and with the Consent and Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to contract or agree with the Owner or Owners, Proprietor or Proprietors, of any House or Houses, Building or Buildings, or Parcel or Parcels or Plot or Plots of Grounds and Premises, or with the immediate Lessee or Lessees of any such House, Building, or Ground, or with any Body or Bodies Corporate, Sole, or Aggregate, or with the Guardian or Guardians, Trustee or Trustees, Committee or Committees of any Cestuique Trusts, Infants, Issue unborn, Femes Covert, Idiots, or Lunatics, for Compensation to be made for any Damage or Loss that such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, Body or Bodies Corporate, Sole, or Aggregate, Cestuique Trusts, Infants, Issue unborn, Femes Covert, Idiots or Lunatics, shall or may appear, on due Proof, to the Satisfaction of the said Commissioners, or any Three of them, to have sustained, or be likely to sustain, for or by reason of the stopping up, altering, or changing any Street or Streets, Road or Passage, Lane or Alley, within or leading through any Premises purchased or to be purchased by the said Commissioners, for the Purposes in the said Act mentioned; and such Agreement shall be sufficient in Law, and binding to all Intents and Purposes; and such Trustee or Trustees, Guardian or Guardians, or Committee or Committees, shall be and are hereby authorized effectually to release the said Commissioners, their Heirs and Successors, from all such Loss and Damages; and that it shall and may be lawful to and for the said Commissioners, or any Three of them, by and with such Consent and Approbation as aforesaid, to pay to such Person or Persons as aforesaid such Sum and Sums of Money as the said Commissioners, or any Three of them, shall think reasonable for such Damages as aforesaid, out of any Money in their Hands arising from the Duties of Customs payable in *Ireland*.

In case of Disagreement, Amount of Compensation shall be ascertained by a Jury.

III. And be it further enacted, That in case the said Commissioners, or any Three of them, cannot agree with such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, Body or Bodies Corporate, Sole, or Aggregate, or the Guardian or Guardians, Trustee or Trustees, Committee or Committees of any Cestuique Trusts, Infants, Issue unborn, Femes Covert, Idiots, Lunatics, or any of them, as to the Amount of such Sum or Sums to be paid as Compensation for such Damages as aforesaid, that then and in every such Case it shall and may be lawful to and for every such Person or Persons who shall

think him, her, or themselves aggrieved or injured by the stopping any such Street, Road, Lane, Court, or Alley as aforesaid, or any Part thereof, to lay their Claim for Compensation or Account of the same by Petition before the said Commissioners; and the said Commissioners or any Three of them are hereby authorized and required to cause the Amount of such Compensation for such Damage or Injury so complained of, to be ascertained by a Jury or Juries before the said Commissioners, or any Three of them, in like Manner, and with all and every the like Powers to them in that Behalf, as by the said recited Act they are authorized to use and exercise with respect to the Valuation and Purchase of the Right, Title, and Interest of any Person or Persons in and to Grounds, Houses, and Buildings, by the said Act directed to be valued and ascertained; and the said Commissioners, or any Three of them, are hereby authorized and required to pay all such Damages as shall be so awarded, and such other Sum and Sums of Money as shall be found necessary for the Purposes of this Act, out of any Money in their Hands arising from the Duties of Customs payable in *Ireland*.

Certain Streets stopped up by Commissioners.

IV. And whereas the said Commissioners of Customs, in pursuance of the said recited Act, and for the Purpose of carrying the same into Effect, have heretofore, by themselves or by Persons acting under their Authority, stopped up, altered, or changed certain Streets, Ways, Passages, or Roads through the said Premises, for the Purpose of forwarding and expediting the Public Works, and which was absolutely unavoidable and necessary to the Purposes of the said Act; and therefore the said Commissioners, and those acting by their Authority and under them, ought to be indemnified for having so done, under the Conditions and Provisoes herein-after mentioned; be it therefore enacted, That all Actions or Suits, either at Law or in Equity, and all Indictments, Informations, and all Prosecutions and Proceedings whatsoever, which have been or shall be commenced or prosecuted against any Person or Persons for or by reason of such Person or Persons having heretofore stopped up, altered, or changed, or caused to be stopped up, altered, or changed, any Street, Road, Lane, Court, Alley, or Passage, within or through the said Premises so purchased, or leading through the same or any Part thereof, or for or by reason of any other Act, Matter, or Thing commenced, appointed, or done in relation to the Premises, shall be and the same are hereby made void and of no effect; and the Courts in which respectively such Action or Actions, Suit or Suits, or Proceedings, have been or shall be commenced, are hereby authorized and required, on Application made to such Courts for the Purpose in a summary Way, and it appearing to such Courts by Affidavit, or the Admission of the Parties, that the said Actions, Suits, Indictments, or Proceedings were commenced or prosecuted for the Purposes hereinbefore mentioned, to order that all such Actions, Suits, Indictments, or Proceedings shall cease and be stayed; and the said Commissioners and all and every such Person or Persons shall be and they and ne are and is hereby for ever acquitted, discharged, and indemnified, of, from, and against all such Actions, Suits, Indictments, and Proceedings accordingly.

Actions, &c. against Persons having stopped up such Streets, shall be stayed by the Court on summary Application.

V. Pro-

Parties having commenced such Suits, may apply for Compensation to Commissioners, or in default of agreeing with them, to a Jury.

V. Provided always, and be it enacted, That it shall and may be lawful for any Person or Persons who shall have commenced or proceeded on any such Action, Suit, or Indictment, or taken such Proceedings, to prefer his, her, or their Petition to the said Commissioners of Customs and Port Duties, in Manner herein-before directed with respect to Persons claiming Compensation for Damages, thereby claiming Compensation for such Damages as he or they may conceive themselves entitled to, including such Costs as may have been incurred in any Action, Suit, Indictment, or Proceeding, which may have been taken by him or them as aforesaid, and to have and receive such Compensation for such Damages, Loss, and Costs, as the said Commissioners shall deem reasonable, and which shall be agreed upon between them and the Party or Parties so claiming Compensation as aforesaid; and in case no such Agreement can be made, then it shall be lawful for such Person or Persons to have and receive such Compensation for such Damage, Loss, and Costs, as may be awarded by a Jury, to whom the said Commissioners are hereby authorized and required to refer the same, in like Manner and according to the several Powers, Provisions, and Regulations in the said recited Act and this Act contained, and which Compensation the said Commissioners are hereby authorized to make and pay as aforesaid.

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