

ANNO TERTIO

GEORGII IV. REGIS.

CAP. XXXIV.

An Act for the Employment of the Poor in certain Districts in *Ireland*. [24th *May* 1822.]

WHEREAS the advancing of Money for the carrying on Public Works may at this Time afford the most effectual Means of relieving and employing the Poor in certain Districts in *Ireland*; 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 from and immediately after the passing of this Act, in all Cases where any Sum or Sums of Money shall have been presented at the Spring Assizes for this present Year One thousand eight hundred and twenty-two, by the Grand Jury of any County, or County of a City, or County of a Town, in *Ireland*, to be raised off such County, County of a City, or County of a Town, for the making or repairing of any Road or Roads, or the carrying on of any Public Work, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, upon any Application to be made to him or them for that Purpose, and whenever he or they shall think fit and proper, to direct by his or their Warrant or Warrants, that any Sum or Sums of Money not exceeding in the Whole the Amount of such Presentment, shall be advanced and paid out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, arising in *Ireland*, to be applied in paying for the making or repairing any

Lord Lieutenant may direct that any Sums not exceeding the Amount of the Presentments made for carrying on any Public Work may be paid out of the Consolidated Fund for that Purpose.

Part of such Road or Roads, or for the carrying on of any Public Work for which any such Presentment shall have been made, under the Regulations herein-after mentioned and contained.

Money to be issued to the Engineer or other Officer employed in the Works, who shall account for the same.

II. And be it further enacted, That all Sums so to be advanced under the Orders of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall be issued to some Engineer or other Officer or Person who shall be appointed by the Lord Lieutenant or other Chief Governor or Governors to superintend the making or repairing of the Road, or the carrying on the Public Work for which such Money shall be advanced; and it shall be lawful for such Engineer or other Person to make Payments for such Work, and Labour, and Materials, as shall have been employed in or upon any such Road or Roads, or other Public Work, at any Time after the making of such Presentment, and either before or after the Appointment of such Engineer or other Person or Persons; and the Expenditure of all such Money shall be accounted for by such Engineer or Officer or other Person, and such Account shall be examined in such Manner and by such Person or Persons as shall be directed by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, and a Certificate under the Hand of the Chief Secretary for the Time being of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of his Under Secretary for Civil Affairs, of the Amount of all Monies so advanced and paid and accounted for, shall be transmitted from the Office of such Chief Secretary to the Treasurer of the County, County of a City, or County of a Town, in which such Road or Public Work shall be situate; and after the Receipt of such Certificate the Treasurer of every such County, County of a City, or County of a Town, shall pay to the Collector of Excise in the District where the County Town is situate, or in the County of a City, or County of a Town, so much of the Money which shall have been or shall be levied, and which he shall from Time to Time receive from the Baronial or other Collectors by virtue of the Presentments on account of which such Money shall have been advanced, as shall be sufficient to repay the Money so advanced, but without Interest for the same; and such Money shall be applied by such Collector of Excise in like Manner as any other Public Money in his Hands, and such Certificate shall be sufficient Authority to such Treasurer to pay such Money to such Collector of Excise, and the Receipt of such Collector of Excise shall be a sufficient Acquitance and Discharge to such Treasurer for all Monies so paid, in like Manner as if Affidavits accounting for the same had been allowed by the Grand Jury and the Court at an Assizes in Manner required by Law, and the Queries on all such Presentments shall be respectively discharged accordingly.

Treasurers of Counties to pay Money raised by Presentments in Re-payment of Advances.

Act not to extend to any Road now making or repairing.

III. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any Part of any Road, for the making or repairing of which Part any Contract shall have been made and any Supervisor shall have been appointed under any Act or Acts in force in *Ireland* relative to the making or repairing of Roads, during such Time as such Contract shall be in force,

or such Supervisor shall be acting in execution of his Power under any such Act or Acts.

Lord Lieutenant may direct Engineers to report on Plans for making and improving Roads, and may advance 50,000*l.*

IV. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, whenever he or they shall think fit so to do, to direct any Engineer or Engineers, or other Person or Persons, to report upon any Plan for the making or improving of any Road in any County in *Ireland*, in which it shall appear to such Lord Lieutenant or other Chief Governor or Governors that the making or improving of such Road is useful or expedient; and upon such Report, if the same shall be approved of by the Lord Lieutenant or other Chief Governor or Governors, it shall be lawful for him or them, by his or their Warrant, to direct that any Sum or Sums of Money shall be advanced from Time to Time out of the Produce of the said Consolidated Fund arising in *Ireland*, not exceeding in the whole the Sum of Fifty thousand Pounds, to be paid to any Person or Persons to whom the making or improving of any such Road shall be intrusted, or who shall be willing to undertake or contract for the making or improving such Road, under the Superintendance of any Engineer or other Person to be appointed by the Lord Lieutenant or other Chief Governor or Governors for that Purpose.

Roads to be under the Superintendance of Engineers appointed by the Lord Lieutenant.

Money issued for Works to be accounted for by such Engineers.

Presentment may be made for Payment of Money advanced.

V. And be it further enacted, That all such Roads for the making or repairing of which any Sum shall be so advanced under this Act, shall be made or repaired under the Superintendance of such Engineer or other Person or Persons as shall be for that Purpose appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*; and that all Sums of Money which shall be advanced on account of such Work, shall be issued to such Engineer or other Person or Persons, and shall be accounted for by such Engineer or other Person or Persons, and such Account shall be examined in such Manner and by such Persons as shall be directed by such Lord Lieutenant or other Chief Governor or Governors; and a Certificate of the Chief Secretary of the Lord Lieutenant, or of his Under Secretary for Civil Affairs, shall be laid before the Grand Jury at the next ensuing Assizes for the County, County of a City, or County of a Town, in which such Work shall have been carried on, stating the full Amount of the Sum so advanced and expended and accounted for; and upon the Production of such Certificate, it shall and may be lawful for the Grand Jury of such County, County of a City, or County of a Town, if they shall see fit, and shall judge the said Road so made or improved to be advantageous to the County, or County of a City, or County of a Town, to make a Presentment for the Repayment of the Whole or any Part of the Money which shall have been so advanced and expended and accounted for, to be raised off such County, County of a City, or County of a Town, in such Proportions and by such Half-yearly Instalments as shall be directed in such Presentment; and the Amount of any Sum or Sums of Money so presented shall, when raised, be paid by the Treasurer of such County, County of a City, or County of a Town, to the Collector of Excise for the District, to be by him applied in like Manner as any other Public Money in his Hands.

VI. And

Persons entrusted with the making of Roads, &c. empowered to purchase Premises.

VI. And be it further enacted, That it shall and may be lawful for any Person or Persons to whom the making or improving of any such Road shall be intrusted, or for any Person or Persons who shall for that Purpose be named and appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and whose Nomination and Appointment shall be certified by the Chief Secretary or his Under Secretary for Civil Affairs, and such Person or Persons is and are hereby authorized and empowered, from Time to Time to treat, contract, and agree for the Purchase of any Lands, Grounds, Houses, or Hereditaments, lying near or contiguous to any such Road or Roads, and for the Loss or Damage which the Owners, Proprietors, and Occupiers thereof, or any of them, shall or may in anywise sustain by the making or improving of any such Road or Roads, and to pay out of any Monies to be issued for the Purposes of this Act, such Sum or Sums of Money as shall be agreed to be received by such Owners, Proprietors, or Occupiers as aforesaid, and for the Costs attending such Purchase; and every such Road shall be of the Width of Twenty Feet at the least; and such Lands and Grounds when so purchased as aforesaid, or any Part thereof, shall and may be laid into and made Part of such Roads, with proper Drains and Ditches and Fences for that Purpose, and shall thenceforth be deemed and taken to be a public or common Highway, and Part of the Roads to be made or improved by virtue of this Act.

Width of Roads to be 20 Feet at least.

Dwelling Houses, Orchards, &c. not to be taken without Consent of Owner.

VII. Provided always, and be it enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the taking or pulling down any Dwelling-house or other Building, or the taking or making use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner thereof first had and obtained.

Bodies Politic, &c. and others empowered to sell Premises.

VIII. And be it further enacted, That it shall be lawful for any Owner or Proprietor, and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whomsoever, or any other Person or Persons, not only for and on Behalf of themselves, but also for and on Behalf of any Infants, Femes Covert, Cestuique Trust, and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands or Hereditaments, either for their own Use or Benefit, or for the Use of or in Trust for such other Person or Persons as aforesaid, to contract and agree with any Person or Persons to be appointed for that Purpose in Manner aforesaid, for the Satisfaction to be made for any such Damage as aforesaid, or to sell and convey to them all or any of such Lands and Hereditaments, or any Part or Parts thereof, as Occasion shall be and require; and all Contracts, Sales, and Conveyances which shall be so made shall be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding;

to and call such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, or Trustees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given in Writing, or left at the Dwelling House or Houses or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Grounds proposed to be used or taken for the Purpose of widening or improving the said Roads, or any Part or Parts of such Roads, shall, by the Space of Fourteen Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be hindered from treating, then and in every such Case the Person or Persons so appointed as aforesaid shall cause it to be enquired into and ascertained by and on the Oaths of a Jury of Twelve indifferent Men of the County in which such Road shall be situate, (which Oaths such Person or Persons so appointed, or any One or more of them, is and are hereby empowered and required to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Proprietors, or Occupiers, or other Person or Persons interested, for, upon, or on account of any such Damage, or of the using and taking such Lands or Hereditaments for the Purposes of this Act; and in order thereto such Person or Persons is and are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before the said Jury, and to examine upon Oath (or being of the People called *Quakers*, upon Affirmation), all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath or Affirmation such Person or Persons so appointed, or any One of them, is and are hereby empowered to administer); and such Person or Persons shall also order and cause the said Jury to view the Places in question, if there be Occasion, and to use all lawful Ways and Means, as well for their own as the Jury's better Information in the Premises, as shall seem necessary or expedient; and after the said Jury shall have enquired of, ascertained, and settled such Damage and Recompence, such Person or Persons so appointed shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination so had and made, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whom-

If they neglect to do so, a Jury to be called to value the Premises.

Dwelling Houses, Orchards, &c. not to be taken without Consent of Owner.

Verdict of Jury binding.

whomsoever, claiming or to claim in Possession, Reversion, or Remainder, in Fee or in Tail General or Special, or for Life or Lives, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all Persons whomsoever.

Proceedings in summoning a Jury.

IX. And be it further enacted, That for the summoning or returning of such Jury or Juries, it shall and may be lawful for the Person or Persons so appointed as aforesaid, and he and they is and are hereby empowered, to issue his or their Warrant or Warrants to the Sheriff of any such County, thereby commanding and requiring such Sheriff to impannel, summon, and return an indifferent Jury of Twelve Persons, to appear before such Person or Persons at such Time and Place as in such Warrant shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear on such Summons, such Person or Persons so appointed as aforesaid shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the Person or Persons so acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, or his Deputy or Deputies, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury and shall not appear, without sufficient Excuse, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give his Verdict, or who in any other Manner shall wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear (having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences), without sufficient Excuse, or who appearing shall refuse to be sworn, (or being of the People called *Quakers*, to affirm), and to give Evidence, and from Time to Time to levy and apply such Fine or Fines in such Manner as such Penalties, Forfeitures, and Fines are herein-after directed to be levied and applied; so that such Fine shall not exceed the Sum of Ten Pounds upon any such Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid for any One Offence.

Penalty on Sheriff, Jurymen, and Witnesses neglecting their Duty.

If a Verdict be given for more Money than offered by the Party

X. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by

him, her, or them sustained, than what shall have been agreed to and offered by the Person or Persons appointed as aforesaid to treat for the same, before the summoning or returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and returning the Jury and Witnesses shall be borne and paid out of any Money advanced by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more, or for less Money than shall have been agreed to and offered by such Person or Persons appointed as aforesaid, before the summoning and returning of such Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and returning the said Jury and the Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Person or Persons with whom such Person or Persons so appointed shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County, County of a City, or County of a Town, not interested in the Matter in question, who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of the Person or Persons entitled to the Money so assessed and adjudged, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Person or Persons so appointed as aforesaid, by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures; provided that where by reason of Absence any Person or Persons shall have been prevented from treating touching the Matters aforesaid, the whole of such Fees and Expences shall be paid out of any Money authorized to be advanced for the Purposes of this Act.

to treat, Expence of Inquest to be paid out of the Money advanced, if for no more or less than the Sum offered, then such Expence shall be paid by the other Party.

XI. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof, or upon depositing the same in the Bank of *Ireland* under the Direction of the Court of Chancery in manner by this Act directed, and after Ten Days Notice given to such Parties or Persons, or to his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments so to be agreed for or purchased as aforesaid, such Lands or Hereditaments shall be used and taken for the Purposes of this Act, and shall to all Intents and Purposes become and be deemed a common Highway, and shall henceforth for ever be deemed as Part of any Road or Roads to be made or improved under the Provisions of this Act; and henceforth all Parties and Persons

On Payment of the Purchase Money Premises to be taken for the Purposes of this Act.

Persons whosoever shall be divested of all Right and Title to such Lands and Hereditaments.

Application of Purchase Money, if amounting to 200*l.* or upwards.

XII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased for the Purposes of this Act, of any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Feme or Femes Covert, or other incapacitated Person or Persons, or of any Person or Persons seised for Life or Lives, of any other Estate in strict or other Settlement, 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 the High Court of Chancery in *Ireland*, to be placed to his Account *ex parte* the Person or Persons appointed to make such Contract as aforesaid, 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 Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting any other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or 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 other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trust, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken or used as aforesaid stood settled or limited, or such of them as at the Time of making the 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 High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds and Ten Shillings *per Centum*, or Four Pounds *per Centum* Annuities transferrable at the Bank of *Ireland*; and in the meantime and until the said Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement were made.

Application of Purchase Money if less

XIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid,

said, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *Ireland*, with the Privity and in the Name of the said Accountant General of the High 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 nominated by the Person or Persons making such Option, and approved of by One or more of the Person or Persons appointed to contract as aforesaid (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where Money does not exceed 200*l.* and exceeding 20*l.*

XIV. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned, shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the Person or Persons so appointed to contract as aforesaid, or any One or more of them, shall think fit; or in case of Infancy or Lunacy, then to the Guardian or Guardians, Committee or Committees of the Person or Persons so entitled respectively, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application of the Money where it does not exceed 20*l.*

XV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the Person or Persons so appointed to contract as aforesaid, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the Person or Persons so appointed to contract as aforesaid, or any One or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Ireland*, in the Name and with the Privity of Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and

If refused to be accepted, Money to be paid into the Bank, under the Direction of the Court of Chancery.

Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds in *Ireland*, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Ireland* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In Cases of Dispute of Title, Persons in Possession to be deemed lawfully entitled to Premises.

XVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the said High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction to the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

When Purchases of other Premises are made, Expence of Purchases to be paid out of the Money received by this Act.

XVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue

virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Materials for making or repairing Roads to be taken from Wastes, or from other Grounds, by Order of Justices.

XVIII. And be it further enacted, That it shall and may be lawful for any Person or Persons to whom the making or improving any such Road or Roads shall be intrusted, and all such Person or Persons as the Person or Persons so intrusted shall appoint, to search for, dig, gather, and take away any Stones, Gravel, Sand, or other Materials, for making or repairing any such Road or Roads, out of any Waste or Common Ground, Common River, or Common Brook, not being within the Distance of One hundred Yards of any Bridge, Dam, Weir, or Jetty, in any Parish or Place adjoining any such Road or Roads, or in any adjoining Parish or Place, without paying any thing for the same, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if sufficient Quantities of Materials cannot be had or found in or upon any such Waste or Common Ground, Common River, or Common Brook, then and in such Case such Persons as aforesaid may, by the Order of any One or more Justice or Justices of the Peace for the County, search for, dig, gather, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, in any Parish or Place where any Part of any such Road or Roads shall lie or be situate, or in any adjoining Parish or Place, such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees, making or tendering such Satisfaction for the Value of the Materials and for the Damage done to the Owners and Occupiers of such Grounds where and whence the same shall be dug up, gathered, and carried away, or over which the same or any other Materials for making or repairing the said Roads shall be carried, as the said Justice shall adjudge reasonable.

Consent of Owners of Ground necessary before Materials are taken.

If on Notice given Owners do not shew sufficient Cause, &c. Justices may make Order therein.

XIX. And be it further enacted, That it shall not be lawful for any Person or Persons acting under the Authority of this Act to dig, gather, get, take, or carry away any Materials for repairing such Roads out of or from any inclosed Lands or Grounds, without the Consent in Writing of the Owners or Occupiers thereof first had and obtained for that Purpose, or until Four Days previous Notice in Writing, signed by the Person or Persons intrusted with the making or improving such Roads, shall have been given to the Owners or Occupiers of the Premises from whence such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Owners or Occupiers, to appear at a Time and Place to be therein named, before any one Justice of the Peace to be named in such Notice, acting in and for the County, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner or Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice shall, if he think proper, authorize any Person to dig, gather, get, take, and carry away such Materials in such Manner;

and

and at such Time or Times, as to such Justice shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justice may (upon Proof on Oath, or being of the People called *Quakers* upon Affirmation, of the Service of such Notice, and which Oath or Affirmation such Justice is hereby empowered to administer) make such Order therein as he shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his Agent, had attended.

Penalty on Persons taking Materials gathered for the Purposes of this Act, 5*l*.

XX. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purposes of this Act, or if any Person or Persons shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purposes of getting Materials for the said Roads, before the said Workmen shall have discontinued working therein for the Space of Twenty-one Days (except the Owner or Occupier of any Private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), all and every such Persons and Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Annoyances may be removed.

XXI. And be it further enacted, That it shall be lawful for such Person or Persons as shall be intrusted with the making or improving any such Road or Roads, to remove and prevent all Nuisances and Annoyances, or cause the same to be removed or prevented, on any Part of the said Roads, by Timber, Stones, Carriages, Saw Pits or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise, and to turn any Watercourses, Gutters, Conduits, or Drains running into the same to the Prejudice thereof, and to open, scour, cleanse, deepen, widen, and enlarge any Gutter, Ditch, Conduit, or Watercourses adjoining or near to the said Roads, or any Part thereof.

Footpaths or Causeways to be made.

XXII. And be it further enacted, That it shall be lawful for such Person and Persons as shall be intrusted with the making or improving any such Road or Roads, to make Footpaths or Causeways in or along the Sides of the said Roads, not being a Yard, Garden, Orchard, planted Walk, or Avenue to any House, and to cut or make Drains or Watercourses upon and through any Grounds lying contiguous to the said Roads, and to erect and keep in Repair the Bridges and Arches thereupon, and also to make Ditches or Trenches in such Places and in such Manner as such Person or Persons shall judge necessary, and make sufficient Fences, Barriers, and other Erections on any Part or Parts of the said Roads, in order to prevent any Rivulet or Current of Water from flooding the same, as such Person or Persons shall judge necessary.

Fines how to be levied and recovered.

XXIII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, may, in case of Non-payment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace for the County or Place in which such Penalty shall be incurred, on Complaint to him for that Purpose exhibited, and afterwards be levied, as well as the Costs of

such Proceedings, on Non-payment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon before him any Witness or Witnesses, and to examine such Witness or Witnesses upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same, and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned upon Demand to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Fines, Penalties, or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice or any other Justice of the Peace for such County or Place as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol of such County or Place, there to remain without Bail or Mainprize, for any Term not exceeding Two Calendar Months, unless such Fines, Penalties, or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and such Fines, Penalties, or Forfeitures, when so levied, shall be paid to the Person or Persons who shall be intrusted with the making or the Improvement of the Roads with respect to which such Fines shall have been imposed, or such Penalties or Forfeitures incurred under this Act, and shall be wholly applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

Convictions to be drawn up in the following Form.

XXIV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice 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 in the following Form of Words, (as the Case shall happen), or in any other Form of Words to the same Effect; (that is to say),

to wit. } 'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me, One of His Majesty's Justices of the Peace for the said County, (*or* City or Town, *as the Case may be*), by virtue of an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act (here set forth the Title of this Act, and specify the Offence, and when and where committed)*. Given under my Hand and Seal the Day and Year above written.'

Persons aggrieved may appeal to Quarter Sessions.

XXV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act by any of His Majesty's Justices of the Peace, or by any other Person or Persons whomsoever authorized to act in the Execution of this Act, such Person so thinking himself or herself to be aggrieved as aforesaid, may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the County or Place, such Appellant (if there be sufficient Time after the Cause of such Complaint shall have arisen) first giving or causing to be given Ten Days Notice at least in Writing of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Justice or other Person or Persons whose Act or Determination shall be so appealed against, and within Seven Days next after such Notice entering into a Recognizance before some Justice of the Peace for the County or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for Want of sufficient Time for giving such Notice previous to the Quarter Sessions next after the Cause of such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for such County or Place, and the Justices at such First or Second Sessions, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and shall award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Justices at such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also, by their Order or Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for Want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction for the said County, there to remain for any Time not exceeding Two Calendar Months, or until Payment of such Costs.

Proceedings not to be quashed for Want of Form.

XXVI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or of any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction

tion for the Special Damage (if any) in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on Behalf of the Party distraining before such Action commenced. Persons aggrieved may appeal to Quarter Sessions

Limitation of Actions.

XXVII. And be it further enacted, That no Action or Suit shall be commenced against any Justice of the Peace, or any other Person or Persons, for any thing done in pursuance of this Act, until Thirty Days Notice thereof shall be given to such Justice or other Person or Persons, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County, County of a City or Town, where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall or may at his or their Election plead specially or the General Issue Not Guilty, 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 the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Thirty Days Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid; then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Double Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Case by Law.

Costs for defending Actions may be paid out of the Money applicable to the Purposes of this Act.

XXVIII. Provided also, and be it further enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to direct that all such Costs, Charges, and reasonable Sums as any Justice or Justices of the Peace, or other Person or Persons shall have been at, or put unto, or shall have expended in defending or prosecuting any Suit or Suits, Indictment or Indictments, Information, or other Prosecution whatsoever, or for or on account thereof, or for or concerning any Matter or Thing whatsoever which they shall have done, or ordered to be done, in the Execution of this Act, shall and may be paid out of any Money applicable to the Purposes of this Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1822.