ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 74.

An Act for enabling *William Ogilvie* Esquire to purchase Lands for opening sufficient Roads to and Communications with the Harbour of *Ardglass* in the County of *Down*. [21st *May* 1813.]

WHEREAS the Harbour of *Ardglass*, in the County of *Down*, in *Ireland*, is of Importance to Navigation and Trade, having an open clear Entrance without a Bar, and with a sufficient Depth of Water for Vessels to enter for Safety at any Time of Tide; and it is therefore of great Importance that a free and open Communication should be established between the said Port of *Ardglass* and the Country adjacent, with a view of facilitating the Public Works now carrying on in that Harbour: And whereas *William Ogilvie* Esquire, Lord of the Manor of *Ardglass*, is willing and desirous at his own Expence to open sufficient Roads to and Communications with the said Harbour: But as these Purposes cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it 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 the said *William Ogilvie*, and his Heirs and Assigns, shall have full Power and Authority, and he and they is and are hereby authorized to agree with and purchase from the Persons named in the Schedule A. hereunto annexed, their Heirs, Executors, Administrators and Assigns, the Houses, Gardens, and Grounds belonging

W. Ogilvie, &c. empowered to purchase Lands, &c. in Schedule A.

belonging to such Persons respectively, or to either of them, which are necessary for making Roads of Communication and widening and making new Roads from the Stone Quarries in *Ringsadd* to the said Harbour.

Purchase of Houses.

II. Provided always, and be it enacted, That at least Six Months Notice in Writing shall be given to every Occupier of such House, Grounds or Gardens, previous to the Time at which he, she, or they shall be required to remove: Provided also, that if any Tenant or Tenants shall, in virtue of the Powers granted by this Act, be obliged to remove from his, her, or their House, Ground or Possession, before the Expiration of the Term or Lease for which he, she, or they may hold the same, such Tenant or Tenants shall be entitled to demand and receive from the said *William Ogilvie*, and his Heirs and Assigns, Compensation for the Value of the Remainder of such unexpired Term or Lease; and in case of Difference respecting the Amount of such Compensation, the same shall be ascertained and settled in such and the like Manner as the Purchase Money for Lands is by this Act directed to be ascertained and settled: Provided always, that although any of the Owners, Occupiers, or Liferenters of any of the said Lands, Tenements, and other Hereditaments, shall, through Misinformation, have been wrong named, it shall not afford any Ground or Pretence for the said Owners, or others interested, or any of them, for objecting to or interrupting the Execution of the said Powers and Works under this present Act.

Satisfaction to be made.

III. Provided always, and be it enacted, That all and every Body or Bodies Politic or Corporate, Trustees or other Persons herein-before enabled to sell or convey Lands, Tenements, or other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any such Lands, Tenements, or other Hereditaments, may and shall accept and receive Satisfaction for the Value of such Lands, Grounds, Tenements, and Hereditaments; and for the Damages to be sustained by making Accesses to the Harbour herein-before mentioned, in such Manner as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said *William Ogilvie*, and his Heirs and Assigns, or some Person or Persons authorized by him or them for that Purpose; and in case he or they, or such Person or Persons, and the Parties interested in the Lands, Grounds, Tenements or other Hereditaments, particularly mentioned and described in Schedule A. cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury of Twelve Persons, to be summoned and chosen by the Sheriff of the said County of *Down*, and which such Sheriff is hereby required to summon and choose in the Manner in which Juries are and may be summoned and chosen by Sheriffs of Counties in *Ireland*; and the said Sheriff may order and authorize the said Jury or any Seven or more of them, to view the Places or Matter or Matters in question, which Jury upon their Oaths (which Oaths as well as the Oaths to such Person or Persons as shall be called upon to give Evidence the said Sheriff is hereby required to administer), shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or other Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid; and shall assess separate Damages for the same, and the said Sheriff shall give Judgment for such Purchase Monies or Recompence so to be assessed by such Jury, which said Verdict and the Judgment there-

If Parties cannot agree, Price to be settled by a Jury.

upon

upon pronounced as aforesaid, (Notice in Writing being given to the Person or Persons, Body and Bodies Politic and Corporate interested, at least Fourteen Days before the Time of the First Meeting of the said Jury, declaring the Time and Place of the Meeting, by leaving such Notice at the Dwelling House of such Person or Persons, or at his, her, or their usual Places of Abode, if then resident within *Ireland*, and if not, then with the known Agent or Receiver of the Rents of such Person as shall be then absent from *Ireland*, or if a Body Politic or Corporate, then with the ostensible or waiting Officer of such Body Politic or Corporate), shall be signed by the said Sheriff, and shall be binding and conclusive to all Intents and Purposes, against all Bodies Politic or Corporate, and all and every other Person or Persons claiming any Estate, Right, Title, Trust, Use or Interest in, to, or out of any such Land and Premises; either in Possession, Reversion, Remainder, or Expectancy, as well Infants and Issue unborn, Lunatics, Idiots and Femes Covert, and Persons under any legal Incapacity or Disability, as all other Cestuique Trusts, his, her and their Heirs, Successors, Executors and Administrators, and against all other Persons whomsoever; and the said Verdicts, Judgments and Decrees, and all other Proceedings of the said Sheriff and Juries to be made, given, and pronounced as aforesaid, shall be fairly written on Parchment, and signed and sealed by the said Sheriff, who shall pronounce such Judgment, and shall not be liable to Review by Appeal, or otherwise; any Law or Statute to the contrary notwithstanding.

Expences of Juries how to be paid.

IV. Provided always, and be it enacted, That in all Cases where a Verdict or Assessment shall be given or made for more Money, as a Recompence or Satisfaction for any Lands or Premises, or for any Damage done or to be done to the same, than had been previously offered by or on Behalf of the said *William Ogilvie*, all the Expences of summoning such Jury and of taking such Inquest shall be defrayed by the said *William Ogilvie*; but if any Verdict or Assessment shall be given or made for no more or for a less Sum than had been previously offered by or on Behalf of the said *William Ogilvie*, then and in every such Case the Costs and Expences of summoning such Jury and taking such Inquest shall be borne and paid by the Party to whom such Offer was previously made by the said *William Ogilvie*: Provided always, that where by reason of Absence any Person or Persons shall be prevented from treating with the said *William Ogilvie*, all the Costs and Expences of summoning the Jury and taking such Inquest shall be borne and paid by the said *William Ogilvie*.

Persons requesting a Jury, to enter into Bond to Prosecute.

V. Provided also, and be it enacted, That all Persons making Complaints and requesting such Jury, for the ascertaining the Value of any Lands or Premises or the Amount of any Recompence or Satisfaction for any Damage done or to be done to the same, shall, before the said Sheriff shall be obliged to summon such Jury, first enter into a Bond with Two Sureties to the Sheriff of the said County for the Time being, in the Penalty of Fifty Pounds Sterling, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Inquest, in case a Verdict shall be given for no more or a less Sum than had been offered by or on Behalf of the said *William Ogilvie*, before summoning and returning the said Jury or Juries, as the Value or as a Recompence or Satisfaction for any Lands or Premises or for any Damages as aforesaid: Provided always, that if the Person so requesting

such Jury shall refuse to enter into such Bond as aforesaid, it shall and may be lawful for the said *William Ogilvie* to require such Jury to be summoned, and the same shall be summoned accordingly by the Sheriff; and the Expence of summoning such Jury, and of taking the Inquest by them, shall be defrayed in Manner and under the Regulations herein-before provided, mentioned, and contained.

Upon Payment of Sums so awarded, Conveyances shall be made of said Ground to W. Ogilvie.

VI. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be awarded or adjudged to the Person or Persons to whom the same shall be awarded for the Purchase of any such Ground or Premises as aforesaid, or for the Purchase of any Estate, Right, Title, Term, or Interest therein, such Person or Persons shall make and execute or procure to be made and executed Conveyances to the said *William Ogilvie*, his Heirs and Assigns, of such Ground and Premises as aforesaid, or of such Estate, Right, Title, Term, or Interest for which such Sum or Sums of Money shall be so awarded in the Form herein-before set forth, and shall procure all necessary Parties to execute such Conveyances, Assignments, and Assurances, and shall do all Acts, Matters, and Things necessary and requisite to make a good, clear, and perfect Title to the said *William Ogilvie*, his Heirs and Assigns; and such Person or Persons, Body or Bodies Politic and Corporate, to whom any Sum or Sums of Money shall be awarded by Way of Satisfaction and Compensation for any such Damages as aforesaid, shall give and perfect to the said *William Ogilvie*, his Heirs and Assigns, full and sufficient Release, Acquittance, and Discharge from all Claims and Demands for or on account of all Damages for which such Sum shall be awarded as aforesaid.

Such Verdicts shall be entered in the Rolls Office of the Court of Chancery, and Copies thereof deemed Evidence in all Courts; and Premises vested in W. Ogilvie on Payment to Owners or into Chancery.

VII. And be it further enacted, That all such Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings of the said High Sheriff and Juries as relate to or concern the Premises aforesaid, shall be entered in the Rolls Office of the said Court of Chancery, and the same or true Copies thereof shall be deemed and taken to be good and sufficient Evidence and Proof in any Court or Courts of Law or Equity whatsoever; and immediately on the Entry of such Verdicts, Judgements, Sentences, Decrees, Orders and other Proceedings of the said Sheriff and Juries as aforesaid, and on Payment of the Sum or Sums of Money agreed on or adjudged or awarded either for the Purchase of any Land or Premises, or as a Satisfaction or Compensation for any Damages, to the Proprietor or Proprietors of any Ground or Premises, or to the Person or Persons who shall be entitled to receive such Money, or on Payment of such Money respecting which any Difficulties, Disputes, or Differences shall arise, into the Bank of *Ireland* in Manner and for the Purposes herein mentioned, all the Estate, Right, Title, Term, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons to whom or for whose Use such Money shall be paid as aforesaid, into and out of all Ground and Premises which shall be so purchased, shall vest in the said *William Ogilvie*, his Heirs and Assigns, and the said *William Ogilvie* shall be deemed in Law to be in the actual Possession thereof to all Intents and Purposes whatsoever; and all and every Person and Persons, Body and Bodies Politick and Corporate to whom any such Satisfaction or Compensation as aforesaid shall be awarded, shall from thenceforth be for ever barred from claiming any further or other Satisfaction or Compensation whatsoever for any Damage which they or any of them shall sustain by the Means aforesaid.

Premises thenceforth vested in W. Ogilvie.

VIII. And

Conveyances as aforesaid, of Estate, &c. to be effectual.

VIII. And be it further enacted, That the Conveyance to the said *William Ogilvie*, his Heirs and Assigns, of any such Estate and Interest of any Feme Covert in or to any such Ground or Premises as aforesaid, by Bargain and Sale acknowledged by such Feme Covert in such Manner as Bargains and Sales are usually acknowledged, and enrolled in the Rolls Office of His Majesty's High Court of Chancery in *Ireland* within Six Months after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Femes Coverts in the Premises as any Fine or Fines, Recovery or Recoveries should or could do if levied or suffered thereof in due Form of Law; and further, that all Bargains and Sales whatsoever to be made of any Ground or Premises which shall be purchased by the said *William Ogilvie* by virtue of and for the Purposes of this Act, shall have the like Force, Effect, and Operation in Law, to all Intents and Purposes, which any Fine or Fines, Recovery or Recoveries whatsoever would have, if levied or suffered by the Bargain or Bargains, or any Person seised of any Estate in the Premises in Trust for or to the Use of such Bargain or Bargains in any legal Manner and Form whatsoever.

Application of Compensation Money when exceeding 200l.

IX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers and for the Purposes of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, or seised or possessed of only a particular or determinable Estate or Interest therein, 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 the High Court of Chancery in *Ireland*, to be placed to his Account *ex parte* the said *William Ogilvie*, to the Intent that such Money may 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 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 or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or 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 or 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 such Conveyance and Settlement, shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery upon Application thereto, be vested by the said Accountant General in his Name in the Purchase of some of the Public Funds or Annuities transferrable at the Bank of *Ireland*; and in the mean Time and until the said Public Funds or Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Funds or Annuities shall from Time to Time be paid by Order of the said Court, to the Person or Per-

ſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands or Hereditaments ſo hereby directed to be purchaſed in caſe ſuch Purchaſe or Settlement were made.

Application when Compenſation is leſs than 200l. and exceeds 20l.

X. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation or to any Perſon or Perſons under Incapacity or Diſability as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds; then and in ſuch Caſe the ſame ſhall (at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments taken or uſed, or of his or 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 ſaid Bank of *Ireland*, in the Name and with the Privity of the ſaid Accountant General of the ſaid High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in the 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 the ſaid *William Ogilvie*, his Heirs and Aſſigns, (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 therefrom may be applied in Manner herein-before directed, ſo far as the ſame may be applicable without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Application where Money is leſs than 20l.

XI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt before mentioned ſhall be leſs than 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 or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid *William Ogilvie*, his Heirs and Aſſigns, ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles,

XII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid *William Ogilvie*, his Heirs or Aſſigns, or ſhall refuſe to execute ſuch Conveyance or Conveyances, or ſuch Releaſe, Acquittance or Diſcharge as is required by this Act, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid cannot be found, or in caſe it ſhall not ſatisfactorily appear to ſaid *William Ogilvie* what Shares and Proportions of any Purchaſe Money or Recompence for Damages ought to be paid or allowed to any Tenant or other Perſon having a particular Eſtate, Term, or Intereſt in any Premiſes; or if the Perſon or Perſons entitled to any Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid *William Ogilvie* to order the ſaid Sum or Sums of Money ſo awarded to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant

or if Perſons cannot be found, the Purchaſe Money to be paid into the

countant General of the said 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 Disposition of the said 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, or to order Distribution thereof or Payment of the Interest 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.

Bank, subject to the Order of the Court of Chancery, on Motion or Petition.

XIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the 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 Public Funds or Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Funds or 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 of the said Court of Chancery; and the Dividends or Interest of the Funds or Annuities to be purchased with such Money, and also the Capital of such Funds or 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.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands at the Time of such Purchase shall be deemed entitled thereto according to such Possession.

XIV. 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 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 and may be lawful to and for the said 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 said Court shall deem reasonable to be paid by the said *William Ogilvie*, his Heirs or Assigns, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

Limitation of Actions.

XV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act after Six Calendar Months next after the Fact committed; and every such Action and Suit shall be brought and tried in the County where the Cause of Action shall arise, and not elsewhere; and if any such Action or Suit shall be brought before Fourteen Days Notice shall have been given, or after 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 and in every such Case 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 or Defendants shall have appeared; or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in ot' Cases by Law.

Public Act.

XVI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

SCHEDULE A. To which this Act refers.

Property.	A.	R.	P.	Owners.	Occupiers.
House and Garden -	0	0	27	The Representatives of the late Honourable Edward Ward.	Representatives of John Norris.
Do. Do. -	0	0	30		
House and Garden -	0	0	20		Representatives of James Norris.
Do. Do. -	0	0	20		
Land - -	1	2	12		
Land - -	3	2	11		Patrick Fitzsimons.
A House about 25½ Feet Front.					Daniel Blair.
A House and Garden	0	0	28½		Richard Finigan.
Do. Do.					Thomas Smith.
Land - -	1	0	10		John Swail.
A Potatoe Garden -	0	0	34		William Ogilvie Esquire.
A House and Garden	0	0	36	Roger Johnson Smith Esquire.	Hugh Curran.
Do. Do.					James Quail.
A House, A Field and	1	1	15		Margaret Curran.
A Do. Old Ruin.					Mary Curran.

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