ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 88.

An Act for encloſing Lands within the Pariſh of *Ballymore Euſtace* in the County of *Dublin.*

[27th *May* 1814.]

WHEREAS there are within the Pariſh of *Ballymore Euſtace*, in the County of *Dublin*, ſeveral Commons, Commonable Lands, and Waſte Grounds, containing by Eſtimation Three hundred and Twenty Acres or thereabouts: And whereas the Honourable *William Moore* of *Ballymore Euſtace*, in the County of *Dublin*, is Lord or Owner of the Manor or reputed Manor of *Ballymore Euſtace*, in and extending over the ſaid Pariſh, and alſo Owner of divers Meſſuages, Lands, Tenements, and Hereditaments, within the ſame; and *John Henry* Baron *D. Robeck*, in Right of his Wife *Ann* Baroneſs *Robeck*, and ſeveral other Perſons, are Owners and Proprietors of the ſeveral Meſſuages, Lands, Tenements, and Hereditaments, within the ſaid Pariſh, and as ſuch intereſted in the ſaid Commons, Commonable Lands, and Waſte Grounds: And whereas the ſaid Commons, Commonable Lands, and Waſte Grounds are, in their preſent State and Condition, incapable of any conſiderable Improvement, and it would be advantageous to the ſaid Owners and Proprietors, and all other Perſons intereſted therein, if the ſame were divided, allotted, and incloſed; but as ſuch Diviſion, Allotment, and Incloſure, cannot be effected without the Aid and 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

Commissioners.

of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Burne* of *Merrion Square*, in the City of *Dublin*, Esquire, one of His Majesty's Counsel at Law, *William Henry Arabine* of *Clare Street* in the said City, Esquire, Barrister at Law, and *Richard Hetherington*, of *Arran Quay*, in the said City, Esquire, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Commons, Commonable Lands, and Waste Grounds, and for carrying this Act into Execution.

New Commissioners in case of Death.

II. And be it further enacted, That if any of the Commissioners herein named, or to be appointed by virtue of this Act, shall, before the Execution of all the Powers and Authorities hereby vested in him or them, die, or refuse to act, or become incapable of acting in the Execution of this Act, then, and in every such Case, it shall and may be lawful to and for the surviving or remaining Commissioners or Commissioner, and they and he are and is hereby authorized and required, at any Time, and from Time to Time, within Thirty Days next after such Death, Refusal, or Incapacity, shall be known to them or him, by Writing under their or his Hands or Hand, to appoint another fit and proper Person to be a Commissioner in the Place of each Commissioner so dying or refusing to act, or becoming incapable of acting; and every Commissioner so to be appointed as aforesaid, shall, after taking the Oath herein mentioned, have the like Powers and Authorities for carrying this Act into Execution, in all Respects, as if he had been named and appointed a Commissioner in and by this Act; and that all Acts, Matters, and Things authorized and directed to be done or executed by the Commissioners herein named, or to be elected as aforesaid, may be done and executed by any Two of them, and all such Acts, Matters, and Things shall be as valid and effectual, as if the same had been done and executed by all the said Commissioners herein named, or to be elected as herein mentioned.

Notice of Meetings.

III. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice in Writing of the Time and Place of their first and every other Meeting for the Execution of this Act, to be placed on the principal Door of the said Parish Church of *Ballymore Eustace*, and to be inserted in *Saunders's News Letter*, or *Dublin Evening Post*, if then published, and if not, then in some other Newspaper printed and circulated within the said County of *Dublin*, Ten Days at least before any such Meeting, (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners, it shall happen that no more than One Commissioner shall attend, such Commissioner may adjourn such Meeting to any Time and Place which he shall think most convenient: Provided always, that no Person shall be capable of acting as a Commissioner in the Execution of this Act (except only in the Power hereby given of appointing the First Meeting, and administering the following Oath to the other Commissioners (until he shall have taken the following Oath; (that is to say),

Oath.

'I *A. B.* do swear, That I will faithfully, impartially, and honestly, examine into, hear, and determine all such Matters and Things as shall be brought before me as a Commissioner, by virtue of an Act for dividing, allotting, and inclosing the Commons, Commonable Lands, and

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'and Waſte Grounds within the Pariſh of *Ballymore Euſtace*, in the 'County of *Dublin*, and otherwiſe execute the Powers thereby in me 'repoſed, according to the beſt of my Skill and Judgment, and without 'Favour or Affection to any Perſon or Perſons whomſoever.

'So help me GOD.'

Which Oath it ſhall and may be lawful to and for any One of the ſaid Commiſſioners to adminiſter, and he is hereby required to adminiſter the ſame to any other of the ſaid Commiſſioners.

Clerk to Commiſſioners.

IV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners or their Succeſſors, from Time to Time to nominate and appoint a Clerk to aſſiſt them in the Diſcharge of the Duties by this Act impoſed, and to allow ſuch Clerk ſuch Sum as they ſhall think proper, not exceeding Three Guineas *per* Day, for each and every Day the ſaid Commiſſioners ſhall meet or attend, in Furtherance and Execution of this Act, as a Compenſation for his Trouble and Attendance.

Allowance to Commiſſioners.

V. And be it further enacted, That each of the ſaid Commiſſioners and their Succeſſors reſpectively, ſhall be entitled to have and receive the Sum of Three Guineas by the Day, for each and every Day they or any of them ſhall meet or attend in Furtherance and Execution of this Act; which ſaid Sum ſhall, on each Day of Meeting, be inſerted by the ſaid Clerk in the Account herein-after directed to be kept by the ſaid Commiſſioners reſpectively.

Claims to be delivered to Commiſſioners.

VI. And be it further enacted, That all and every Perſon and Perſons, Body or Bodies Politic, Corporate or Collegiate, having or claiming to have any Eſtate or Property, Right of Common, or other Right or Intereſt whatſoever in, to, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, ſhall, by himſelf, herſelf, or themſelves, or by his, her, or their Guardians, Truſtees, Agents, or Tenants, and he, ſhe, and they is and are hereby reſpectively required, at the Firſt or Second Meeting of the ſaid Commiſſioners to be holden in purſuance of this Act, to deliver in Writing to the ſaid Commiſſioners, a true and juſt Account of the Meſſuages, Cottages, Lands and Tenements belonging to him, her, or them reſpectively, for or in reſpect of which ſuch Eſtate, Property, Right of Common, or other Right or Intereſt ſhall be claimed, and alſo a true and juſt Account of his, her, and their reſpective Claims, Rights, and Intereſt in, to, over, or upon the ſaid Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, and that no ſuch Accounts or Claims ſhall be received by the ſaid Commiſſioners, after ſuch their Second Meeting, except for ſome ſpecial Cauſe to be allowed by them; and all and every Perſon and Perſons, Body and Bodies Politic, Corporate, or Collegiate, neglecting or refuſing to deliver ſuch Accounts at the Firſt or Second Meeting of the ſaid Commiſſioners, ſhall be, and is and are hereby excluded and debarred from all Rights of Common, and other Rights or Intereſt whatſoever in, to, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or in, to, over, or upon any Part or Parts of the ſame, to be aſſigned or allotted to any other Perſon or Perſons by virtue of or under this Act; and if any One or more of the ſaid Owners and Proprietors, or other Perſons intereſted in the ſaid intended Diviſion and

Allotments, ſhall have any Objection or Objections to the ſaid Accounts or Claims, or any of them, ſuch Objection or Objections ſhall be reduced into Writing, and delivered to the ſaid Commiſſioners, and to ſuch other Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, whoſe Account or Accounts, Claim or Claims, ſhall be objected to, in ſuch Manner and at ſuch Time or Times as the ſaid Commiſſioners or any Two of them ſhall appoint.

Commiſſioners may ſummon Witneſſes.

VII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners or their Succeſſors, or any Two of them, and they are hereby required from Time to Time as they ſhall ſee Occaſion, by any Writing under their Hands, to ſummon and require any Perſon or Perſons to appear before them at any Time and Place in ſuch Writing mentioned, and to teſtify the Truth upon Oath (which Oath any of the ſaid Commiſſioners are hereby empowered to adminiſter), touching any Matter in Difference or Diſpute between any of the ſaid Proprietors or Perſons intereſted, or concerning any Matter or Thing wherein any Doubt or Difficulty ſhall occur to the ſaid Commiſſioners, and to cauſe a Duplicate or Copy of ſuch Writing to be delivered to every ſuch Perſon required to teſtify, or left at his or her laſt or uſual Place of Abode; and if any Perſon or Perſons having been ſo ſummoned as aforeſaid, and having been paid or tendered a ſufficient Sum of Money, to be aſcertained by the ſaid Commiſſioners, or their Succeſſors, or any Two of them, to defray the Charges of his, her, or their Attendance or Attendances, ſhall, without any juſt and reaſonable Excuſe, neglect or refuſe to appear before the ſaid Commiſſioners purſuant to ſuch Summons or Writing, or ſhall refuſe to be ſworn or to be examined, or to give Evidence touching the Premiſes, then and in every ſuch Caſe the ſaid Commiſſioners, or their Succeſſors, or any Two of them, due Proof being made before them upon Oath (which Oath any One of the ſaid Commiſſioners is hereby empowered to adminiſter), of the Service of ſuch Summons upon the Perſon or Perſons who ſhall not appear before them at the Time and Place therein ſpecified, and of ſuch Perſon or Perſons having been paid or tendered a ſufficient Sum of Money to defray the Charges of his, her, or their Attendance, ſhall cauſe, and they are hereby required to cauſe, by Warrant under their Hands and Seals, directed unto any Perſon or Perſons whomſoever, any Sum of Money not exceeding Ten Pounds, to be levied by Diſtreſs and Sale of the Goods and Chattels of every Perſon ſo neglecting or refuſing to appear, or to be ſworn, or to be examined, or to give Evidence, rendering the Overplus (if any) upon Demand, to the Perſon whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale; and the Money ſo to be levied as aforeſaid ſhall be applied towards defraying the Coſts and Charges of obtaining and executing this Act: Provided always, that no Perſon who ſhall be ſummoned as a Witneſs as aforeſaid, ſhall be obliged to travel more than Twenty Miles.

Commiſſioners to ſettle Differences.

VIII. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotments, touching or concerning the reſpective Rights, Intereſts, Shares, and Proportions which they or any of them ſhall claim to have of and in the Lands and Grounds hereby directed

rected to be divided and allotted, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion and Allotments, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required, as well by Examination of Witneſſes upon Oath (which Oath any One of the ſaid Commiſſioners is hereby empowered to adminiſter), as upon any other proper and ſufficient Inquiry and Evidence, to examine into, hear, and determine the ſame; but nothing herein contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever.

Commiſſioners may award Coſts.

IX. And be it further enacted, That in caſe the ſaid Commiſſioners, or their Succeſſors, or any Two of them, ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to them in purſuance of this Act, ſee Cauſe to award any Coſts, it ſhall and may be lawful to and for the ſaid Commiſſioners, or their Succeſſors, or any Two of them, and they are hereby empowered, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners ſhall be made, by the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, who ſhall be liable to pay ſuch Coſts and Charges, ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, or their Succeſſors, or any Two of them, and they are hereby authorized and empowered, by Warrant under their Hands and Seals, directed to any Perſon whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Allowing Parties to try Rights at Law.

X. Provided always, and be it enacted, That in caſe any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotments, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners, or their Succeſſors, touching or concerning any Right of Common, or other Rights or Intereſts in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or touching or concerning any other Claim or Claims which ſhall be made in purſuance of this Act, or any Part thereof, it ſhall and may be lawful to and for ſuch Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners, and for that Purpoſe the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, ſhall cauſe an Action to be brought in one of His Majeſty's Courts at *Dublin*, upon a feigned Iſſue, againſt the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, in whoſe Favour

ſuch Determination ſhall have been made within Three Calendar Months after ſuch Determination of the ſaid Commiſſioners, and ſhall proceed to Trial at the Firſt or Second Term after the Commencement of ſuch Action, or at the Sitting at Niſi Prius after ſuch Term or Terms, and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, and they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto, or file Common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on, may be tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame); and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding, and concluſive upon all and every Perſon and Perſons whomſoever, Body and Bodies Politic, Corporate and Collegiate, unleſs the Court wherein ſuch Action or Actions ſhall be brought, ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had thereon, which it ſhall be lawful for the Court to do, in caſe the ſaid Court ſhall think proper; and that after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioners and their Succeſſors ſhall, and they are hereby required to act in Conformity thereto, and to allow or diſallow any of the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials; and the Coſts and Charges of ſuch Action or Actions ſhall be paid in ſuch Manner, and by ſuch Perſon or Perſons as the Judge, before whom ſuch Iſſue or Iſſues ſhall be tried, ſhall order or direct the ſame to be paid: Provided nevertheleſs, that if no ſuch Action ſhall be brought or proceeded in within the Time and in the Manner herein provided, the Determination of the ſaid Commiſſioners, or their Succeſſors, or any Two of them, ſhall be final and concluſive.

Actions not to impede Proceedings of Commiſſioners.

XI. Provided always, and be it enacted, That if any Suit or Suits ſhall be commenced or proſecuted, touching or concerning the Title of any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, in or to any Meſſuages, Lands, Tenements, or Hereditaments in the ſaid Pariſh of *Ballymore Euſtace*, ſuch Suit or Suits ſhall not impede, delay, or hinder the ſaid Commiſſioners and their Succeſſors from proceeding in the Execution of the Powers veſted in them by this Act; but the ſaid Diviſion and Allotment ſhall be proceeded in notwithſtanding ſuch Diſpute or Suit, and ſuch Allotment or Allotments may be had and taken by the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, who upon the Determination of ſuch Difference or Suit ſhall become entitled to the ſame.

In Caſes of Deaths of Parties before Actions brought, the ſame to be carried on and defended in their Names.

XII. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame within the Time ſo limited as aforeſaid, againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk

Clerk to the ſaid Commiſſioners with Proceſs for commencing ſuch Action or Actions, in the ſame Manner as the Party or Parties might have been ſerved therewith if living; and it ſhall thereupon be incumbent on the Heir or Heirs, or other Perſon or Perſons who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead, and Proceedings ſhall be had therein in the ſame Manner as if ſuch Perſon or Perſons had been actually living, and the Rights of all ſuch Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Deaths of Parties not to ſuſpend the Execution of the Act.

XIII. And be it further enacted, That if any of the Parties intereſted in the ſaid intended Diviſion, Allotment, and Exoneration from Tithes, ſhall die before the ſame ſhall be completed, the Powers and Authorities veſted in the ſaid Commiſſioners by virtue of this and the ſaid recited Act, ſhall not be determined or ſuſpended, but the ſaid Commiſſioners ſhall and may proceed to execute the ſame, in ſuch Manner as they might have done in caſe ſuch Parties had not died; and the Share or Shares of the Perſon or Perſons ſo dying of and in the Lands and Grounds to be divided and allotted by virtue of this Act, ſhall be allotted to the Perſon or Perſons who, by Deſcent, Will, or otherwiſe, ſhall become entitled thereto, and ſhall be accepted and fenced by him, her, or them according to the Directions, and under and ſubject to the ſeveral Clauſes, Proviſoes, and Conditions contained in this and the ſaid recited Act; and he, ſhe, and they ſhall reſpectively bear and pay a Proportion of the Coſts, Charges, and Expences to be incurred by virtue of this and the ſaid recited Act, on account of ſuch Allotment or Allotments reſpectively.

Perſons in Poſſeſſion not to be moleſted without due Courſe of Law.

XIV. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners to determine any Right between any Parties, contrary to the Poſſeſſion of any ſuch Parties (except in Caſes of Encroachment made within the Period of Thirty Years); but in caſe the ſaid Commiſſioners ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon, until the Poſſeſſion ſhall have been given up by or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

Survey to be made.

XV. And be it further enacted, That with all convenient Speed after the paſſing of this Act, a true and perfect Admeaſurement of all the Lands and Grounds, lying within the ſaid Pariſh of *Ballymore Euſtace*, ſhall be made and laid down as a Survey or Plan by ſuch Perſon or Perſons (not intereſted in the ſaid intended Diviſion and Incloſure) as the ſaid Commiſſioners ſhall appoint; and the ſaid Plan or Survey ſhall contain and and ſet forth the Number of Meſſuages, Cottages, Acres, Roods, and Perches in Statute Meaſure, belonging to the ſeveral Owners or Proprietors reſpectively, within the ſaid Pariſh, and alſo the Number of Acres, Roods, and Perches contained in the ſaid Commons, Commonable Lands, and Waſte Grounds, and ſhall be uſed by the ſaid Commiſſioners as often as Occaſion ſhall require; and the ſaid Plan or Survey, together with all other Acts, Matters, and Things to be done by the Perſon or Perſons to be appointed as aforeſaid, ſhall be verified by his or their Oath, (which Oath any One of the ſaid Commiſſioners is hereby empowered to adminiſter);

niſter) ; and the ſaid Commiſſioners and Surveyor, their Aſſiſtants and Servants, and all and every other Perſon or Perſons employed by the ſaid Commiſſioners, ſhall, and they hereby have full and free Liberty and Power, at any Time before the Execution of the Award herein directed to be made by the ſaid Commiſſioners, to enter into, view, examine, ſurvey, admeaſure, plan, and value the Lands and Grounds lying within the ſaid Pariſh of *Ballymore Euſtace*, and to fix Stakes or Land-marks thereon, and to do all Matters and Things which ſhall, in the Judgment of the ſaid Commiſſioners, be requiſite for carrying this Act into Execution: Provided nevertheleſs, that if any Plan or Survey already made of the Lands and Grounds lying within the ſaid Pariſh of *Ballymore Euſtace*, ſhall be produced and laid before the ſaid Commiſſioners, of the Authenticity whereof they ſhall be ſatisfied, it ſhall and may be lawful to and for the ſaid Commiſſioners to contract for and purchaſe the ſame, and to cauſe the ſame to be made uſe of by the Surveyor or Surveyors as aforeſaid, to be appointed by them.

Determining Boundaries.

XVI. And whereas Diſputes may ariſe touching the Boundaries of the ſaid Pariſh of *Ballymore Euſtace*, be it therefore enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to perambulate the Boundaries of the ſaid Pariſh of *Ballymore Euſtace*, and to cauſe Notice of ſuch Perambulation to be inſerted in the ſaid *Saunders's News Letter* or *Dublin Evening Poſt* if then publiſhed, and if not, then in ſome other Newſpaper printed and circulated within the ſaid County of *Dublin*, Ten Days at leaſt before the Time of ſuch intended Perambulation, and after the Expiration of the Time to be ſpecified in ſuch Notice, they the ſaid Commiſſioners are hereby authorized and required to enquire into, ſet out and aſcertain, fix and determine the Boundaries of the ſaid Pariſh of *Ballymore Euſtace*, and within Thirty Days after the Determination of the ſaid Boundaries, to cauſe a Deſcription of ſuch Boundaries to be inſerted in the ſaid *Saunders's News Letter* or *Dublin Evening Poſt* if then publiſhed, and if not, then in ſome other Newſpaper printed and circulated within the ſaid County of *Dublin*: Provided always, that if any Perſon or Perſons intereſted in the Determination of the ſaid Commiſſioners reſpecting the ſaid Boundaries, ſhall be diſſatisfied with ſuch Determination, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace acting in and for the ſaid County of *Dublin*, at any Quarter Seſſion of the Peace to be holden within Four Calendar Months next after the Publication as aforeſaid, of the Deſcription of the ſaid Boundaries (the Party or Parties making ſuch Appeal, giving Ten Days Notice of ſuch Appeal, and of the Matter thereof, to the ſaid Commiſſioners, or any Two of them), and the Deciſion of the ſaid Juſtices therein ſhall be final and concluſive.

Shortening Boundary Fences.

XVII. And whereas it may ſhorten the Boundary Fences between the Lands lying in the ſaid Pariſh of *Ballymore Euſtace*, and the Lands lying in the Pariſh or Pariſhes adjoining thereto, if the ſaid Commiſſioners were empowered to cauſe ſuch Fences to be raiſed in ſuch Direction as they ſhall think moſt proper and convenient; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, with the Conſent in Writing, under the Hand or Hands of the major Part in value of the Land Owners in any Pariſh or Pariſhes adjoining to the ſaid Pariſh of *Ballymore Euſtace*, and alſo under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors in any ſuch adjoining

Pariſh

Pariſh or Pariſhes, or of the Owner or Owners of the Land upon which ſuch Fence or Fences ſhall or may be intended to be made, to ſet out, aſcertain, and determine the Boundary Fences to be made between the Lands and Grounds lying in the ſaid Pariſh of *Ballymore Euſtace*, and the Lands lying in ſuch adjoining Pariſh or Pariſhes, as they ſhall judge proper for the Purpoſes aforeſaid; and after ſuch Boundaries ſhall be ſet out, aſcertained, and determined as aforeſaid, the ſame ſhall be fenced in ſuch Manner, and at ſuch Time or Times as the ſaid Commiſſioners ſhall direct, and ſhall for ever thereafter be deemed and taken to be the Boundaries between the ſaid Pariſh of *Ballymore Euſtace*, and ſuch adjoining Pariſh or Pariſhes; any Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding.

Extinguiſhing Right of Common.

XVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and their Succeſſors, or any Two of them, and they are hereby authorized, at any Time before the Execution of the Award herein directed to be made by them, in Writing under their Hands, to be affixed upon the principal Door of the Pariſh Church of *Ballymore Euſtace* aforeſaid, to order or direct all or any Part of the Rights of Common, or other Rights or Intereſts in, over, and upon the ſaid Commons, Commonable Lands, and Waſte Grounds, or any Part thereof, to be extinguiſhed or the Exerciſe thereof to be ſuſpended, for and during ſuch Time as ſhall be expreſſed in ſuch Writing, and that all ſuch Rights as the ſaid Commiſſioners ſhall by ſuch Writing order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall, from the Time of affixing ſuch Writing on the ſaid Church Door, ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof ſhall be ſuſpended accordingly; any Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding.

Encroachments.

XIX. And be it further enacted, That all Encroachments which, within Thirty Years now laſt paſt, have been made upon the ſaid Commons, Commonable Lands, and Waſte Grounds, ſhall be deemed Part of the Lands and Grounds to be divided and allotted by virtue of this Act, and ſhall be divided and allotted accordingly by the ſaid Commiſſioners; and in caſe any Diſpute ſhall ariſe touching any ſuch Encroachments, or the Extent thereof, ſuch Diſputes ſhall be finally determined by the ſaid Commiſſioners herein named, or to be elected as aforeſaid, or the Majority of them.

Commiſſioners may bring Ejectments.

XX. And be it further enacted, That if after the ſaid Commiſſioners ſhall have adjudged any Parcel of Land to be an Encroachment upon any Part of the Lands or Grounds to be divided, allotted, and incloſed by virtue of this Act, the Poſſeſſor or Poſſeſſors, Occupier or Occupiers thereof, ſhall refuſe or decline to yield up the Poſſeſſion thereof, being thereunto duly required by a Notice or Notices in Writing, ſigned by the ſaid Commiſſioners, and affixed upon the Church Door of the Pariſh of *Ballymore Euſtace* Six Weeks at the leaſt before the Time to be expreſſed in the ſaid Notice for yielding up ſuch Poſſeſſion to them, that then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners herein named, or to be elected as aforeſaid, or the Majority of them, to bring one or more Ejectment or Ejectments in their own Names as Leſſors in ſuch Ejectment or Ejectments, for the Recovery of the Poſſeſſion of the Lands and Grounds ſo adjudged and withheld; and if upon the Trial of ſuch

ſuch Ejectment or Ejectments, it ſhall appear that the Adjudication of the ſaid Commiſſioners was duly made purſuant to the Powers given to them by this Act, then and in every ſuch Caſe the Plaintiffs in ſuch Ejectment or Ejectments ſhall be entitled to recover Judgement, and have Execution, and the Lands and Grounds ſo to be recovered ſhall be deemed and taken to be Part and Parcel of the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, and ſhall be divided, allotted, and incloſed accordingly.

Making Drains and Roads.

XXI. And be it further enacted, That the ſaid Commiſſioners and their Succeſſors, or any Two of them, ſhall order and direct ſuch Bridges, Ditches, Fences, Banks, Stiles, Watercourſes, Drains, Tunnels, and other Works, as they ſhall deem neceſſary and proper to be made, in, over, and upon any Part or Parts of the ſaid Commons, Commonable Lands, and Waſte Grounds, or of the Lands and Grounds within the ſaid Pariſh of *Ballymore Euſtace*, and the other Lands and Grounds within the Limits and Proviſions of this Act, and ſhall ſet out and appoint, or alter, change, or amend ſuch Public and Private Roads and Ways, in, over, and upon the ſaid Commons, Commonable Lands, and Waſte Grounds, as they ſhall think neceſſary and proper, ſo that all new public Carriage Roads, ſo to be ſet out and appointed as aforeſaid, ſhall contain Thirty Feet in Breadth, between and excluſive of the Ditches, and ſhall be well and ſufficiently fenced out on both Sides, in ſuch Manner, and within ſuch Time as the ſaid Commiſſioners ſhall direct and appoint, and that it ſhall not be lawful for any Perſon to erect any Gate, or make any Impediment in, upon, or acroſs any of the ſaid Public Roads, or to plant any Trees in or near the Hedges on the Sides thereof, at a leſs Diſtance from each other than Fifty Yards.

Saving Rights of Grand Jury of County of Dublin.

XXII. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to derogate from, abridge, leſſen, or prejudice the Powers and Authorities of the Grand Jury of the County of *Dublin*, as to the Line, Direction, Breadth, or other Matter or Thing, touching or concerning any of the Roads or Highways, in, over, or upon the ſaid Lands and Grounds, or to prevent the ſaid Grand Jury from Time to Time from varying the Roads and Highways, or any of them, ſo to be laid out by the ſaid Commiſſioners, as they ſhall think expedient: Provided always, that none of the preſent Roads ſhall be ſhut up or diſcontinued until the new Roads, which may be ſubſtituted by the ſaid Commiſſioners in their Place or Stead, by virtue of this Act, ſhall be ſafe and convenient for Horſes, Cattle, and Carriages.

Selling Land to pay Expences.

XXIII. And whereas it would be convenient to the ſeveral Perſons intereſted in the ſaid Diviſion and Incloſure, if a competent Part of the ſaid Commons, Commonable Lands, and Waſte Grounds, were ſet apart and ſold, and the Money ariſing from ſuch Sale applied in defraying the Expences of obtaining and carrying this Act into Execution; be it therefore further enacted, That the ſaid Commiſſioners, or their Succeſſors, or any Two of them, ſhall and they are hereby required and authorized, as ſoon as conveniently can be done after the paſſing of this Act, to ſet out ſo much of the ſaid Commons, Commonable Lands, and Waſte Grounds, as in their Opinion will by the Sale thereof produce a Sum of Money ſufficient to pay and defray all the Charges and Expences of obtaining this Act, of

paying

paying the Commiſſioners hereby appointed, and their Clerk, and of the ſurveying, admeaſuring, planning, valuing, dividing, allotting, draining, and incloſing the Lands and Grounds hereby intended to be divided, allotted, and incloſed, and of preparing the Award hereby directed to be made, and of ſetting out and making all Public Roads and Works, and all other Coſts, Charges, and Expences of carrying this Act into Execution; and ſuch Lands, when ſo marked and ſet out, ſhall be and are hereby declared to be veſted in the ſaid Commiſſioners and their Succeſſors, and they are hereby directed and required to ſell the ſame to any Perſon or Perſons whomſoever, for the beſt Price or Prices that can be gotten for the ſame, by public Auction or Auctions, at any Place they may think proper, not exceeding Twenty Miles from the ſaid Pariſh of *Ballymore Euſtace*, (Notice of the Time and Place, or Times and Places thereof, being given Three Times in One or more of the ſaid public Newſpapers, Six Weeks previous to ſuch Auction or Auctions); and the Perſon or Perſons who ſhall at ſuch Sale be the higheſt Bidder or Bidders, for any ſuch Lands and Grounds, ſhall be deemed and taken to be the Purchaſer or Purchaſers thereof, and ſhall immediately pay to the Commiſſioners, who may be preſent at ſuch Sale, One Fourth Part of the Purchaſe Money, as and for a Depoſit, and ſhall engage to pay the Reſidue of the Purchaſe Money, within Three Calendar Months afterwards, into the Hands of the ſaid Commiſſioners or their Succeſſors, or any Two of them, who are hereby authorized to give Receipts for the ſame, and alſo for the Money to be paid as and for a Depoſit as aforeſaid; and if any Purchaſer having made ſuch Depoſit as aforeſaid, ſhall not pay the Whole of the Purchaſe Money within the Time appointed for the Payment thereof, the Money ſo depoſited ſhall be forfeited to the ſaid Commiſſioners, and ſhall be applied towards defraying the Expences attending the Execution of this Act; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or their Succeſſors, or any Two of them, upon giving ſuch Notice as aforeſaid, to put up again to Sale ſuch Lands and Grounds for which the Whole of ſuch Purchaſe Money ſhall not have been paid, and ſo *toties quoties*, until the ſame ſhall be ſold, or the ſaid Commiſſioners or their Succeſſors may, if they think proper, ſell and diſpoſe of ſuch Lands and Grounds by Private Contract, for the beſt Price that can be gotten for the ſame; and the Money ariſing by the Sale or Sales of ſuch Lands and Grounds, ſhall be applied by the ſaid Commiſſioners for the ſeveral Purpoſes aforeſaid.

Lands ſold to be conveyed to the Purchaſer.

XXIV. And be it further enacted, That the ſaid Commiſſioners, or their Succeſſors, ſhall and they are hereby authorized, by Indentures of Leaſe and Releaſe to be executed by them, or any Two of them, under their Hands and Seals, to grant and convey the Fee Simple and Inheritance of the Lands and Grounds ſo ſold, to the Purchaſer or Purchaſers thereof, his, her, or their Heirs and Aſſigns, or as he, ſhe, or they ſhall direct or appoint, and all ſuch Grants and Conveyances ſhall be valid and effectual in the Law to all Intents and Purpoſes whatſoever; and after the Execution of every ſuch Grant and Conveyance, the Lands and Grounds ſo granted and conveyed, ſhall be held by every ſuch Purchaſer, his or her Heirs and Aſſigns, freed and diſcharged of and from all Rights of Common, Right of Soil, and all other Rights and Intereſts, (Tithes excepted) of any other Perſon or Perſons whomſoever, in, over, and upon the ſame; any Law, Cuſtom, or Uſage to the contrary thereof in anywiſe notwithſtanding: Provided always, that the Purchaſer or Purchaſers of ſuch Lands

and Grounds, so to be sold as aforesaid, shall be subject to the Performance of all Orders, Regulations, and Directions which shall be made by the said Commissioners or their Successors, or any Two of them, and inserted in their Award, for inclosing, fencing, and draining such Land, and for maintaining and keeping the Drains and Fences belonging thereto in good Repair.

Application of Surplus.

XXV. And be it further enacted, That in case there shall be any Surplus of the Money arising from the Sale of such Part of the said Commons, Commonable Lands, and Waste Grounds, after paying all the Charges and Expences of obtaining and executing this Act, such Surplus shall be paid to or applied for the Benefit of the several Proprietors in the said Commons, Commonable Lands, and Waste Grounds, in Proportion to their respective Rights and Interests therein; and in case there shall be any Surplus, the same shall be divided and apportioned amongst the several Proprietors according to their respective Interests therein, and be paid to them if they shall be seized in Fee Simple, or otherwise such Surplus shall be applied as herein-after directed; but in case the Money arising from such Sale or Sales shall not be sufficient to pay all such Charges and Expences as aforesaid, then and in such Case such Deficiency shall be made up and paid by the several Persons, Bodies Politic, Corporate, and Collegiate, interested in the said Commons, Commonable Lands, and Waste Grounds, (save and except the Vicar of the said Parish for the Time being, for or in respect of any Allotment made to him as Vicar), in such Shares and Proportions, at such Time or Times, and to such Person or Persons as the said Commissioners or their Successors, or any Two of them, shall by Writing under their Hands appoint; and if any Person or Persons shall refuse or neglect to pay his, her, or their Share or Shares of the said Costs, Charges, and Expences, to the Person or Persons authorized to receive the same, at the Time or Times which shall be appointed by the said Commissioners or their Successors or any Two of them, for the Payment thereof, then and in every such Case the said Commissioners or their Successors, or any Two of them, shall and may by Warrant under their Hands and Seals, directed unto any Person or Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting as aforesaid, rendering the Overplus (if any) after deducting the Charges and Expences attending such Warrant, Distress, and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold; or otherwise it shall and may be lawful to and for the said Commissioners or their Successors, or any Two of them, by Writing under their Hands and Seals, to authorize and empower one or more Person or Persons to enter into and upon the Lands and Grounds to be allotted or belonging to the Person or Persons so refusing or neglecting as aforesaid, and to take and receive the Rents, Issues, and Profits of the same Premises, until thereby or therewith the Share or Shares of the said Costs, Charges, and Expences, so appointed to be paid by such Person or Persons so refusing or neglecting as aforesaid, with lawful Interest thereupon, from the Time the same shall have become due, and also all the Costs and Expences occasioned by or attending such Entry on and Perception of the Rents and Profits of the said Premises, shall respectively be fully paid and satisfied.

In case of Deficiency.

XXVI. And

Allotment to the Lord of the Manor.

XXVI. And be it further enacted, That the ſaid Commiſſioners and their Succeſſors, or any Two of them, ſhall in the next place ſet out and allot unto the Lord or Lords, Lady or Ladies of the ſaid Manor, and to any other Perſon or Perſons being Lord or Lords, Lady or Ladies, of any Manor or Manors within the Pariſh of *Ballymore Euſtace* aforeſaid, and to ſuch of them as is, are, or ſhall be entitled to the Soil of the ſaid Commons, Commonable Lands, and Waſte Grounds, or any Part thereof, ſuch Part of the ſaid Commons, Commonable Lands, and Waſte Grounds as in the Judgment of the ſaid Commiſſioners ſhall be equal in Value to One Eighteenth Part thereof; and the ſaid Allotment or Allotments ſhall be a full Satisfaction and Compenſation for the Right of ſuch Lord or Lords, Lady or Ladies, as ſuch, in and to the Soil of the ſaid Commons, Commonable Lands, and Waſte Grounds: Provided that nothing herein contained ſhall bar or interfere with their Right as Owner or Owners, Proprietor or Proprietors of Lands and Premiſes within the ſaid Pariſh, to proper Shares and Allotment of the ſaid Commons, Commonable Lands, and Waſte Grounds, in reſpect thereof.

Allotment of the Reſidue.

XXVII. And be it further enacted, That the ſaid Commiſſioners or their Succeſſors, or any Two of them, ſhall then divide, ſet out, and allot all the Reſidue and Remainder of the ſaid Commons, Commonable Lands, and Waſte Grounds, unto and amongſt the Owners and Proprietors, or their Leſſees, of the Meſſuages, Farms, Cottages, Dwelling Houſes, and Lands within the ſaid Pariſh, or ſuch of them as ſhall appear entitled thereto, in ſuch Shares and Proportions as in the Judgment of the ſaid Commiſſioners ſhall be a juſt and reaſonable Compenſation, Share, and Allotment, in reſpect of and in Proportion to the real Yearly Value of the ſaid Meſſuages, Farms, Cottages, Dwelling Houſes, Tenements, and Lands reſpectively.

Situation to be conſidered.

XXVIII. Provided always, That in making the ſaid Allotments, the ſaid Commiſſioners ſhall have due regard, as well to the Quality and Quantity of the Lands and Grounds ſo to be divided and allotted as aforeſaid, as alſo to the Situation and Contiguity of the ſame to the reſpective Habitations, Meſſuages, Barns, and other Property of the ſeveral Parties to or for whom ſuch Lands and Grounds ſhall reſpectively be aſſigned and allotted.

Allotments to be incloſed.

XXIX. And be it further enacted, That the ſeveral Allotments of the Lands hereby directed to be divided and allotted ſhall be incloſed, hedged and fenced by ſuch Perſon or Perſons, and Body or Bodies Politic, Corporate, or Collegiate, within ſuch Time and in ſuch Manner as the ſaid Commiſſioners or their Succeſſors, or any Two of them, ſhall in and by their ſaid Award order, direct, and appoint; and the Hedges, Ditches, Drains, and Fences which ſhall be made purſuant to the ſaid Award ſhall at all Times thereafter be maintained and kept in repair and cleanſed by ſuch Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, their Heirs or Succeſſors, as the ſaid Commiſſioners ſhall by their ſaid Award order and direct; and if any Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, their Heirs or Succeſſors, ſhall neglect or refuſe to make and raiſe ſuch Hedges, Ditches, Drains, or Fences, according to the Award of the ſaid Commiſſioners or their Succeſſors, it ſhall and may

may be lawful to and for the ſaid Commiſſioners or their Succeſſors, or any Two of them, and they are hereby empowered and required to cauſe ſuch Hedges, Ditches, Drains, or Fences, to be raiſed and made by ſuch Perſon or Perſons, in ſuch Manner, and at ſuch Time or Times, as they the ſaid Commiſſioners or their Succeſſors ſhall think proper; and if the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, who ought to have raiſed and made ſuch Hedges, Ditches, Drains, or Fences, ſhall neglect or refuſe to pay the Coſts and Expences of raiſing and making the ſame (ſuch Coſts and Expences being ſettled by the ſaid Commiſſioners) within Ten Days after Demand made thereof, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners or their Succeſſors, or any Two of them, and they are hereby required to raiſe and levy the ſame by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raiſed and levied, in caſe the Lands and Grounds herein directed to be ſold are inſufficient for the Payment thereof; and for better preſerving the Hedges, Ditches, Banks, Plants, Quickſets, and Fences of the ſaid intended Incloſures, it ſhall and may be lawful to and for the ſaid reſpective Perſons, and Body or Bodies Politic, Corporate, or Collegiate, to whom any Allotment or Allotments ſhall be made by virtue of this Act, their Heirs or Succeſſors, from Time to Time, and at all Times, during the Term of Seven Years next after the Execution of the ſaid Award, to ſet or fix Poſts or Rails, or any other Guards, on the Outſide of the Hedges, Banks, and Fences bounding their reſpective Allotments, not exceeding Three Feet from ſuch Hedges, Banks, and Fences, and at all ſeaſonable Times before the End of the ſaid Term, to remove, take, and carry away ſuch Poſts, Rails, and other Guards, and to convert the ſame to their reſpective Uſes.

Allotments may be incloſed before Award made.

XXX. And be it further enacted, That when the ſaid Commiſſioners ſhall have ſtaked out the ſeveral Allotments intended to be made by virtue of this Act, it ſhall and may be lawful to and for any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, to whom any Allotment or Allotments is or are intended to be made, to incloſe or fence ſuch Allotment or Allotments in ſuch Manner as the ſaid Commiſſioners or their Succeſſors, or any Two of them, ſhall by Writing under their Hands appoint, although the ſaid Award ſhall not then have been executed.

Recompence for unequal Share in Fencing.

XXXI. Provided always, and be it enacted, That in caſe, through Neceſſity of Situation, or any other Circumſtance, it ſhall happen that one or more of the ſaid Proprietors or Leſſees ſhall not have an equal or proportionable Share of Boundary, Mounds, or Fences allotted to him, her, or them, on the ſaid intended Incloſure, it ſhall be lawful for the ſaid Commiſſioners or their Succeſſors, or any Two of them, where they ſhall judge it neceſſary and reaſonable, to award, order, aſcertain, and appoint what Sum or Sums of Money ſuch Proprietor or Proprietors ſhall reſpectively pay and contribute towards the making the Mounds and Fences of the Allotments of ſuch other of the ſaid Proprietors or either of them who ſhall or may have too great a Share or Proportion of Mounding or Fencing allotted to him, her, or them, by virtue of this Act, the ſame to be ſettled by the ſaid Commiſſioners in ſuch Manner as they ſhall

award, order, direct, or appoint; and the Money ſo ordered, directed, or appointed to be paid, ſhall be paid, raiſed, levied, and received, in ſuch and the ſame Manner as the other Expences of this Act are herein ordered and directed to be levied and recovered, in caſe the Lands and Grounds herein directed to be ſold are inſufficient for the Payment of ſuch Expences.

In caſe of Sale Allotments to be made to Purchaſer.

XXXII. Provided alſo, and be it enacted, That if any Perſon or Perſons hath ſold or conveyed, or ſhall at any Time before the Execution of the ſaid Award convey or ſell his, her, or their Right, Intereſt, and Property in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, to any other Perſon or Perſons, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners or their Succeſſors, and they are hereby authorized and required to make an Allotment of Land under the Vendee or Purchaſer, in every ſuch Sale or Conveyance, or to his or her Heirs or Aſſigns, for or in reſpect of ſuch Right, Intereſt, and Property, ſo conveyed or ſold as aforeſaid; and every ſuch Vendee or Purchaſer, or his or her Heirs or Aſſigns, ſhall and may, from and after the Execution of the ſaid Award, hold and enjoy the Lands ſo to be allotted to him, her, or them, as aforeſaid, in the ſame Manner, to all Intents and Purpoſes, as the Vendor or Grantor in every ſuch Sale or Conveyance might, could, or ought to have held and enjoyed the ſame, in caſe ſuch Sale or Conveyance had not been made.

Allotments to be in lieu of Rights.

XXXIII. And be it further enacted, That the ſeveral Allotments to be made unto and for the ſeveral Perſons, and Body or Bodies Politic, Corporate, or Collegiate, who, by virtue of this Act, and in the Judgment of the ſaid Commiſſioners or their Succeſſors, ſhall be entitled to the ſame, ſhall be in full Satisfaction and Compenſation for their ſeveral Parts and Shares of the Lands and Grounds hereby directed to be divided and allotted, and for all their reſpective Rights and Intereſts in, over, and upon the ſame; and that from and immediately after the Execution of the ſaid Award, all Rights of Common, and other Intereſts whatſoever belonging to or claimed by any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, out of, in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, ſhall ceaſe, determine, and be for ever extinguiſhed.

Allotments to be excepted.

XXXIV. And be it further enacted, That the ſeveral Perſons and Body or Bodies Politic, Corporate, or Collegiate, to whom any Lands or Grounds ſhall be allotted by virtue of this Act, ſhall accept of their reſpective Allotments, by taking Poſſeſſion thereof within the Space of Six Calendar Months next after Execution of the ſaid Award, and Notice thereof in Writing to them reſpectively given by the ſaid Commiſſioners, or left at their reſpective uſual or laſt Places of Abode, or given to, or left at the uſual Place of Abode of the known Agent or Clerk of any Body Politic, Corporate or Collegiate; and in caſe any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, ſhall neglect or refuſe to accept his, her, or their Allotment or Allotments within the Time herein for that Purpoſe mentioned, ſuch Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, ſhall be totally excluded from and debarred of any

any Eſtate, Intereſt, Right of Common, or any other Property whatſoever, in, to, over, or upon any Lands or Grounds which ſhall be aſſigned or allotted to any other Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, in purſuance of this Act.

Guardians, &c. may accept.

XXXV. Provided always, That the Guardians, Huſbands, Committees, Truſtees, or Attornies of any Perſon or Perſons being Minors, under Coverture, Idiots, Lunatics, or beyond the Seas, or otherwiſe incapable by Law to accept ſuch Shares and Allotments as aforeſaid, ſhall, and they are hereby enabled and required to accept thereof for the Uſe of ſuch Perſon or Perſons ſo incapacitated as aforeſaid, and ſuch Acceptance ſhall be hereby declared to be as valid and effectual as if the Perſon or Perſons for or to whom ſuch Allotments ſhall be made reſpectively, were capable of acting for himſelf, herſelf, or themſelves, and had accepted ſuch Shares and Allotments as aforeſaid; any Law or Uſage to the contrary notwithſtanding.

Separate Allotments for different Eſtates held by different Titles.

XXXVI. And be it further enacted, That in caſe any Perſon or Perſons ſhall hold any Lands, Tenements, or Hereditaments, in reſpect whereof he, ſhe, or they are entitled to any Allotment or Allotments, of any Part or Parts of the ſaid Commons, Commonable Lands, and Waſte Grounds, by different Tenures or Titles, or for different Eſtates or Intereſts, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to aſcertain and determine the particular Parts allotted in reſpect of the ſeveral Hereditaments held by each of ſuch Tenures or Titles, or for each of ſuch Eſtates or Intereſts reſpectively.

Exchanges.

XXXVII. And be it further enacted, That it ſhall and may be lawful for the Truſtee or Truſtees, Feoffee or Feoffees, and alſo for any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, who is, are, or ſhall be Owner or Owners of any Lands, Tenements, or Hereditaments within the ſaid Pariſh of *Ballymore Euſtace*, and alſo for the Huſbands, Guardians, Committees, and Truſtees of any of the ſaid Owners, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwiſe incapable to act for themſelves, and alſo for all Perſons acting as Guardians, Truſtees, or Committees of ſuch Owners reſpectively, being under any Diſability whatſoever, whether ſuch Owner or Owners be a Tenant or Tenants in Fee Simple, or for Life or in Fee Tail general or ſpecial, or by Courteſy, or for Years determinable on any Life or Lives, to exchange all or any of his, her, or their Lands, Tenements, or Hereditaments, or any Lands or Grounds to be allotted to him, her, or them reſpectively, by virtue of this Act, for any other Lands, Tenements, or Hereditaments, within the ſaid Pariſh of *Ballymore Euſtace*, or any adjoining Pariſh or Pariſhes, or for any other Lands or Grounds to be allotted by virtue of this Act, ſo that all and every ſuch Exchange and Exchanges be made with the Conſent and Approbation of the ſaid Commiſſioners or their Succeſſors, and be deſcribed and aſcertained in the ſaid Award and all and every ſuch Exchange and Exchanges ſhall be valid in the Law, to all Intents and Purpoſes whatſoever: Provided always that nothing herein contained ſhall extend, or be conſtrued to extend, ſo as to enable any Perſon or Perſons having any Eccleſiaſtical Preferment, and holding any Lands, Tenements, or Hereditaments in Right of any Church or Chapel, to make any ſuch Exchange or Exchanges without the

the Conſent of the Dioceſan, and of the Patron or Patrons thereof, expreſſed in Writing under their Hands and Seals.

Leaſes at Rack Rent to be void;

XXXVIII. And be it further enacted, That all and every Leaſe and Leaſes upon Rack Rent now ſubſiſting, of all or any Part or Parts of the Tenements, Lands or Grounds to be exchanged, divided, and allotted by virtue of this Act, and all and every other Agreement and Agreements for any Term or Terms of Years at Rack Rent, or from Year to Year, or at Will, reſpecting the ſame, or any Part thereof, ſhall ceaſe and be void at ſuch Time as the ſaid Commiſſioners, by any Writing or Writings under their Hands, to be affixed upon the principal outer Door of the Pariſh Church of *Ballymore Euſtace* aforeſaid, or to be delivered to ſuch Leſſee or Leſſees, Tenant or Tenants reſpectively, or left at his, her or their uſual Place or Places of Abode reſpectively, ſhall order and direct; and the Owners and Proprietors of the Hereditaments and Premiſes ſo let ſhall make ſuch Satisfaction in Money to their Leſſee or Leſſees, Tenant or Tenants reſpectively, and within ſuch Time, as ſuch Owners and Proprietors, and their Leſſee or Leſſees, Tenant or Tenants, ſhall reſpectively agree upon; and in caſe of Diſagreement in the Premiſes between any ſuch Owners and Proprietors, and any ſuch Leſſee or Leſſees, Tenant or Tenants reſpectively, then upon Application made by either Party in Writing to the ſaid Commiſſioners, they the ſaid Commiſſioners ſhall order and direct what Sum or Sums of Money ſhall be paid by ſuch Owners and Proprietors reſpectively to ſuch Leſſee or Leſſees, Tenant or Tenants reſpectively, as an Equivalent or Satisfaction for the Loſs or Loſſes which he, ſhe, or they ſhall reſpectively ſuffer on account of the Determination of ſuch Leaſe or Leaſes, Agreement or Agreements as aforeſaid, (proper Allowance being made for all ſuch Conditions in every ſuch Leaſe or Agreement as ſhall not have been fulfilled by ſuch Leſſee or Leſſees, Tenant or Tenants reſpectively); and if the Money ſo agreed or ordered and directed to be paid as aforeſaid, ſhall not be paid to the Perſon or Perſons entitled to receive the ſame within Thirty Days after the Time agreed upon or appointed for Payment of the ſame (as the Caſe may be), and Demand made thereof in Writing under the Hand or Hands of the Perſon or Perſons to whom the ſame ſhall be payable, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, to raiſe and levy the ſame, for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act may be raiſed and levied: Provided always, that where any Lands or Grounds ſhall have been taken in Exchange by virtue of this Act, which Lands or Grounds ſhall be under Leaſe or Agreement, and wholly ſituated in an adjoining Pariſh, Hamlet or Place, the Leaſe of or Agreement reſpecting ſuch laſt-mentioned Lands or Grounds ſhall not be vacated.

but not to vacate beneficial Leaſes.

XXXIX. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to ſet aſide or make void any beneficial Leaſe or Leaſes from any Body or Bodies Politic, Corporate or Collegiate, of any Manor, Meſſuages, Cottages, Lands, Tenements, or other Hereditaments in the ſaid Pariſh of *Ballymore Euſtace*, to any Perſon or Perſons whomſoever; but the Perſon or Perſons entitled to ſuch beneficial Leaſe or Leaſes ſhall and may hold and enjoy his, her, and their ſeveral and reſpective Allotments in reſpect of the Meſſuages, Cottages, Lands, Tenements,

nements, or other Hereditaments, demiſed by any ſuch Leaſe or Leaſes reſpectively, for his, her, or their ſeveral and reſpective Term and Terms, and under the ſame Rents and Covenants as is or are ſpecified in his her, or their reſpective Leaſe or Leaſes from the ſaid Body or Bodies Politic, Corporate, or Collegiate, to him, her, or them reſpectively.

Wills or Settlements not to be affected.

XL. And be it enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend, to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance, out of, upon, or affecting any of the Meſſuages, Buildings, Lands and Grounds to be divided, allotted, or exchanged by virtue of this Act, or any Part thereof, but that each and every Proprietor ſhall ſtand and be ſeiſed of the ſeveral Meſſuages, Buildings, Lands and Grounds, to be allotted to or exchanged with him or her as aforeſaid, to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, and Charges, and no other, as the Meſſuages, Buildings, Lands, and Grounds whereof ſuch Proprietor was ſeiſed or poſſeſſed at or immediately before the Execution of the ſaid Award, or for which or in reſpect whereof ſuch Allotments or Exchanges ſhall be made, would have been ſubject to, charged with, or affected by, in caſe this Act had not been paſſed.

Borrowing Money.

XLI. And whereas ſome of the Owners and Proprietors of the Lands and Grounds within the ſaid Pariſh of *Ballymore Euſtace* may have occaſion to borrow Money to defray their reſpective Shares and Proportions of the Charges and Expences of obtaining and carrying this Act into Execution, and of incloſing and fencing their reſpective Allotments; be it therefore enacted, That it ſhall and may be lawful to and for the Proprietors and Owners of ſuch Lands and Grounds reſpectively, and alſo to and for the Huſbands, Guardians, Truſtees, and Committees of any of the ſaid Owners or Proprietors, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or labouring under any other Diſability whatſoever, and alſo to and for all Perſons acting as Guardians, Truſtees, or Committees of any Owners or Proprietors being under any Diſability or Incapacity whatſoever, whether ſuch Owners or Proprietors reſpectively be Tenants for Life, with or without Impeachment of Waſte, Tenants in Fee Tail general or ſpecial, or Tenants by Courteſy, or for Years determinable on any Life or Lives (other than and except the Vicar of the ſaid Pariſh, and his Succeſſors, in reſpect of any Allotment or Allotments made to them reſpectively as Vicars as aforeſaid), by any Deed or Deeds, Writing or Writings under their reſpective Hands and Seals, to be duly executed in the Preſence of and atteſted by Two or more credible Witneſſes, to charge the Lands and Grounds which ſhall be allotted to them reſpectively, by virtue and in purſuance of this Act, with any Sum or Sums of Money for defraying their reſpective Proportions of the ſaid Charges and Expences, and of incloſing and fencing their reſpective Allotments, as the ſaid Commiſſioners or their Succeſſors or any Two of them ſhall think neceſſary, not exceeding the Sum of Forty Shillings for every Acre of the Lands and Grounds ſo to be allotted to them reſpectively, the ſame to be paid to ſuch Perſon or Perſons, and applied for the Purpoſes aforeſaid, in ſuch Manner as the ſaid Commiſſioners or their Succeſſors ſhall direct and appoint; and for ſecuring the Re-payment of ſuch Sum or Sums of

Money, with Intereſt for the ſame, to grant, mortgage, leaſe, demiſe, or otherwiſe ſubject the ſaid Premiſes, or any Part thereof, unto any Perſon or Perſons who ſhall advance and lend ſuch Sum or Sums of Money reſpectively, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, for any Term or Number of Years, ſo that every ſuch Grant, Mortgage, Demiſe, or Security, be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered when ſuch Sum or Sums of Money thereby to be ſecured, and the Intereſt thereof, ſhall be fully paid and ſatisfied; and ſo that in every ſuch Grant, Mortgage, Demiſe or Security, which ſhall be made by any Perſon or Perſons intereſted in or entitled unto the Premiſes, for the Term of their natural Lives only, or by his, her, or their Guardian or Guardians, Truſtee or Truſtees, Committee or Committees, there be contained a Proviſo or Covenant, that the Owner or Proprietor of the ſaid Premiſes ſhall duly pay and keep down the Intereſt of any Sum or Sums of Money to be thereby ſecured during their reſpective Lives; and no Perſon afterwards becoming ſeiſed or poſſeſſed of the ſaid Premiſes ſhall be liable to the Payment of any further or larger Arrear of Intereſt than for One Year preceding the Time that the Title to ſuch Poſſeſſion ſhall have commenced; and every ſuch Grant, Mortgage, Leaſe, or Demiſe of the ſaid Premiſes, ſhall be good, valid, and effectual in the Law, for the Purpoſes thereby intended.

Parties to pay their own Expences.

XLII. Provided always, and be it enacted, That the ſeveral Perſons intereſted in ſuch Commons, Commonable Lands, and Waſte Grounds, their Solicitors, Attornies, and Agents, ſhall pay their own Expences when they or any of them ſhall attend the ſaid Commiſſioners at any of their Meetings to be holden in purſuance of this Act.

Money advanced to be repaid.

XLIII. Provided alſo, and be it enacted, That if any Perſon or Perſons ſhall advance and pay any Money in Diſcharge of the Fees or other Expences of preparing, ſoliciting, obtaining, or executing this Act, the Money ſo paid and advanced ſhall be repaid and ſatisfied to him, her, or them, by the Direction of the ſaid Commiſſioners, together with lawful Intereſt for the ſame.

Application of Compenſation when amounting to 200l.

XLIV. And be it further enacted, That in caſe there ſhall be any Money ariſing from the Sale of any Lands, Tenements, or Hereditaments, under or by virtue of the Powers of this Act, to be paid by the ſaid Commiſſioners to any Body Politic, Corporate, or Collegiate, Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtees, for or on Behalf of any Infant, Lunatic, Ideot, Feme Covert, or other Ceſtuique Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſon under any other 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 the High Court of Chancery in *Ireland*, to be placed to his Account there *ex parte* the ſaid Commiſſioners, 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, in the Diſcharge of

of any Debt or Debts, or other Incumbrances, or Part thereof, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, 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, Tenements, 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, 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 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 inveſted by the ſaid Accountant General, in his Name, in Government Securities; and in the mean Time, and until the ſaid Government Securities ſhall be ordered by the ſaid Court of Chancery, to be ſold for the Purpoſe aforeſaid, the Dividends and annual Produce of ſuch Government Securities 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, or Hereditaments.

Application of Compenſation when leſs than 200l. and amounting to 20l.

XLV. Provided always, and be it enacted, That in caſe ſuch Money ariſing from the Sale of any ſuch Lands, Tenements, or Hereditaments, to be paid by the ſaid Commiſſioners 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 be equal to or exceed 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*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery in *Ireland*, 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 the ſaid Commiſſioners (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 Caſe be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Money is leſs than 20l.

XLVI. Provided alſo, and be it enacted, That where ſuch Money ſo agreed or awarded to be paid as next 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, Tenements, and Hereditaments ſo purchaſed, taken, or uſed, for the Purpoſes of this Act, in ſuch Manner as the ſaid Commiſſioners ſhall direct; or in caſe of Infancy or Lunacy, then ſuch Money ſhall be paid to his, her, or their Guardian or Guardians,

Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Account to be entered in a Book.

XLVII. And be it further enacted, That the ſaid Commiſſioners or their Succeſſors, and their Regiſter or Clerk, ſhall, and they are hereby required, to enter in a Book or Books to be provided for that Purpoſe, an Account of all Monies whatever, received from the Proprietors, or others, during the ſaid Diviſion and Incloſure, and alſo of all the Charges and Expences incurred in the Execution of this Act, which Book or Books of Account ſhall be kept at the Office of the Clerk to the ſaid Commiſſioners, and be open at all reaſonable Times during the Progreſs of the ſaid Diviſion and Incloſure, and until all the Accounts are finally ſettled, for the Inſpection of any of the Proprietors, without Fee or Reward; and in caſe the ſaid Commiſſioners, or their ſaid Clerk, ſhall neglect to procure and keep ſuch Book or Books of Account as aforeſaid, or refuſe the Inſpection thereof to any of the Proprietors at reaſonable Times, the Party or Parties ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Ten Pounds, and in caſe of Non-payment thereof on Conviction of the Offenders reſpectively, on the Oath of any credible Witneſs or Witneſſes, or by the Confeſſion of the Party or Parties offending, before ſome Juſtice of the Peace for the ſaid County of *Dublin*, ſuch Fine or Forfeiture ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of ſuch Juſtice; and all ſuch Fines and Forfeitures ſhall be applied and diſpoſed of towards defraying the Expences and Charges of obtaining and executing this Act; and the Overplus of the Money raiſed by ſuch Diſtreſs and Sale, after deducting the Fines or Forfeitures, and the Expences of ſuch Diſtreſs and Sale, ſhall be rendered to the Owner of the Goods and Chattels ſo diſtrained; and for Want of ſufficient Diſtreſs, and in caſe the Fine or Forfeiture ſhall not be forthwith paid, it ſhall and may be lawful to and for ſuch Juſtice, by Warrant under his Hand and Seal, to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Fine, Penalty, or Forfeiture and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid or ſatisfied.

Money to be placed in a Banker's Hands.

XLVIII. And be it further enacted, That all Sums of Money to be raiſed under and by virtue of the Powers contained in this Act, ſhall, as often as the ſame ſhall amount to the Sum of Fifty Pounds, be paid into the Hands of ſome Banker, or of ſuch other Perſon or Perſons as ſhall be approved of by a Majority in Value of ſuch Proprietors, who ſhall be preſent at the Firſt Meeting of the ſaid Commiſſioners; and in the Notice of which Meeting ſhall be expreſſed the Intention of then appointing ſuch Banker, or ſuch other Perſon or Perſons; and that no Monies ſhall be iſſued out of the Hands of ſuch Banker, or other Perſon or Perſons, without an Order of the ſaid Commiſſioners or their Succeſſors, ſpecifying the Perſon to whom the ſame are payable, and the Service for which the ſame are due, and that the Balance (if any), upon the final Settlement of Accounts, ſhall be immediately repaid to the Land Owners, in Proportion to the Sums reſpectively paid by them.

Accounts to be audited.

XLIX. Provided always, and be it enacted, That the ſeveral Commiſſioners acting from Time to Time in the Execution of this Act, or their Clerk under their Direction, and each of them, ſhall make out an Account, containing a true Statement of all Sum and Sums of Money by him or them received or expended reſpectively, or due to him or them reſpectively, for his or their own Trouble or Expences; and that ſuch Account ſhall at leaſt once in every Year from the Date of the paſſing of this Act until ſuch Accounts ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined by *Henry Meredith* Eſquire, of the City of *Dublin*, Barriſter at Law, or (in caſe of Deceaſe, or of the refuſing or neglecting to examine ſuch Accounts when thereunto required), by any Juſtice of the Peace acting for the ſaid County of *Dublin*, and the Amount or Balance thereof ſhall be by them, or One of them, truly aſcertained and ſtated in the Books by this Act required to be kept in the Office of the Clerk of ſuch Commiſſioners, as therein mentioned; and that no Charge or Items in ſuch Accounts ſhall be binding on the Parties concerned, or be valid in the Law, unleſs the ſame ſhall be duly allowed by ſuch Perſons as aforeſaid, or One of them, in Manner aforeſaid, who ſhall reſpectively be entitled to a Sum, not exceeding in the whole the Sum of Fifty Guineas as a Compenſation for their Trouble and Attendance in the Examination and Adjuſtment of the ſaid Accounts.

Award.

L. And be it further enacted, That ſo ſoon as conveniently may be after the ſaid Commiſſioners ſhall have completed the Diviſion and Allotments of the Lands and Grounds hereby directed to be divided and allotted, purſuant to the Directions of this Act, they ſhall form and draw up an Award, or Inſtrument in Writing, which ſhall expreſs and denote the Quantity in Statute Meaſure of Acres, Roods, and Perches of the ſaid Lands and Grounds, and the Quantity of each and every Part and Parcel thereof, which ſhall be aſſigned and allotted to or exchanged with each of the Parties entitled to and intereſted in the ſame, and ſhall alſo contain a Deſcription of the Situation, Abuttals, and Boundaries of the ſame Parcels and Allotments reſpectively, and ſuch Orders and Directions for raiſing and maintaining the Fences, and alſo for making, laying out, and maintaining proper Roads, Paſſages, Bridges, Gates, Stiles, Drains, Tunnels, and Watercourſes in, through, over, and upon the ſame Premiſes, and ſuch other Orders and Regulations as the ſaid Commiſſioners ſhall think proper and neceſſary to be inſerted in ſuch Award, conformable to the true Purport and Tenor of this Act; and the ſaid Award ſhall be fairly engroſſed or written on Parchment (with a reduced Map or Plan of the ſaid Pariſh of *Ballymore Euſtace* thereto annexed), and ſigned and ſealed by the ſaid Commiſſioners; and the ſaid Award ſhall, within Six Calendar Months after the Execution thereof, be inrolled with the Clerk of the Peace for the ſaid County of *Dublin*, or in His Majeſty's High Court of Chancery in *Ireland*, to the end Recourſe may be had thereto by any Perſon or Perſons intereſted in the ſaid Premiſes, for the Inſpection and Peruſal whereof the Sum of One Shilling and no more ſhall be paid; and the ſaid Award, after ſuch Inrolment as aforeſaid, ſhall be depoſited and kept in His Majeſty's ſaid Court of Chancery, or within ſuch other Place within the ſaid Pariſh, as the ſaid Commiſſioners ſhall appoint; and the ſaid Award or a true Copy thereof, or of any Part thereof, ſigned by the ſaid Commiſſioners, or by the ſaid Clerk of the Peace, or his Deputy, or by the proper Officer of the Court, or his Deputy, where the ſame ſhall be inrolled

rolled as aforesaid, (for which no more shall be paid than Two-pence *per* Sheet, each Sheet containing Seventy-two Words), shall from Time to Time, and at all Times thereafter, be admitted and allowed in all Courts whatsoever, as legal Evidence of all Matters and Things therein contained; and the said Award, and the several Allotments, Partitions, Exchanges, Orders, Directions, Matters, and Things therein contained, shall be and is and are hereby declared to be binding and conclusive unto and upon all and every the several Parties interested in and entitled unto the several and respective Premises so to be divided, allotted, inclosed, and exchanged, as aforesaid, their several and respective Heirs and Assigns.

Award to be read to Proprietors.

LI. Provided always, and be it enacted, That the Award of the said Commissioners, or their Successors, shall be read and executed by them in the Presence of such of the Proprietors as may attend at a special Meeting called for that Purpose, of which Ten Days Notice at least shall be given in *Saunders's News Letter* or *Dublin Evening Post* if then published, and if not, then in some other Newspaper circulated in the said County of *Dublin*; which Execution of such Award shall be proclaimed the next *Saturday* after the same shall have been executed, in the public Market Place of *Ballymore Eustace*, at Twelve o'Clock at Noon, from the Time of which Proclamation only, and not before, such Award be considered as complete.

Allowing an Appeal.

LII. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, (other than and except such Orders and Determinations of the said Commissioners as are herein ordered to be final or conclusive, and except in such Cases where an Issue at Law shall be tried as herein mentioned), then and in every such Case, he, she, or they may appeal to the Justices (not interested in the Premises, and who shall be of the Quorum) at the General Quarter Sessions of the Peace which shall be holden for the said County of *Dublin* within Four Calendar Months next after the Cause of Complaint shall have arisen, and giving to the said Commissioners, or any Two of them, Ten Days Notice in Writing of such Appeal, and of the Matters thereof; and the said Justices (not interested in the Premises) at their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order and Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive to all Parties concerned, and shall not be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Dublin*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and be levied in Manner aforesaid.

LIII. Provided

Saving Manorial Rights.

LIII. Provided always, That nothing contained in this Act ſhall defeat, leſſen, or prejudice, or be conſtrued to defeat, leſſen, or prejudice, the Right, Title, or Intereſt, of the Lord or Lords, Lady or Ladies, of the ſaid Manor, or any of them, or of any other Manor or Manors within the ſaid Pariſh of *Ballymore Euſtace* for the Time being, in or to the Seigniory, Royalties, Rights, and Services incident and belonging to the ſaid Manors; but that ſuch Lord or Lords, Lady or Ladies of the ſaid Manors for the Time being reſpectively, ſhall and may, from Time to Time, and at all Times hereafter, hold and enjoy all Rents, Services, Courts, Perquiſites and Profits of Courts, Mines, Goods, and Chattels, of Felons, Fugitives, Felons of themſelves, Perſons put in Exigent, Deodands, Waifs, Eſtrays, Forfeitures, and all other Royalties, Juriſdictions, Rights and Pre-eminences whatſoever, to the ſaid Manors, or to the Lord or Lords, Lady or Ladies thereof for the Time being reſpectively incident, appendant, appurtenant, belonging, or in anywiſe appertaining (ſave and except ſuch Rights of Soil, and other Rights and Intereſts as are hereby meant and intended to be barred and deſtroyed), in as full, large, ample, and beneficial Manner, as he, ſhe, or they, could or might have held and enjoyed the ſame, in caſe this Act had not been paſſed.

General Saving.

LIV. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon or Perſons, Body or Bodies Politic, Corporate, and Collegiate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Right, Title, and Intereſt, (other than and except ſuch as is and are hereby meant and intended to be barred, deſtroyed, and extinguiſhed) as they, every, or any of them could or ought to have had and enjoyed of, in, to, or out of the ſaid Commons, Commonable Lands, and Waſte Grounds, hereby directed to be divided, allotted, and incloſed, in caſe this Act had not been paſſed.

Act to be printed by the King's Printers.

LV. And be it further enacted, That this Act ſhall be printed by the ſeveral Printers to the King's moſt Excellent Majeſty, duly authorized to print the Statutes of the United Kingdom; and a Copy thereof, ſo printed by any of them, ſhall be admitted as Evidence thereof by all Judges, Juſtices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1814.