ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 29.

An Act for dividing, allotting, and incloſing, the Commons, Commonable Lands, and Waſte Grounds, within the Pariſh of *Garriſtown*, in the County of *Dublin*. [7th *April* 1803.]

WHEREAS there are within the Pariſh of *Garriſtown*, in the County of *Dublin*, ſeveral Commons, Commonable Lands, and Waſte Grounds, containing by Eſtimation, One thouſand one hundred and ninety Acres, or thereabouts: And whereas *Robert Alexander* of the City of *Dublin*, Eſquire, is Lord or Owner of the Manor or reputed Manor of *Garriſtown*, in and extending over the ſaid Pariſh, and alſo Owner of divers Meſſuages, Lands, Tenements, and Hereditaments, within the ſame; and *Hector Monro* Clerk, as Vicar of the Pariſh Church of *Garriſtown* aforeſaid, is Owner of a Houſe and certain Glebe Lands lying in the ſaid Pariſh; and the Right Honourable *Jenico* Lord Viſcount *Gormanſton*, and the Right Honourable *Clotworthy* Baron *Langford*, Sir *Marcus Sommerville* Baronet, *William Monks*, 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 in the ſaid Lands and Grounds, 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 of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Hamilton* of *Hackettſtown*, in the County of *Dublin*, Eſquire, *Robert Hamilton* of *Gardiners Place*, in the County of the City of *Dublin*, Eſquire, and *Rowley Heyland* of the City of *Dublin*, 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.

Commiſſioners.

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 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 Perſon (not being intereſted in the ſaid Diviſion and Incloſure) 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 or 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.

New Commiſſioners in caſe of Death.

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 *Garriſtown*, and to be inſerted in the *Dublin Journal*, 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 every 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 within the ſaid Pariſh, or within Fourteen Miles thereof,

Notice of Meetings of Commiſſioners.

which

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),

Qualification of Commiſſioners.

'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 Waſte Grounds, within the Pariſh of* Garriſtown *in the County of* Dublin, and otherwiſe execute the Powers thereby in me repoſed, according to the beſt of my Skill and Judgement, 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.

Survey to be made.

IV. 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 *Garriſtown* 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 ſet forth the Number of Meſſuages, Cottages, Acres, Roods, and Perches, in Statute Meaſure, belonging to the ſeveral Owners or Proprietors reſpectively, 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 ſo 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), 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 *Garriſtown*, and to fix Stakes or Land Marks thereon, and to do all Matters and Things which ſhall in the Judgement 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 *Garriſtown*, 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.

Perambulation of Boundaries of the Pariſh.

V. And whereas Diſputes may ariſe touching the Boundaries of the ſaid Pariſh of *Garriſtown*, be it therefore enacted, That the ſaid Commiſſioners ſhall, and they are hereby required, to perambulate the Boundaries of the ſaid Pariſh of *Garriſtown*, and to cauſe Notice of ſuch intended Perambulation to be inſerted in the ſaid *Dublin Journal*, 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 *Garriſtown*, and within Thirty Days after the Determination of the ſaid Boundaries, to cauſe a Deſcription of ſuch Boundaries to be inſerted in the ſaid *Dublin Journal*, or *Dublin Evening Poſt*, if then publiſhed, and if not, then in ſome other Newſpaper printed and circulated within the ſaid County of *Dublin*.

Appeal to Seſſions againſt Boundaries.

VI. 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.

Power of ſhortening Boundary Fences againſt adjoining Pariſhes.

VII. And whereas it may ſhorten the Boundary Fences between the Lands lying in the ſaid Pariſh of *Garriſtown*, 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 Directions as they ſhall think moſt proper and convenient for ſhortening and making the ſame regular; 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 *Garriſtown*, 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 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 *Garriſtown*, 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 *Garriſtown* and ſuch adjoining Pariſh or Pariſhes, any Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding.

Encroachments within 30 Years to be

VIII. And be it further enacted, That all Encroachments which, within Thirty Years now laſt paſt, have been made upon the ſaid Commons, Commonable

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. Part of the Lands to be divided.

IX. And be it further enacted, That all and every Perſon and Perſons, Body or Bodies Politick, 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 Politick, Corporate, or Collegiate, neglecting or refuſing to deliver ſuch Accounts as aforeſaid, 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 Politick, 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 ſhall appoint. Claims to be delivered to the Commiſſioners.

X. 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 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 Enquiry and Evidence, to examine into, hear, and determine the ſame. Commiſſioners to ſettle Differences.

Commissioners may summon Witnesses.

XI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, 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 One of the said Commissioners is 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, 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, 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.

Commissioners to assess Costs.

XII. And be it further enacted, That in case the said Commissioners 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, 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 Politick, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons, or Body or Bodies Politick, 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, 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 Politick, Corporate,

or

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 Politick, 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.

Power to try Rights by an Iſſue at Law.

XIII. Provided always, and be it enacted, That in caſe any Perſon or Perſons, or Body or Bodies Politick, 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, touching or concerning any Claim or Claims of the Right to the Soil of the ſaid Commons, Commonable Lands, and Waſte Lands, or of 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 Politick, 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 Politick, 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 Politick, 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 Sittings 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 Politick, 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 ſhall, and they are hereby required to act in Conformity thereto, and to allow or diſallow 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 ſhall be final and concluſive.

XIV. Provided

Commissioners not to determine Titles.

XIV. Provided always, That nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

Disputes about Titles not to impede the Proceedings, *etc.*

XV. And be it further 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 Politick, Corporate, or Collegiate, in or to any Messuages, Lands, Tenements, or Hereditaments in the said Parish of *Garristown*, such Suit or Suits shall not impede, delay, or hinder the said Commissioners 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 Politick, Corporate, or Collegiate, who, upon the Determination of such Difference or Suit, shall become entitled to the same.

For extinguishing or suspending Rights of Common before the Award.

XVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, 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 *Garristown* 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.

Roads.

XVII. And be it further enacted, That the said Commissioners shall order and direct such Bridges, Ditches, Fences, Banks, Stiles, Watercourses, Drains, Tunnels, and other Works, to be made in, over, and upon any Part or Parts of the Lands and Grounds within the said Parish of *Garristown*, and the other Lands and Grounds within the Limits and Provisions of this Act, and shall set out and appoint such publick 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 publick 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 across any of the said publick 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.

The Powers of Grand Jury over the

XVIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend, so as to derogate from, abridge,

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. Roads not to be prejudiced, *etc.*

XIX. 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 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, and of the ſurveying, admeaſuring, planning, valuing, dividing, and allotting the Lands and Grounds hereby intended to be divided, allotted, and incloſed, and of incloſing with a Ring Fence the Land which ſhall be allotted to the Vicar in Right of his Parſonage Houſe and Glebe Lands, and of preparing the Award hereby directed to be made, and of ſetting out and making all publick 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 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 publick Auction or Auctions, (Notice of the Time and Place, or Times and Places thereof being given Three Times in One or more of the ſaid publick 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 Tenth 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, 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, 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 For ſelling Part of the Waſte Lands to defray the Expences of obtaining this Act, *etc.*

the ſaid Commiſſioners 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.

Commiſſioners may convey the Land ſo ſold to the Purchaſer.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized, by Indentures of Leaſe and Releaſe, to be executed by 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 (Tythes 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.

Purchaſers to be ſubject to the Directions of the Commiſſioners in certain Caſes.

XXI. 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, 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 Money ariſing by Sale, *etc.*

XXII. 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; 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 Politick, 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 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 for the Payment thereof, then and in every ſuch Caſe the ſaid Commiſſioners 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, 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.

Owners, etc. to pay their own Expences.

XXIII. Provided alſo, 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.

Perſons advancing Money to be repaid with Intereſt.

XXIV. Provided alſo, 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 where equal to 200*l.*

XXV. And be it further enacted, That in caſe there ſhall be any Money ariſing from the Sale of any Lands, Tenements, or Hereditaments purchaſed by virtue of the Powers of this Act, to be paid by the ſaid Commiſſioners to any Body Politick, Corporate, or Collegiate, Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtees, for or on Behalf of any Infant, Lunatick, Idiot, 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 be equal 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 ſuch Money ſhall be applied, under the Directions 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 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

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 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, ſo hereby directed to be ſold in caſe ſuch Purchaſe or Settlement were made.

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

XXVI. Provided alſo, 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: Provided alſo, 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, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Application where the Money is leſs than 20 *l.*

XXVII. And

Allotment to the Lord of the Manor.

XXVII. And be it further enacted, That the ſaid Commiſſioners 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 ſaid Pariſh of *Garriſtown* 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 Judgement 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, in and to the Soil of the ſaid Commons, Commonable Lands, and Waſte Grounds.

Allotment for Glebe, *etc.*

XXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, ſet out and allot unto the ſaid *Hector Monro* and his Succeſſors, Vicars as aforeſaid, ſuch Plot or Plots of the ſaid Commons, Commonable Lands, and Waſte Grounds, as in the Judgement of the ſaid Commiſſioners ſhall be a full Satisfaction and Compenſation in reſpect of and in Proportion to the yearly Value of the Glebe Houſe and Glebe Lands, within the ſaid Pariſh of *Garriſtown*, belonging to the ſaid Vicarage.

Allotment of the Reſidue.

XXIX. And be it further enacted, That the ſaid Commiſſioners ſhall then divide, ſet out, and allot all the Reſidue and Remainder of the ſaid Commons, Commonable Lands, and Waſte Lands, unto and amongſt all and every the Owners and Proprietors of the Meſſuages, Farms, Cottages, Dwelling Houſes, and Lands, within the ſaid Pariſh, in ſuch Shares and Proportions as in the Judgement 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.

Cottages built upon Encroachments not to receive an Allotment.

XXX. And whereas Cottages and other Buildings have at different Times been built and erected on Encroachments made upon the ſaid Commons, Commonable Lands, and Waſte Grounds, be it therefore enacted, That no Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, ſhall be or be deemed to be entitled to any Share, Proportion, or Allotment of the ſaid Commons, Commonable Lands, and Waſte Grounds, for or in reſpect of any ſuch Cottage or Building built or erected upon any ſuch Encroachment upon the ſaid Commons, Commonable Lands, and Waſte Grounds.

Commiſſioners may bring Ejectments.

XXXI. And be it further enacted, That if after the ſaid Commiſſioners ſhall have adjudged any Parcel of Land to be an Encroachment upon, and 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 *Garriſtown*, 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 to bring One or more Ejectment or Ejectments in the Name or Names of the

Lord or Lords, Lady or Ladies, of the Manor or Manors within the ſaid Pariſh of *Garriſtown*, and of the Proprietors and Owners of Lands within the ſaid Pariſh of *Garriſtown*, all or any One of them, as Leſſor or 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 Ejectment or Ejectments it ſhall appear that the Adjudication of the ſaid Commiſſioners was duly made, purſuant to the Powers given to the ſaid Commiſſioners by this Act, then and in every ſuch Caſe the Plaintiff 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.

For laying Allotments conveniently together.

XXXII. 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.

For fencing Allotments.

XXXIII. And be it further enacted, That the ſeveral other 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 Politick, Corporate, or Collegiate (ſave and except the ſaid *Hector Monro* and his Succeſſors, Vicars as aforeſaid), within ſuch Time and in ſuch Manner as the ſaid Commiſſioners 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 Politick, Corporate, or Collegiate, as the ſaid Commiſſioners ſhall by their ſaid Award order and direct; and if any Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, ſhall neglect or refuſe to make and raiſe ſuch Hedges, Ditches, Drains, or Fences, according to the Award of the ſaid Commiſſioners, it ſhall and may be lawful to and for the ſaid Commiſſioners, 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 ſhall think proper; and if the Perſon or Perſons, or Body or Bodies Politick, 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, 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 ex cuting 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 Politick, Corporate, or Collegiate, to whom any Allotment or Allotments ſhall be made by virtue of this Act,

Act, 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.

Fences may be made before the Execution of the Award.

XXXIV. 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 Politick, 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 ſhall, by Writing under their Hands, appoint, although the ſaid Award ſhall not then have been executed.

For leaving Gaps.

XXXV. Provided always, That convenient Gaps and Openings ſhall be left in the Fences and Incloſures to be made in purſuance of this Act, for the Space of Twelve Calendar Months next after the Execution of the ſaid Award, for the Paſſage of Cattle, Carts, and Carriages into and through the ſame, unleſs the ſeveral Parties intereſted ſhall agree that the ſame ſhall be ſooner fenced in, made up, and incloſed.

Satisfaction for unequal Share of Fencing.

XXXVI. Provided always, That in caſe, through Neceſſity of Situation or any other Circumſtance, it ſhall happen that One or more of the ſaid Proprietors 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, 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 any Perſon ſhall ſell his Common Right, the Allotment is to be made to the Purchaſer.

XXXVII. Provided alſo, That if any Perſon or Perſons hath ſold, or contracted or agreed to ſell, or ſhall at any Time before the Execution of the ſaid Award, ſell, or contract or agree to 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, and they are hereby authorized and required, to make an Allotment of Land unto the Vendee or Purchaſer in every ſuch Sale, Contract, or Agreement, or to his or her Heirs or Aſſigns, for or in reſpect of ſuch Right, Intereſt, and Property, ſo ſold, or contracted

tracted or agreed to be 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 Land ſo to be allotted to him, her, or them, as aforeſaid, in the ſame Manner, to all Intents and Purpoſes, as the Vendor in every ſuch Sale, Contract, or Agreement might, could, or ought to have held and enjoyed the ſame, in caſe ſuch Sale, Contract, or Agreement had not been made.

Commiſſioners may make Partition of undivided Eſtates.

XXXVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to make Partition of any Meſſuages, Tenements, Lands, or other Hereditaments within the ſaid Pariſh of *Garriſtown*, belonging to any Perſons as Coparceners or as Joint Tenants or Tenants in Common; ſo as every ſuch Partition be made upon Application from, and by and with the Conſent and Approbation of the ſeveral Proprietors thereof, to be ſignified in Writing under their Hands, or under the Hands of the Huſbands, Guardians, Truſtees, Committees, or Attornies duly authorized, of ſuch of the ſaid Proprietors as are under Coverture, Minors, Lunaticks, or beyond the Seas, or under any other Diſability or Incapacity of acting for themſelves, and be ſpecified and declared in the Award of the ſaid Commiſſioners, or by any Inſtrument ſigned by them, to be enrolled with the ſaid Award; and every ſuch Partition ſhall be good, valid, and effectual, to all Intents and Purpoſes whatſoever.

For exchanging Lands.

XXXIX. 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 Politick, Corporate, or Collegiate, who is, are, or ſhall be Owner or Owners of any Meſſuages, Buildings, Lands, Tenements, or Hereditaments, within the ſaid Pariſh of *Garriſtown*, and alſo for the Huſbands, Guardians, Committees, and Truſtees of any of the ſaid Owners, being under Coverture, Minors, Idiots, Lunaticks, 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 Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courteſy, or for Years determinable on any Life or Lives, to exchange all or any of his, her, or their Meſſuages, Cottages, Buildings, 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 Meſſuages, Cottages, Buildings, Lands, Tenements, or Hereditaments, within the ſaid Pariſh of *Garriſtown*, 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, 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 the ſaid Vicar, or any other 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 Conſent of the Dioceſan, and of

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

Vicar may leaſe with the Conſent of the Biſhop and Patron.

XL. And be it further enacted, That it ſhall and may be lawful to and for the ſaid *Hector Monro* and his Succeſſors, Vicars of *Garriſtown* aforeſaid, by and with the Conſent of the Lord Biſhop of the Dioceſe, and of the Patron of the ſaid Vicarage, given in Writing under their Hands and Seals, to leaſe or demiſe all or any Part of the Lands and Grounds to be allotted to the ſaid Vicar and his Succeſſors as Vicars as aforeſaid, to any Perſon or Perſons, for any Term or Number of Years, not exceeding Twenty-one Years, to be computed from the Twenty-ninth Day of *September* next after the Date of the ſaid Award; ſo as in every ſuch Leaſe there be reſerved and made payable to the ſaid Vicar and his Succeſſors, the beſt and moſt improved Rent or Rents that can be reaſonably had or gotten for the ſame, without taking any Income, Fine, Premium, or Foregift, in Conſideration of granting any ſuch Leaſe or Leaſes but nevertheleſs with ſuch an Abatement of Rent or with ſuch Allowance as may be reaſonable for or in reſpect or on Account of the Expence which the ſaid Vicar or his Tenant or Tenants may be at or be put unto in ſub-dividing the ſaid Allotments, and improving the ſame; and ſo as the Leſſees in any ſuch Leaſes be not thereby made diſpuniſhable of Waſte; and ſo as in every ſuch Leaſe there be contained a Power of Re-entry for Nonpayment of ſuch Rents to be thereby reſerved, within a reaſonable Time to be therein limited, after the ſame ſhall become due; and ſo as a Counterpart of every ſuch Leaſe be made and executed by the Leſſee or Leſſees; and ſo as the Rents thereby be reſerved and made payable to the Vicar of the ſaid Pariſh Half-yearly, and other neceſſary and uſual Clauſes and Covenants, be contained in every ſuch Leaſe; and every ſuch Leaſe ſo made ſhall be good, valid, and effectual, to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom to the contrary thereof notwithſtanding.

Allotments to be made in Bar of former Rights.

XLI. And be it further enacted, That the ſeveral Allotments to be made unto and for the ſeveral Perſons, and Body or Bodies Politick, Corporate, or Collegiate, who by virtue of this Act 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 Intereſt, 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 Politick, 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.

Perſons to accept their Allotments.

XLII. And be it further enacted, That the ſeveral Perſons and Body or Bodies Politick, 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 the 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 Politick, Corporate, or Collegiate; and in case any Person or Persons, or Body or Bodies Politick, 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 Politick, Corporate, or Collegiate, shall be totally excluded from and debarred of 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 Politick, Corporate, or Collegiate, in pursuance of this Act.

Guardians, *etc* may accept for Persons incapable.

XLIII. Provided always, That the Guardians, Husbands, Committees, Trustees, or Attornies of any Person or Persons being Minors, under Coverture, Idiots, Lunaticks, 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 and is 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.

But their Non-acceptance shall not prejudice Persons who shall accept, *etc.*

XLIV. Provided also, That the Non-claim or Non-acceptance of any Guardian, Husband, Executor, Committee, or Trustee, shall not exclude or prejudice the Right or Claim of any Infant, Feme Covert, or Person under any Disability as aforesaid, who shall claim or accept his or her Share or Allotment within the Space of Six Calendar Months next after such Disability or Incapacity shall be removed; nor shall any such Non-claim or Non-acceptance exclude or prejudice the Claim or Right of any Person entitled as Heir or in Remainder after the Death of any Person dying under such Disability or Incapacity, the Person or Persons so entitled claiming or accepting his, her, or their Share or Allotment within the Space of Six Calendar Months next after his, her, or their Right, Title, or Interest shall have descended or accrued.

Wills and Settlements not to be affected.

XLV. Provided always, 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 made.

XLVI. And

Leaſes at Rack Rent to be void.

XLVI. And be it further enacted, That all and every Leaſe or Leaſes upon Rack Rent now ſubſiſting of all and every or any Part or Parts of the ſaid Lands and Grounds intended to be divided or incloſed by virtue of this Act as aforeſaid, and of all Meſſuages, Lands, Tenements, and Hereditaments lying in *Garriſtown* aforeſaid, held therewith or included in any ſuch Leaſe or Leaſes, and all other Agreements for any Term or Terms, at Rack Rent, or from Year to Year, or at Will, ſhall, at ſuch Time as the ſaid Commiſſioners ſhall appoint by any Writing under their Hands, ceaſe and be void; the reſpective Owners and Proprietors of ſuch Meſſuages, Lands, Tenements, and Hereditaments, making ſuch Satisfaction and Compenſation to the Leſſee or Leſſees, Tenant or Tenants, as the reſpective Owners and Proprietors, and the Leſſee or Leſſees, Tenant or Tenants, ſhall agree upon; or in caſe he, ſhe, or they ſhall diſagree, as the ſaid Commiſſioners ſhall order, direct, or appoint to be paid to ſuch Leſſee or Leſſees, Tenant or Tenants reſpectively, on Account thereof, as an Equivalent for the Loſs or Loſſes he, ſhe, or they ſhall reſpectively ſuffer or ſuſtain on Account of the Determination of the ſame; and any Sum of Money ſo directed to be paid by the ſaid Commiſſioners ſhall and may be recovered by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act, are herein directed to be recovered.

Award to be made.

XLVII. 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 alſo of ſuch Part or Parts thereof as are to be or remain Copyhold, Cuſtomaryhold, or Leaſehold, 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 *Garriſtown* 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 One of His Majeſty's Courts of Record at *Dublin*, 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 the Pariſh Church of *Garriſtown*, or in 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 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.

Commiſſioners Award to be read and executed by them in the Preſence of the Proprietors, &c.

XLVIII. Provided always, and be it enacted, That the Award of the ſaid Commiſſioners ſhall be read and executed by them in the Preſence of the Proprietors who may attend at a Special Meeting called for that Purpoſe, of which Ten Days Notice at leaſt ſhall be given in the *Dublin Journal*, 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 *Sunday* in the Pariſh Church of *Garriſtown*, immediately after Divine Service; from the Time of which Proclamation only, and not before, ſuch Award ſhall be conſidered as complete.

Power to borrow Money.

XLIX. And whereas ſome of the Owners and Proprietors of the Lands and Grounds within the ſaid Pariſh of *Garriſtown*, 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, Lunaticks, 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 the Curteſy, 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 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

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to ſuch Perſon or Perſons, and applied for the Purpoſes aforeſaid, in ſuch Manner as the ſaid Commiſſioners ſhall direct and appoint; and for ſecuring the Repayment 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.

Book of Accounts to be left with the Clerk for the Inſpection of the Proprietors.

L. And be it further enacted, That the ſaid Commiſſioners 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 Accounts 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 till 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 Accounts 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, nor leſs than Five Pounds, and in caſe of Nonpayment 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 Charges and Expences 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 and satisfied.

Monies received, when amounting to 50*l.* to be paid into the Hands of such Person as shall be approved by a Majority in Value of the Proprietors.

LI. Provided always, and be it 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 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, 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.

Commissioners to appoint a Clerk.

LII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to nominate and appoint a Clerk to assist them in the Discharge of the Duties by this Act imposed, and to allow such Salary and Reward to such Clerk for his Trouble and Attendance, as to them shall seem just and reasonable.

Commissioners Accounts to be examined yearly.

LIII. Provided always, and be it enacted, That the several Commissioners acting from Time to Time in the Execution of this Act, 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, or due to him or them 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 *George Burleigh* of *Burleigh Hill* in the County of the Town of *Carrickfergus*, Esquire, and *Henry Baker* of *Malahow*, in the County of *Dublin*, Esquire, or One of them, or (in case of their Decease, or of their 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, stated in the Book of Accounts by this Act required to be kept in the Office of the Clerk of such Commissioners as herein mentioned; and that no Charge or Items in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by such Persons as aforesaid, or One of them, in Manner aforesaid.

Appeal to the Sessions.

LIV. And be it further enacted, That if any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, shall think him, her, 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

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, on giving to the ſaid Commiſſioners, or any Two of them, Ten Days Notice in Writing of ſuch Appeal, and of the Matter 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 to be levied in Manner aforeſaid.

Saving the Rights of Lords of Manors.

LV. 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 *Garriſtown* 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 Preeminences 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.

LVI. 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 Politick, 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 or 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 made.

LVII. And

Directing the Act to be printed by the King's Printer

LVII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty; and when so printed, may be given in Evidence in all Courts of Justice, and before all Judges and Justices whomsoever, who shall take judicial Notice thereof, in like Manner as if the same had been declared to be a publick Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1803.