ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. 24.

An Act for rendering valid a certain Award as to the Commons of *Saggart* within the Parish of *Saggart* in the County of *Dublin*.

[10th *August* 1843.]

WHEREAS an Act was passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for inclosing Lands within the Parish of* 56 G. 3. c. 25.
Saggart *in the County of* Dublin, whereby, after reciting that there were within the Parish of *Saggart* otherwise *Tassaggart* in the County of *Dublin* several Commons and Waste Grounds, containing by Estimation Nine hundred Acres or thereabouts, and that the Governors of *Saint Patrick's Hospital* commonly called *Swift's Hospital*, in the City of *Dublin*, were Lords of the Manor or reputed Manor of *Saggart* otherwise *Tassaggart* in and extending over the said Parish, and Owners of divers Lands, Tenements, and Hereditaments within the same, and that several other Persons were Owners of the Messuages, Lands, Tenements, and Hereditaments within the said Parish, and as such were interested in the said Lands and Grounds, and that the said Lands and Grounds were in their then present State incapable of any considerable Improvements, and that 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 that such Division, Allotment, and Inclosure could not be effected without the Aid and Authority of Parliament, it was amongst other things enacted, that *John Burn* of *Merrion Square* in the City of *Dublin*, Esquire, then One of His Majesty's Counsel at Law, *William Gerald Baggot* of *Castle Baggot* in the County of *Dublin*, Esquire, and *Samuel Percy Lea* of *Dublin Castle*, and their Successors, to be elected in manner therein-after mentioned, should be and they were thereby appointed Commissioners for dividing, allotting, and inclosing the said Commons and Waste Grounds, and for carrying the said Act into execution: And whereas it was by the said Act, amongst other things, further enacted, that if any of the said Commissioners therein named or to be appointed by virtue of the said Act should, before the Execution of all the Powers and Authorities thereby vested in him or them, die, neglect or refuse to act or become incapable of acting in the Execution of the said Act, then and in every such Case it should and might be lawful to and for the surviving or remaining Commissioner or Commissioners, at any Time, and from Time to Time, as therein mentioned, to appoint another fit and proper Person to be a Commissioner in the Place of each Commissioner so dying, neglecting or refusing to act or becoming incapable of acting; and that any Commissioner so to be appointed as aforesaid should, after taking the Oath therein mentioned, have the like Powers and Authorities for carrying the said Act into execution in all respects as if he had been named and appointed a Commissioner in and by the said Act; and that all Acts, Matters, and Things authorized and directed to be done or executed by the Commissioners therein named, or to be elected as aforesaid, might be done and executed by any Two of them; and that all such Acts, Matters, and Things should be as valid and effectual as if the same had been done and executed by all the said Commissioners therein named, or to be elected as therein mentioned: And whereas the said *William Gerald Baggot* died shortly after the passing of the said Act, having first acted as such Commissioner as aforesaid on sundry Occasions, and the said *John Burne* and *Samuel Percy Lea*, the Survivors of the said Commissioners in the said Act named, did, pursuant thereto, by Writing under their Hands duly elect and appoint *Hartstonge Robinson* of the City of *Dublin*, Esquire, Barrister at Law, to be a Commissioner in the Room and Place of the said *William Gerald Baggot* deceased, to carry the said Act into execution: And whereas the said Commissioners, the said *John Burne*, *Samuel Percy Lea*, and *Hartstonge Robinson*, proceeded to carry the said Act into execution in the Manner thereby directed, and did, after Examination of Evidence and Deliberation thereon, agree and determine unanimously upon the Award to be by them made under the Authority thereof: And whereas the said Commissioners, having completed the Division and Allotments of the Lands and Grounds by said Act directed to be divided and allotted pursuant to the Directions of said Act, and, in the Manner so agreed and determined upon as aforesaid, did accordingly cause to be framed and drawn up an Award or Instrument in Writing, in Manner and Form, and containing such Descriptions, Orders, Directions, and Regulations as they thought proper to be inserted in such Award, conformably to the true Purport and Tenor of said Act, and to the said Determination,

tion, Adjudication, and Agreement of the said Commissioners, and which Award was executed by the said *Hartstonge Robinson* and *Samuel Percy Lea:* And whereas subsequently to the Execution of the said Award a Question having arisen as to the Validity of said Award, inasmuch as it was alleged that same had not been executed at the Time appointed for that Purpose pursuant to the Notice prescribed by said Act of Parliament, the said Two then Commissioners, *Samuel Percy Lea* and *Hartstonge Robinson* (the said *John Burne* having in the Interim departed this Life), did thereupon cause a new Award, but which was in all respects conformable to the said Award so agreed upon by the said Three Commissioners, save in allotting One Portion of said Commons to the Devisees of a Person to whom said Portion had been allotted by the said previous Award, and who had died in the Interval, to be engrossed on Parchment, with a reduced Map or Plan to the said Parish thereto annexed: And whereas the said new Award of the said Commissioners was afterwards read and executed by the said *Hartstonge Robinson* and *Samuel Percy Lea* on the Second Day of *June* One thousand eight hundred and twenty-seven, in the Presence of several of the Proprietors who attended at a Special Meeting called for that Purpose, of which Six Days Notice was given, being the Period prescribed by said Act for that Purpose: And whereas the Execution of said Award as aforesaid was proclaimed the next *Tuesday* after the same was executed as aforesaid in the public Street of *Saggart* otherwise *Tassaggart*, between the Hours of Twelve and Two of the Clock, as by the said Act required: And whereas no Appeal was made by any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, against said Award, or any of the Allotments therein contained: And whereas the Validity of the said Award has been questioned, not by reason of any Objections raised thereto by any of the Parties entitled to Allotments thereunder as between each other, or by reason of any undue Exercise of the Powers given by the said Act, but by reason of said Award not having been executed by said Two Commissioners till after the Death of the said *John Burne:* And whereas the said Award has been acted upon for a long Series of Years as a valid Award, and it is expedient to remove any Doubts with respect to the same so far as relates to the Casualty aforesaid, inasmuch as many of the said Allotments have been since the Execution of the said Award, and on the Faith thereof, settled to make Provision for Families and Creditors, most of whom would be seriously injured were said Award to be now held invalid or be set aside in consequence of the said Death of the said *John Burne* having occurred previous to the Execution of the said Award, whereby much Confusion and Distress would be occasioned: Be it therefore enacted by the Queen'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, notwithstanding the Death of the said *John Burne* as aforesaid, the said Award bearing Date the Second Day of *June* One thousand eight hundred and twenty-seven, and every Allotment, Partition, Exchange, Conveyance, Assignment, Limitation, Clause, and Provision therein contained, shall be and be deemed to be good in Law, and taken to be of the same Force and Effect as if the said *John*

The Award of 2d June 1827 and every Allotment, &c. under the same deemed to be good in Law;

John Burne had been alive and capable of executing and had executed the same, and as if the said *John Burne* had acknowledged the said Award before the Enrolment thereof, and had survived such Enrolment, and had done and concurred in all Acts, Matters, and Things by said Act directed to be done after the Execution of the said Award, so far as such Act or Concurrence might be necessary or proper.

and all Sales, Settlements, and other Deeds made under same to be valid.

II. And be it enacted, That all Sales, Lettings, Exchanges, Settlements, Conveyances, Assurances, or Dispositions of Lands or Grounds, or other Property, Estates, or Hereditaments, so allotted as aforesaid, which shall have been or shall be made by virtue of the Titles or Estates created under the Provisions of the said Award or limited thereby, and all Matters, Acts, and Things done or arising from or in consequence thereof, shall be and be taken to have been as valid, effectual, and binding as if the said *John Burne* had executed and survived the Enrolment of the said Award, but not further or otherwise, any thing herein contained to the contrary thereof in anywise notwithstanding.

Act as printed by Queen's Printers to be Evidence.

III. And be it enacted, That this Act shall be printed by the several Printers to the Queen'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 E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.