



ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. lxxxvi.

An Act to alter and enlarge the Powers of several Acts passed in the Parliament of *Ireland*, for repairing and improving the Roads leading from the City of *Dublin* to *Ratoath* and *Curragha*. [2d July 1816.]

WHEREAS an Act was passed in the Parliament of *Ireland* in the Thirty-seventh Year of the Reign of His present Majesty, intituled *An Act for improving and repairing the Roads leading from the City of Dublin to Ratoath and Curragha, and for altering and amending an Act passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled 'An Act for making, widening, and repairing the Road leading from the City of Dublin to Ratoath, and for erecting Turnpikes thereon, in Aid of Barony Presentments:'* And whereas another Act was passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled *An Act for amending an Act passed in the Thirty-seventh Year of the Reign of His present Majesty, intituled 'An Act for improving and repairing the Roads leading from the City of Dublin to Ratoath and Curragha, and for altering and amending an Act passed in the Thirty-fifth Year of His present Majesty's Reign, intituled 'An Act for making, widening, and repairing the Road leading from the City of Dublin to Ratoath, and for erecting Turnpikes thereon in Aid of Barony Presentments:'* And whereas by the said recited Acts certain Persons therein named were appointed Trustees of the said Road leading from the City of *Dublin* through *Finglass* to *Curragha*, and were empowered to erect Pay Gates thereon, and to take thereat the Tolls specified by the said recited Acts, and were invested with certain Powers

[Local.]

to enable them to widen, repair, and shorten the said Road: And whereas the said Trustees did in pursuance of such Powers borrow the Sum of Two hundred Pounds on Debentures bearing Six *per Centum* Interest, and did expend the said Sum, together with the Sums arising from the Tolls, in widening and improving the said Road: And whereas the said Trustees did, in compliance with the Provisions of an Act passed in the Forty-fifth Year of His present Majesty, intituled *An Act to amend the Laws for improving and keeping in Repair the Post Roads in Ireland, and for rendering the Conveyance of Letters by His Majesty's Post Office more secure and expeditious*, cause a new Line of Road to be laid out between *Finglafs* and *Curragha*, agreeable to the Post Office Survey thereof, and received from the Commissioners for executing the Office of Lord High Treasurer of *Ireland* the Sum of Two thousand Pounds in Government Debentures, bearing Five *per Centum* Interest, to be repaid by annual Payments out of the Tolls at the Rate of One hundred and forty Pounds *per Annum*, and which said Sum has been expended in forming and fencing the said new Road: And whereas the said Trustees entered into Agreements with sundry of the Occupiers of the Ground through which the said new Road passes, to pay to them an annual Rent for the Ground taken for such new Road during the Continuance of their respective Leases, which said Rents remain chargeable on the Tolls of the said Road: And whereas the Tolls were inadequate to the gravelling and completing the said new Line of Road without the Advance of a large Sum of Money: And whereas the said Trustees did not possess any means to obtain the same, otherwise than by an Assignment of the Tolls of the said Road for a long Term of Years: And whereas *Frederick Bourne* and *Richard Bourne*, Proprietors of Mail and Stage Coaches on the Northern and other Roads, have, on the Eleventh of *July* One thousand eight hundred and fourteen, entered into an Agreement with the said Trustees, purporting that they the said *Frederick* and *Richard Bourne* would, within Two Years from the Date of such Agreement, expend of their own proper Money the Sum of Five thousand Pounds, or such other Sum as should be necessary to put the whole of the said Road into perfect Order and Repair, and would preserve and keep every Part thereof in such Repair for and during the Term of Thirty-one Years from the First of *July* One thousand eight hundred and fourteen, and would regularly during that Period pay the Interest growing due upon the Sum so borrowed, and the Rents of the Land so taken for the Use of the said Road, as aforesaid, upon the Condition that the Tolls of the said Road including a Second Division proposed to be established, with the Approbation of Parliament, at the Boundary of the Counties of *Dublin* and *Meath*, should be assigned and made over to them for the said Term of Thirty-one Years: And whereas the said *Frederick Bourne* and *Richard Bourne* have, in Fulfilment of their Part of said Agreement, already expended a considerable Sum of their own proper Money in repairing and improving the said Road, and have entered into a Recognizance in His Majesty's High Court of Chancery in *Ireland* in the Sum of Five thousand Pounds, conditioned to the Purport and Effect aforesaid: And whereas the said Trustees, in pursuance of their Part of said Agreement, are willing and desirous, as far as they are or may be authorized, to transfer and make over the said several Tolls of the said Road to the said *Frederick* and *Richard Bourne* for and during the said Term of Thirty-one Years, and that the Tolls should be increased by the Establishment of

Agreement
of F. and R.
Bourne.

a Second Division as aforesaid at the Boundary of the Counties of *Dublin* and *Meath*: 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 from and after the passing of this Act the whole Right to the Tolls to be raised and collected on the said Road between *Prospect House* and the Boundary of the County of *Meath* shall be and the same are hereby vested in the said *Frederick Bourne* and *Richard Bourne*, their Executors, Administrators, and Assigns, for the Term of Thirty-one Years, for the Purpose of repairing, improving, and keeping in Repair the said Road.

Vesting Tolls
in F. and R.
Bourne.

II. And be it further enacted, That the Trustees of the said Road shall meet in the City of *Dublin* on the First *Thursday* in *February* in every Year during the Continuance of this Act, and shall at such Meeting elect Five Directors for the ensuing Year; and the said *Frederick* and *Richard Bourne*, their Executors, Administrators, or Assigns, shall at such Meeting make a full and sufficient Report respecting the State of the said Roads, the Repairs and Improvements made thereon, and what further Improvements they deem necessary.

Meeting of
Trustees.

III. And be it further enacted, That if, after the Expiration of Two Years from the passing of this Act, it shall at any Time during the said Term of Thirty-one Years appear, upon Petition from a Majority of a Meeting of the Trustees (such Meeting to comprize Ten Members at the least, and to be held after Twenty Days' Notice thereof shall have been posted on the Turnpike Gates of the said Road) to the Lord Chancellor, Lord Keeper, or Lord Commissioner for the Custody of the Great Seal for the Time being, that any Part of the said Road between *Prospect House* and the Boundary of the County of *Meath* is not in complete Repair, it shall be lawful for the Lord Chancellor, Lord Keeper, or Lord Commissioner, to levy the Amount of the said Bond of Five thousand Pounds, or such Part thereof as he or they may deem expedient, upon the said *Frederick Bourne* and *Richard Bourne*, their Executors, Administrators, and Assigns, and to sequester the said Tolls, and to apply the Amount of the said Bond, or so much of it as may be requisite, and the said Tolls, to the Repair of the said Road, and to continue so to apply the said Tolls until the said Road shall have been put into complete Order and Repair; they the said Trustees accounting with the said *Frederick Bourne* and *Richard Bourne*, their Executors, Administrators, or Assigns, for such Expenditure, and paying to them any Overplus of the said Receipts beyond the necessary Disbursements on account of the said Repairs.

Mode of pro-
ceeding when
Road shall
not be kept
in proper Re-
pair.

IV. And in order to ascertain the Amount of the Sums expended and to be expended in repairing and improving the said Road by the said *Frederick* and *Richard Bourne*, be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, whenever he shall judge the same expedient, and in such Manner and under such Rules, Orders, and Directions as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall from Time to Time direct and establish, to order the said *Frederick Bourne* and *Richard Bourne* to furnish due and proper Accounts of the Expenditure of the said Five thousand Pounds, and of all and every Sum

Lord Lieu-
tenant may
order said F.
and R. Bourne
to account
for all Sums
expended on
the said
Roads before
the Commis-
sioners of
Public Ac-
counts.

and

and Sums forming Part of the said Five thousand Pounds of the proper Money of the said *Frederick Bourne* and *Richard Bourne*, which at any Time before the passing of this Act have been, or which at any Time after the passing of this Act shall be expended and laid out by the said *Frederick Bourne* and *Richard Bourne*, their Executors, Administrators, or Assigns, in and about the repairing and improving of the said Road, in pursuance of their said Agreement; and the said Accounts shall be laid before the Commissioners for auditing the Public Accounts of *Ireland*, who shall proceed to examine and audit the same in like Manner as they are empowered and required to do with respect to any Public Accounts to be laid before them, under the Provisions of an Act made in the Fifty-second Year of His present Majesty's Reign, to provide for the speedy and regular Examination and Audit of the Public Accounts of *Ireland*, and with all such Powers and Authorities as are given to the said Commissioners under the said recited Act, with respect to the Public Accounts and Accountants in the said recited Act mentioned and specified.

Powers to erect an additional Pay Gate.

V. And whereas the Tolls of the said Road which were inadequate to the proper Repair of the said Road became chargeable with One hundred and forty Pounds a Year, the Interest of Two thousand Pounds borrowed from Government, and Twelve Pounds a Year, the Interest of Two hundred Pounds borrowed on Debentures, together with the further Sum of One hundred Pounds Twelve Shillings and Seven-pence a Year, the annual Rents of the Grounds taken for improving and laying out the said Road: And whereas it is necessary to increase the Revenue of the said Road, for the Purpose of its more effectual Repair, and for the Payment of the said Interest and Rents, and for the several Purposes of this Act; be it therefore further enacted, That it shall be lawful for them the said *Frederick Bourne* and *Richard Bourne*, their Executors, Administrators, and Assigns, to erect an additional Pay Gate at the Boundaries of the Counties of *Meath* and *Dublin*, and to demand and take at such additional Gate the same Tolls as are or may be payable at any other Pay Gate on the said Road, and no Person paying Toll thereat shall be entitled to pass free of Toll through any of the other Gates on account of their having paid at such additional Gate, such Gate being intended to constitute and form the Second Division of the said Road; provided that the Occupiers of Land adjoining said Road within Three Miles of such Gate shall not be liable to the Payment of Toll for any Cattle, Horses, or Carriages whatsoever, actually their Property, on passing through such Gate.

Act not to annul Agreements between Parties.

VI. And be it further enacted, That nothing in this Act shall militate against or be deemed to annul any Agreement made by the Directors and Trustees of the said Road with the Occupier or Occupiers of Land heretofore taken for the Use and Improvement of the said Road.

Monies due by Trustees shall be paid by F. and R. Bourne.

VII. And be it further enacted, That all the Interest which shall grow due upon the Sums borrowed by the said Directors, and all the Rents which shall become due to the several Owners of the Land by the said Directors, shall be paid by the said *Frederick Bourne* and *Richard Bourne*, their Executors, Administrators, and Assigns, within Thirty-one Days after the same shall become due, at such Place in the City of *Dublin* as any Board of said Directors shall appoint: Provided always, that nothing

thing in this Act contained shall extend to affect the Rights of any Person or Persons entitled to such Interest and Rents, or any of them.

VIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to exonerate, discharge, or acquit any Trustee or Trustees of the said Road from any Responsibility to which such Trustee or Trustees is or are by Law liable, nor from any Account for any Acts done by them, or Money received or paid by or to them at any Time previous to the passing of this Act; but that every such Trustee shall be and remain liable and accountable before the Commissioners for auditing the Public Accounts in *Ireland* and otherwise, with respect to all Acts done by, and all Sum and Sums of Money received or paid by or to such Trustee or Trustees, at any Time before the passing of this Act, in like Manner to all Intents and Purposes whatsoever as if this Act had not been made; this Act or any Thing herein contained in anywise notwithstanding.

Trustees shall remain liable to account for all Monies received, &c. before the passing of this Act.

IX. And be it further enacted, That it shall be lawful for the said *Frederick Bourne* and *Richard Bourne*, their Executors, Administrators, or Assigns, with the Approbation of the Trustees at a Meeting to be held for that Purpose, to appoint proper Persons to act as Supervisors or Overseers of the said Road; and the Persons so to be appointed shall have all and every the same Powers as are or may hereafter be vested in any Supervisor or Overseer appointed by the said recited Acts.

Supervisor or Overseer under this Act to have same Power as former ones.

X. And be it further enacted, That any Overseer of the said Road may between the First Day of *October* and First Day of *February*, at any Time during the Continuance of this Act, give Notice to the Owner or Occupier of any Land adjoining the said Road, to cut or clip all Hedges within Forty Feet of the Centre of the said Road, at a Height not exceeding Five Feet, Timber Trees therein excepted; and to cut down or remove any Timber Tree which shall be planted after the passing of this Act within Forty Feet of the Centre of the said Road; and to cut or lop all Branches of Trees overhanging any Part of said Road; which if the Owner or Occupier shall neglect to do within Fourteen Days after the Service of such Notice, any Two Justices of the Peace for the County of *Dublin*, upon Complaint of such Overseer, may by Warrant under their Hands and Seals empower such Overseer to have such Hedges cut or clipped to the Height of Five Feet, or such Branches cut or lopped, or such Timber Trees cut down or removed, and to levy all Expences attending thereon in Manner as directed by the said recited Act of the *Thirty-seventh Year* of His present Majesty.

Directions for cutting and lopping Hedges and Trees.

XI. And whereas Swine roaming at large upon the said several Roads are a very great Nuisance, and cause frequent Injuries to Travellers, be it therefore enacted, That it shall and may be lawful for any Justice of the Peace for the County of *Dublin*, and for every Police Magistrate within his Jurisdiction, and he is hereby required, to summon before him the Owner of any Swine which shall be roaming at large upon the said Roads, and to fine such Owner any Sum not exceeding Five Shillings for every Swine so roaming at large, as often as the same shall happen.

To remove Nuisances.

[Local.]

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XII. And

Proportioning
Expences for
repairing
Parts com-
mon to Fin-
glass and
Glasnevin
Roads.

XII. And whereas that Part of the said Road situate between *Prospect House* and the Circular Road is common to both the *Finglass* and *Glasnevin* Road, and is repaired at their joint Expence out of the Tolls of both Roads, and it is expedient that the Proportion of the Sums payable out of the Tolls of each Road for such Repair should be fixed, namely, that Three-fifths of all Sums which may be expended upon the Repair of the said Road between *Prospect House* and the Circular Road, and also of the Road called the *Dean's Road*, leading from *Prospect House* to *Drumcondra* Road, adjoining the Bank of the Royal Canal, shall be defrayed out of the Tolls of the *Finglass* Road, and the remaining Two-fifths out of the Tolls of the *Glasnevin* Road; be it therefore enacted, That Three-fifths of all Sums expended upon the Repairs of the said Road between *Prospect House* and the Circular Road, and of the *Dean's Road* from *Prospect House* to *Drumcondra* Road, adjoining the Banks of the Royal Canal, shall be defrayed out of the Tolls of the *Finglass* Road, and the remaining Two-fifths out of the Tolls of the *Glasnevin* Road; and that it shall and may be lawful for the Directors of the *Glasnevin* Road to authorize the said *Frederick* and *Richard Bourne* to keep the said Roads from *Prospect House* in Repair, and to enter into such Agreement with them for that Purpose in the aforesaid Proportions as they shall deem expedient.

Power to Per-
sons to con-
struct Rail-
ways at their
own Costs.

XIII. And whereas it may be expedient to authorize the Construction of Tram or Railway across the said Road, be it therefore enacted, That should any Person or Persons be inclined at his or their own Cost and Charge to form or construct any Tram or Railway across the said Road, that they shall be allowed so to do, provided that the said Tram or Railway shall not present any Inconvenience, Difficulty, or Impediment to Persons, Cattle, or Carriages travelling the said Road, or injure the Surface thereof, or occasion any Nuisance thereon; provided also, that no Person travelling the said Road shall be liable to any Toll for passing over or along any such Tram or Railway.

Application
of Compen-
sation Money
when amount-
ing to or ex-
ceeding 200l.

XIV. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts of the Thirty-seventh and Thirty-ninth Years of the Reign of His present Majesty, and of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustees for or on Behalf of any Infant, Lunatic, Idiot, Person 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 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 Trustees for executing this Act, 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 Discharge of any Debt or Debts, or such other Incumbrances or Part thereof

thereof as the said Court shall authorize to be paid, 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, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean time, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Government Securities; and in the mean time, and until the said Government Securities shall be ordered by the said Court to be sold for the Purposes 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 purchased by virtue of the said last-mentioned Acts and this Act, in case such Purchase or Settlement were made.

XV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, 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 Seven or more of the said Commissioners for executing the said Two first-recited Acts of the Thirty-seventh and Thirty-ninth Years of the Reign of His present Majesty, and of this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XVI. Provided always, and be it further 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

When less than 200l. and exceeding 20l.

Application where less than 20l.

plied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts of the Thirty-seventh and Thirty-ninth Years of the Reign of His present Majesty, and of this Act, so far as regards the said Roads hereby placed under the Management of the said Commissioners as aforesaid, in such Manner as the said Commissioners shall think fit; or in case of Infancy, Idiocy, 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.

In case of not making out Titles, &c.

XVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said Two first-recited Acts of the Thirty-seventh and Thirty-ninth Years of the Reign of His present Majesty, and of this Act, so far as regards the said Roads hereby placed under the Care and Management of the said Commissioners as aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Control, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Ireland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession deemed Owners, &c.

XVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of the said recited Acts of the Thirty-seventh and Thirty-ninth Years of the Reign of His present Majesty, and of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands,

Lands, Tenements, or Hereditaments to be purchased in pursuance of the said Two Acts and of this Act, so far as regard the said Roads hereby placed under the Management of the said Commissioners as aforesaid, or to any Government Securities to be purchased with any such Money, or the Dividends or Interest of any such Government Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends and Interest of such Government Securities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts of the Thirty-seventh and Thirty-ninth Years of the Reign of His present Majesty and this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied to the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said Acts and of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made, in pursuance of the same Acts, and of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners out of the Monies to be received by virtue of the same Acts or of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court of Chancery to direct the Payment of Expences.

XX. And be it further enacted, That if any Action shall be brought against any Person for any Thing done by virtue of this Act or of the said recited Acts, such Person may plead the General Issue, and give the Special Matter in Evidence.

General Issue.

XXI. And be it further enacted, That no Action shall be commenced against any Person or Persons for any Thing done in pursuance of this Act or the said recited Acts, after Six Calendar Months next after the alledged Fact committed, nor unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Actions shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action, if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and every such Action shall be laid and tried in the County of *Dublin*, and not elsewhere; and if any such Action shall be brought before Twenty-one Days Notice shall have been given thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any

Limitation of Actions.

[Local.]

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other

other County than as aforesaid, or if the Plaintiff or Plaintiffs in such Action shall join Acts done by Defendant or Defendants, under and by virtue of this Act, or of the said recited Acts of the Thirty-seventh and Thirty-ninth Years of His present Majesty, or of the Acts for making and repairing Public Roads in the County of *Dublin*, with any Act or Acts done by the Defendant or Defendants in his, her, or their private Capacity; then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and shall have the like Remedy for Recovery thereof as any Defendant or Defendants hath for Costs of Suit in other Cases by Law.

Continuance
of this Act
and recited
Acts.

XXII. And whereas it is just and reasonable that the said *Frederick* and *Richard Bourne* should have such a Tenure as not only to enable them to keep every Part of the said Road in perfect Order and Repair, and to pay the Interests and Rents affecting the said Road, but also to afford a reasonable Prospect of repaying them the several Sums advanced by them in making said Repairs, it is therefore expedient and necessary that this Act shall have Continuance for the Term of Thirty-one Years; be it therefore enacted, That this Act, and the said recited Acts of the Thirty-seventh and Thirty-ninth Years of His present Majesty, shall have Continuance and be in force from the passing of this Act for and during the Term of Thirty-one Years, and no longer, any Thing in this or the said recited Acts to the contrary thereof notwithstanding.

Public Act.

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

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