



ANNO QUADRAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 34.

An Act for inclosing and improving *Mountjoy Square* in the Parish of *Saint George*, in the County of *Dublin*.
[30th April 1802.]

WHEREAS the Space of Ground lying within the Square called *Mountjoy Square* in the Parish of *Saint George*, in the County of *Dublin*, is become a Nuisance to the Publick, and to the Inhabitants of the Houses surrounding it, and must continue to be such unless a proper Inclosure round the same be made and supported: And whereas a considerable Number of the Inhabitants and Proprietors of the several Houses and Grounds surrounding the said Square, are desirous that the same should be properly inclosed, and the Inside thereof improved and ornamented in Manner herein-after mentioned, at the Expence of the several Inhabitants of Houses and Proprietors of Grounds surrounding the same; but the same cannot be done 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 the Right Honourable *John Beresford*, the Right Honourable *Richard Annesley*, the Honourable and Reverend *William Annesley* Dean Commissioners.
[Loc. & Per.] 6 D of

of *Down*, the Honourable *Hugh Howard*, the Honourable *Hans Blackwood*, Sir *Francis Hopkins* Baronet, *Arthur Moore* Esquire, the Reverend *Joseph Pratt*, *Hans Hamilton*, *Charles Proby Osborne*, *John Geale*, *Jeremiah D'Olier*, *John Pollock*, *Jamet Knox*, *John Dean*, *James Kearney*, *Robert O'Hara*, *John Eyles Madden*, *Archibald Hawkesley*, Alderman *John Carleton*, *Henry Lyons*, the Reverend *William King*, *Robert Frazer*, *Joseph Goff*, *Edward Forbes*, *John O'Shee*, *Ulick Allen*, *John Sweeney*, *Walter Molony*, *Robert Law*, and *Malachy Donnellan*, Esquires, shall be, and are constituted and appointed Commissioners for making, inclosing, completing, improving, and ornamenting the said Square, called *Mountjoy Square* in the Parish of *Saint George*, in the County of *Dublin*, and for otherwise carrying this Act into Execution.

Appointment
of new Com-
missioners.

II. And be it further enacted, That from Time to Time, upon the Death or Resignation of any of the said Commissioners, or upon any of them, or their Successors, ceasing to be an Inhabitant or Proprietor of a House in the said Square, and chargeable with the Payment of the Rates herein-after mentioned, the surviving and resident Commissioners (Five of them at least being present), shall, within One Month next after such Death, Resignation, or ceasing to be an Inhabitant or Proprietor as aforesaid respectively, on Notice thereof, elect and appoint some other fit Person, being at the same Time an Owner, Proprietor, or Inhabitant of an House or Ground in the said Square, to be a Commissioner in the Place and Stead of such Person so dying or resigning, or ceasing to be an Inhabitant or Proprietor as aforesaid; and as often as any Vacancy shall happen by the Death or Resignation of any Person so to be hereafter elected, or by such Person ceasing to be an Inhabitant or Proprietor as aforesaid, that some other such Person shall in like Manner be elected; and every Person so from Time to Time to be successively elected, shall be a Commissioner for the Purposes aforesaid, and be as fully authorized to carry this Act into Execution, as if he were herein named: Provided nevertheless, that before each such Election Three Days Notice shall be given by the Treasurer or Clerk to the said Commissioners, for the Time being, for that Purpose, by Summons in Writing, to be left at the usual Place of Abode of the surviving or remaining Commissioners in the said Square.

Meeting of
Commission-
ers.

III. And be it enacted, That it shall be lawful for the said Commissioners, and their Successors, if need be, to have Four General Quarterly Meetings in every Year, in the City or County of *Dublin*, at such Place or Places, and at such Time or Times, as they shall think proper; to wit, on the First *Monday* in *May*, *August*, *November*, and *February*, and as many other General Meetings, at such Place or Places in the City or County of *Dublin*, as the said Commissioners, or any Five or more of them, shall appoint.

Commissioners
may contract
for Works to
be done.

IV. And be it enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, as soon as they conveniently can, to contract for the making, inclosing, completing, improving, and ornamenting of the said Square called *Mountjoy Square*, in such Manner as they shall think most proper.

Rates for the
Purposes of
the Act.

V. And be it enacted, That, in order to create a Fund for making and completing the said Inclosure and Improvements, and for the Support thereof,

thereof, all the Houses and Tenements on the North Side of the said Square, beginning at the House at the North West Angle thereof, now in the Occupation of *John O'Shee* Esquire, and ending with the Lot of Ground at the North East Angle thereof, now or late in the Possession of *Robert Deey* Esquire, both inclusive; also all the Houses and Grounds on the East Side of the said Square, beginning with the House at the North East Angle thereof, now or late in the Possession of *Edward Clarke* Esquire, and ending with the House at the South East Angle thereof, now or late in his Possession, both inclusive; and all and every the Houses and Grounds on the South Side of the said Square, beginning at the House of *John Glynn* Esquire, at the South West Angle of the said Square, and ending with the Lot of Ground at the South East Angle thereof, now or late in the Occupation of *Nicholas Kildhall*, both inclusive; and also all the Houses and Grounds on the West Side of the said Square, beginning at the House now in the Occupation of *Charles Osborne* Esquire, and ending with the House at the South West Angle thereof, now in the Possession of *George Symmers* Esquire, both inclusive, as set forth in a Schedule hereunto annexed, shall hereafter be each chargeable with and liable to, and the same are hereby charged with such yearly Rate or Rates as the said Commissioners, or their Successors, or any Five or more of them, shall from Time to Time, by Writing under their Hands and Seals, direct and appoint; so as such yearly Rates shall not exceed, for any One Year, the Sum of Five Shillings Sterling for each Foot running Measure, and so in Proportion for any Number of Inches less than a Foot, which the Fronts of the said several Houses and Grounds contain, according to the Admeasurement of them respectively specified in the said Schedule (which Rates shall be paid to the said Commissioners, and their Successors, and shall be raised, collected, and levied by such Person or Persons as the said Commissioners, and their Successors, or any Five or more of them, shall from Time to Time, by Writing under their Hands and Seals for that Purpose appoint); which said Rates shall be payable and paid by Two equal Half-yearly Payments; that is to say, on the First Day of *August*, and on the First Day of *February*, the First Payment thereof to be made on the First Day of *August* One thousand eight hundred and two; and the said Money, when so raised and paid, shall be applied by the said Commissioners, and their Successors, in the First Place, for and towards the Payment of the yearly Interest of the Money to be raised or borrowed by virtue of this Act, and the Remainder thereof, or a sufficient Part thereof, from Time to Time, to defray such Expences as shall be incident to continuing and preserving the Improvements to be made in the said Square, and to the duly lighting the Railing thereof.

Commence-
ment of Rates.

VI. And be it further enacted, That it shall and may be lawful for the said Commissioners, or for such Person or Persons as by them, or any Five or more of them, shall be authorized and appointed in Manner aforesaid, to collect and levy the said Rates; and on Default of Payment of any Rate hereby charged upon any House or Piece of Ground, to enter into and upon such House or Piece of Ground, and into any House to be built on any such Piece of Ground, and to levy the same and all Arrears thereof by Distress and Sale of the Goods of the Inhabitant, Occupier, or Proprietor of such Houses or Grounds, rendering the Overplus (if any) to such Inhabitant, Occupier, or Proprietor, after deducting thereout the Sum of One Shilling in the Pound, for the Expence of levying the same;

Rates how to
be recovered,

or,

or, where there shall not be any House or Building erected or standing on the Ground so in Arrear; the Rate chargeable on such Ground shall be paid by the Person entitled to the immediate Possession thereof, either as Proprietor or Proprietors thereof, or as deriving Title under any Lease made thereof, and shall be recovered by Action of Debt or otherwise; as the Rent of the said Ground is recoverable.

Rates to be ascertained by the Number of Feet stated in the Schedule.

VII. And; to prevent all Doubts concerning the Number of Feet contained in the Front of the Houses or Grounds around the said Square, be it enacted; That the Amount of the Rates hereby charged on the said Houses and Grounds, shall be ascertained according to the Number of Feet and Parts of Feet respectively stated opposite to each House and Piece of Ground in the Schedule hereunto annexed: Provided always, that where Two or more Houses may be erected on any Space of Ground mentioned in the said Schedule on which no House now stands, the House or Houses which shall have been erected thereon, shall be each subject to such Part of the Rate charged by this Act on such whole Space of Ground, as shall be in Proportion to the Number of Feet contained in the Front of each such House, as if the same were described in the said Schedule, and separately made chargeable therewith by this Act.

Commissioners not to set forth their Right or Title to levy Rates by Distress.

VIII. And be it further enacted, That in all Cases where any Distress shall be taken for any Rate or Sum payable by virtue of this Act, shall be replevied, the said Commissioners, or their Bailiff or Bailiffs, may avow or make Cognizance generally, that such Distress was made for the Rate or Sum due for such House or Ground, by virtue of this Act, without setting forth at large the Right or Title of the said Commissioners to the same; and if thereon Judgement shall be obtained against the Plaintiff or Plaintiffs in Replevin, such Plaintiff or Plaintiffs shall pay full Costs.

To prevent Annoyances.

IX. And be it enacted, That if any Person shall wilfully or maliciously destroy or injure any Iron Railing that shall surround the said Inclosure, or any Lamp, Globe, or Light erected thereon, or the Stone Base supporting the same, or such Buildings as shall be hereafter erected in or upon any Part of the Area of the said Square, or destroy or injure any of the Trees or Shrubs which shall be planted in the Inside of the Square, every such Person shall, on due Conviction thereof in a summary Way, by the Testimony of One or more credible Witness or Witnesses, or by Confession of the Party accused, or other sufficient Proof upon Oath before any Two of His Majesty's Justices of the Peace for the County of *Dublin*, (not being Commissioners appointed to carry this Act into Execution), forfeit any Sum not exceeding Five Pounds Sterling nor less than Twenty Shillings Sterling, over and above all other Penalties which such Person by any other Law or Laws shall be subject to for such Offence, and on Default of Payment thereof, shall be imprisoned for any Time not exceeding Three Months, without Bail or Mainprize; and every such Conviction shall be final and conclusive to all Parties, and shall not be removed into His Majesty's Court of King's Bench by *Certiorari* or otherwise.

Commissioners may borrow Money.

X. And be it further enacted, That in order to raise a sufficient Sum for the expeditiously completing of the said Inclosure, and ornamenting and improving the Inside of the said Square, it shall and may be lawful for

for the said Commissioners to raise and borrow any Sum or Sums of Money, not exceeding in the Whole the Sum of Three thousand five hundred Pounds, on the Credit of the said Rates; and for that Purpose the said Commissioners, and their Successors, or the Majority of such of them as shall be present (such Majority consisting of not less than Seven), are hereby authorized and empowered, at any General Quarterly Meeting, by Writing under their Hands and Seals, by Way of Debenture or otherwise, to charge and incumber the said Rates with the said Sum of Three thousand five hundred Pounds, or any Part thereof, bearing Interest at any Rate not exceeding Six Pounds by the Hundred by the Year; and such Sum or Sums of Money as shall be so raised, shall be applied in the First Place in paying the Expences of obtaining this Act, and afterwards for the Purpose of inclosing, improving, and ornamenting the said Square, as herein mentioned.

XI. And be it enacted, That the said Commissioners, or any Five or more of them, shall from Time to Time choose a Treasurer, who shall act without Fee or Reward, and into whose Hands every Person who shall be authorized to collect and levy the said Rates, shall from Time to Time pay all Monies which shall have been received by him; and the said Commissioners are hereby authorized to make such Allowance to such Collector as they shall think proper, not exceeding One Shilling in the Pound of all Monies for which he shall duly account and pay to such Treasurer; and the said Commissioners, or any Five or more of them, may from Time to Time choose a proper Person to be an Inspector of the Works to be carried on under their Direction, and to conduct the Execution thereof, for which an Allowance may be made, not exceeding Sixpence in the Pound on the Money expended on the Works which shall be put under his Management.

Commissioners
to appoint
Officers.

XII. And be it enacted by the Authority aforesaid, That the Commissioners appointed by this Act for the Purposes aforesaid, or their Successors, shall not be accountable to, or required to account for the Money and Rates to be raised and levied by virtue of this Act, before the Commissioners of Imprested Accounts.

Commissioners
not to be ac-
countable to
Commissioners
of Accounts.

XIII. And whereas no Stone Curb or Base is yet erected on the East Side of the said Square, and it is reasonable that the Inhabitants of Houses and the Proprietors of the Grounds on the said East Side of the said Square, should be chargeable with the whole Expence of building and erecting the same; be it therefore enacted, That the said Commissioners, or any Five of them, shall and may at any Quarterly Meeting order and direct a Stone Curb and Base to be built and erected on the said East Side of the said Square, conformable to the Stone Curb and Base that is already built on the other Sides thereof, and shall apportion the Expence thereof by a rateable Charge by the Foot upon the Fronts of the Houses and Grounds upon the said East Side of the said Square, as the same are set forth in the Schedule hereunto annexed; and so in Proportion for any Number of Inches less than a Foot; and the same shall be raised, levied, and paid in such Manner, and with such Powers of enforcing Payment thereof, as are herein before directed and vested in the said Commissioners in respect to the other Rates herein before vested in them, for the Purposes of this Act.

Curb on East
Side of the
Square to be
erected at the
Expence of the
Inhabitants
thereof

[Loc. & Per.]

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XIV. And

Limitation of
Actions.

XIV. And be it further enacted by the Authority aforesaid, That if any Action shall be commenced against the said Commissioners, or any of them, or against any Person employed by them, or acting under their Authority, in the Premises, for or by Reason of any Act, Matter, or Thing done in pursuance of, or by Authority of this Act, that such Action shall not be maintainable, unless the same shall be commenced within Six Months next after such Cause of Action shall have accrued; and that it shall be lawful for the Defendant or Defendants in such Action or Actions to plead the

General Issue.

General Issue, and give the Special Matter in Evidence.

The Inheritance and
Rights of
Persons not
to be altered.

XV. Provided always, and be it further enacted, That nothing herein contained shall be construed, adjudged, deemed, or taken to alter the Inheritance or Property of the said Square, or any Part thereof, or in any Manner to affect the Suits now depending between the Right Honourable *Charles John* Lord Viscount *Mountjoy*, and the Honourable and Reverend *Joseph Bourke* and *Mary* his Wife, *Edward Lee* and *Elizabeth* his Wife, and *Frederick John Faulkner* and *Anne Frances* his Wife, and others, respective Part of the Premises in Question, or their respective Rights therein.

Publick Act.

XVI. And be it enacted, That this Act shall be deemed and taken to be a publick Act to all Intents and Purposes.

The SCHEDULE

Of the several Houses and Grounds around *Mountjoy Square*, charged with the Rate by this Act granted; specifying by whom possessed or entitled thereto, as also the Number of Feet and Parts of Feet contained in the Front of such House or Piece of Ground; referred to by the foregoing Act.

MOUNTJOY SQUARE, North Side.

	Feet. Inchs.
John O'Shee Esquire	30
Archibald Hawkesley	30
Henry Lyons	30
Joseph Goff	30
Honourable Hans Blackwood	23
The Reverend William King	26
Alderman John Carleton	25
Robert Frazer	25
John Evans	25 6
Edward Forbes	26
Reverend Dean Digby	26

John

	Feet. Inch.
John Geale	26
John Sweeney	26 6
John Deane	28
Representatives of Tyrrel	81 9

South Side.

Nicholas Kildhall	26 3
Lord Ventry	25
William Bradshaw	25
Robert O'Hara	25
Mrs. Digby	25
Hans Hamilton	28 6
Honourable Hugh Howard	29
Earl of Roden	27
John Eyles Madden	27
Robert Law	24 6
Honourable Abraham Creighton	25
Malachy Donellan	25
—— Sutter	22
Ulick Allen	22
Thomas Beeby	22 6
John Fay	22
Walter Weldon Molony	22 6
Henry Tisdall	18 9
John Glynn	15

East Side.

Edward Clarke	25
Sir Walter Synnott	25
Lord Mountjoy	156 3
Anne Preston	30
Jeremiah D'Olier	30
John Pollock	32 3
Lord Viscount Mountjoy	107 6
Archibald Manning	50

West Side.

Charles Osborne	25
William Pemberton	25
William Fry	30 3
Hon. and Rev. William Annesley, Dean of Down	25
James Knox	25
Christopher Nihill	25
Sir Francis Hopkins Baronet	25
Reverend Joseph Pratt	25
Right Honourable Richard Annesley	29 3
William Pemberton	25
William Pemberton	21 9
Alexander Campbell	27 9
James Kearny	27

Alexander

	Fect.	Inch.
Alexander Campbell	25	6
Alexander Campbell	24	
Alexander Campbell	22	
Dominic Blake	23	
George Symmers	27	

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