



ANNO QUADRAGESIMO SECUNDO

# GEORGI II. REGIS.

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## Cap. 18.

An Act for building a new Gaol for the County of *Galway*, and for purchasing Lands sufficient for the same, and for other Purposes relating thereto.

[15th April 1802.]

**W**HEREAS the present Gaol of the County of *Galway* is extremely insecure, narrow, and inconvenient, and unfit for the proper Accommodation of the Prisoners usually confined therein, and is moreover extremely unwholesome, in a confined and unhealthy Situation: And whereas the grand Juries of the County of *Galway* have from Time to Time presented considerable Sums of Money for the Purpose of building a new and more convenient Gaol: And whereas a healthful and convenient Piece of Ground may be had in the Suburbs of the Town of *Galway* for the said Purpose: 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 High Sheriff of the County of *Galway* for the Time being, the Knights of the Shire of the said County for the Time being, the Honourable Sir *Thomas Hamilton French* Baronet, Sir *Thomas Burke* Baronet, *Robert Gregory*, *John Prendergast Smyth*, *Walter Lambert* of *Cregclare*, *Malachy Donelan*, *Christopher Dillon Bellew*, *Robert French* of *Rahafane*, *Ross Mahon*, *Denis Bowes*  
[Loc. & Per.] 3 N

Commission-  
ers

Powers to  
make the Gaol.

*Bowes Daly, John Blake of Windfield, John Browne of Moyne, the Honourable and Reverend Power Trench, Arthur French Saint George, Michael Burke of Bally-Dugan, John Burke of Issercleran, Robert French of Monivea, Charles Blake of Moyne, Esquires,* together with any Six other Persons, to be elected in Manner herein mentioned, and their Successors, to be elected in Manner herein mentioned, shall be, and are hereby appointed Commissioners, with full Power and Authority for laying out, designing, making, building, and erecting, a proper Gaol or Prison of and for the said County of *Galway*, in the County of the said Town of *Galway*, with proper and sufficient Yards, Courts, Out-Offices, and Conveniencies, Passages, and Avenues for the same, and for supplying the said Gaol or Prison at all Times with a Sufficiency of good and wholesome Water for the Use of the said Gaol, and as well for that Purpose, as for the Construction of Sewers to carry off the Filth and Dirt of the said Gaol, and for making Reservoirs, Trenches, Watercourses, and Sewers, for the carrying a constant and sufficient Supply of Water for the Use of the said Gaol, and cleansing the same, and for repairing the said Reservoirs, Trenches, Watercourses, and Sewers, and for fixing and laying Pipes in, over, upon, or through any of the Lands and Grounds to be purchased or used by virtue of this Act; and for effecting the said several Purposes it shall and may be lawful to and for the said Commissioners, and their Successors, to enter into and upon any Lands, Tenements, or Hereditaments, within the County of the said Town of *Galway*, and to agree and treat for the Purchase thereof, or Use of the same for such Purposes, paying or tendering to the Owner or Owners, and Occupier or Occupiers thereof respectively, full and ample Satisfaction and Compensation for the Purchase thereof, and Damage done thereby, in Manner herein mentioned; and it shall and may be lawful to and for the said Commissioners, or their Successors, to lay out, design, assign, and appoint, how and in what Manner the said Gaol, and the Yards, Courts, Out-Offices, Conveniencies, Passages, and Avenues of the same, shall be built, erected, and made, and with what Materials, and in what particular Scite and Situation the same shall be built, and how and in what Manner the same shall be supplied with Water, and how the said Gaol, and the several Buildings, Courts, Out-Offices, Conveniencies, Passages, and Avenues of the same respectively, may and shall, from Time to Time, be preserved and kept in good Repair and Order, and to make Contracts and Agreements for and concerning the same, and to do all other Matters and Things requisite for carrying on and effecting the Purposes directed by this Act to be done, and for causing the same to be effectually perfected, as to them shall seem meet.

Houses not to  
be injured.

II. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, so as to empower the said Commissioners, or their Successors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage any House or other Building, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owner or Owners thereof respectively.

Meeting.

III. And be it further enacted, That the said Commissioners shall meet at the Court House or Grand Jury Room of the said County of *Galway*, on the Third *Monday* after the passing of this Act, between the Hours of Eleven in the Forenoon and Five in the Afternoon, and shall then and there proceed

ceed to carry this Act into Execution, and shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden at such Place in the said County of *Galway*, or in the County of the Town of *Galway*, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Commissioners to act in the Execution of this Act, the Commissioner or Commissioners then present, or the Clerk to the said Commissioners, shall, from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day, within Fourteen Days from the Day on which such Adjournment shall be made.

IV. And be it further enacted, That no Act of the said Commissioners, shall be or be deemed to be good, valid, or effectual, unless the same be done at some Meeting to be holden in pursuance of this Act, except as may be herein excepted; and that all the Powers and Authorities by this Act granted to the said Commissioners shall and may be exercised, from Time to Time, by the major Part of them who shall attend at any Meeting to be holden in pursuance of this Act, the Number of such Commissioners present at such Meeting not being less than Five; and all the Orders and Proceedings of the major Part of such Commissioners present at such their several Meetings, shall have the same Force and Effect as if the same were made or done by all such Commissioners for the Time being (save and except as may be herein excepted); and at every Meeting of the said Commissioners a Chairman shall and may be appointed, and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman), then, and in such Case, it shall and may be lawful to and for the Chairman to give the decisive or casting Vote: Provided always, that no Person holding any Place or Office of Profit under the said Commissioners, shall act as a Commissioner during the Time that he shall hold any such Place or Office of Profit.

V. And be it further enacted, That it shall and may be lawful to and for the said Commissioners herein named, and they are hereby required, to elect and appoint such Six Commissioners, under their Hands and Seals; and upon the Death, Refusal, or Disability to act of any of the said Commissioners hereby appointed or elected, or their Successors, to be elected in Manner herein mentioned, it shall and may be lawful to and for the surviving or remaining Commissioners, from Time to Time to elect and appoint, under their Hands and Seals, One other Person to be a Commissioner in the Room of each Commissioner so dying, refusing, or being incapable of acting; and every Person so elected a new Commissioner as aforesaid, shall be, and he is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as the Commissioner in whose Room or Stead he shall have been so elected.

VI. And be it further enacted, That the said Commissioners may and they are hereby empowered, by Writing under their Hands, to appoint such Person as Clerk for the Execution of this Act, as the said Commissioners shall think proper, and from Time to Time to remove such Clerk, as they shall see Occasion, and out of the Monies to be received by virtue of

No Act valid unless at a Meeting. Majority present may act.

Chairman to be appointed.

Election of new Commissioners.

Commissioners to appoint a Clerk, and remove him, and may allow him a Salary.

Commissioners to take Security from the Clerk. Clerk to account.

Clerk to account on Oath.

of this Act to allow and pay such Salaries, Wages, and Allowances, to such Clerk, as the said Commissioners shall think reasonable, not exceeding the Sum of Fifty Pounds *per Annum*; and the said Commissioners shall, and they are hereby authorized and required, to take such sufficient Security from every such Clerk, for the due Execution of his Office, as they shall think proper; and such Clerk so to be appointed, shall, under his Hand, at such Time or Times, and in such Manner, as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge by virtue of this Act, and also of all the Monies which shall have been by him received by virtue of and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from him to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same; and every such Clerk shall on the First *Monday* in the Month of *October* yearly, or at the First Meeting of the said Commissioners then next following (although not thereunto required by the said Commissioners), lay his Accounts before the said Commissioners, in order that the same may be audited, passed, and allowed by them, if approved of, and the said Clerk so accounting as aforesaid, shall upon Oath (which Oath any One of the said Commissioners is hereby empowered to administer), verify his said Accounts; and if any such Clerk shall refuse or neglect to make and render, or to verify upon Oath any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Commissioners (or to such Person or Persons as they shall appoint to receive the same, within Six Days next after being thereunto required by the said Commissioners, by Notice in Writing given to or left at the last or usual Place of Abode of such Clerk), all Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, or give Satisfaction to the said Commissioners respecting the same; and if Complaint shall be made by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the City, County, or Place, wherein such Clerk so refusing or neglecting shall be or reside, such Justice may, and he is hereby authorized and required, to issue a Warrant under his Hand and Seal, for the Clerk so refusing or neglecting to appear before him, and upon his appearing or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been received by virtue of this Act shall remain due from such Clerk, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Clerk; and if no Goods or Chattels of such Clerk can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Clerk shall have refused or neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers,

Papers, or Writings, relating to the Execution of this Act, shall be in the Custody or Power of such Clerk, and he shall have refused or neglected to deliver or give Satisfaction respecting the same as aforesaid, then, and in each and every such Case, such Justice shall commit such Offender to the common Gaol or House of Correction for the City, County, or Place, where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Commissioners.

VII. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings, relative to the Execution of this Act, and of the Names of all such Commissioners as shall be present at their several Meetings; and all Entries in such Book or Books, being signed by the Chairman and Clerk then present, or either of them, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, and Actions, touching or concerning any Thing done in pursuance of this Act.

Proceedings to be entered.

VIII. And be it further enacted, That whenever any Action shall be brought by the Order of the said Commissioners, against any Person or Persons by virtue or in pursuance of this Act, the same may be brought in the Name of their Clerk, or in the Name of any One of the said Commissioners, on Behalf of the said Commissioners, and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name the same shall be brought; but no such Clerk or Commissioner, or any or either of them, shall be subject to the Payment of any Costs or Expences on Account thereof, but all such Costs and Expences shall be defrayed out of the Money received by virtue of this Act.

Actions to be brought in the Names of the Treasurer or Clerk, or One of the Commissioners.

Clerk or other Commissioners not liable to Costs.

IX. And be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots and Lunatics, and Husbands, and all other Trustees whomsoever, for and on Behalf of any Infants, Females Covert, or Cestuique Trusts, Idiots, Lunatics, or other Persons under any Disability of acting for themselves, and for all and every Person or Persons who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, to treat and agree with the said Commissioners for the absolute Sale thereof, or of any Part thereof, or for their Interest therein, and to convey the same to the said Commissioners for the several Purposes aforesaid; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid and effectual, to all Intents and Purposes, any Law, Usage, or other Matter or Thing, to the contrary thereof in anywise notwithstanding; and that all such Feoffees in Trust, Executors, Administrators, Guardians, Committees, Husbands, and Trustees, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, and other Persons, are and shall be indemnified for what they do by virtue or in pursuance of this Act.

Corporations, &c. empowered to treat.

If Parties are dissatisfied with the Commissioners' Determination they may cause a Jury to be impannelled to decide the Matter.

X. Provided always, and be it further enacted, That if any such Body Politick, Corporate, or Collegiate, or any Trustee or Trustees, or other Person or Persons interested in any Lands, Tenements, or Hereditaments to be taken or used by virtue of this Act, shall, upon Notice in Writing signed by the Clerk to the said Commissioners, given to the principal Officer of any such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands, Tenements, or other Hereditaments, to be made Use of for the Purposes of this Act, for the Space of Twenty-eight Days next after such Notice, Neglect, or Refusal to treat, or shall not agree with the said Commissioners, or by reason of Absence or otherwise shall be prevented from treating, or through Disability by Non-age, Coverture, or other Impediment, cannot treat for himself, herself, or themselves, or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not, within the before mentioned Space of Twenty-eight Days, produce and fully disclose the State of the Title to the Premises which they are or shall be in Possession of, and to the Interest which they claim therein, then and in every such Case, the said Commissioners shall, and they are hereby empowered and required, to issue a Warrant under their Hands and Seals to the Sheriff of the County of *Galway*, commanding such Sheriff to impanel, summon, and return a competent Number of substantial Persons qualified to serve on Juries, and the said Sheriff is hereby required accordingly to impanel, summon, and return Sixty at the least of sufficient and indifferent Men, being Freeholders of the County of *Galway* and the County of the Town of *Galway*, or either of them, qualified according to Law to be returned for Trials of Issues in His Majesty's Courts at *Dublin*, to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed, such Time not being less than Fourteen nor more than Twenty-eight Days after such Warrant shall be served upon the said Sheriff; out of which Persons so to be impanelled, summoned, and returned, a Jury of Twelve Persons shall be drawn by some Person, to be by the said Commissioners for that Purpose appointed, in like Manner as Juries for the Trials of Issues joined in His Majesty's Four Courts of *Dublin*, are by Law directed to be drawn; and in case a sufficient Number of Persons qualified to serve as Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, or that by Means of Challenges or otherwise there shall be a Default of Twelve Jurors for such Trial, the said Sheriff shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and every such Jury and Jurymen, and Person and Persons so impanelled, summoned, and returned as aforesaid, shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Dublin*, and all Parties concerned may have their lawful Challenges against any of the said Persons so impanelled, summoned, and returned as aforesaid, but shall not challenge the Array; and the said Commissioners are hereby empowered and required, by a Summons or Notice to be signed by any Five or more of the said Commissioners, either previous to or at the Time of any such Meeting or Meetings, to summon and call before them all  
and

and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in Question, and to hear and examine such Witness or Witnesses upon Oath; and the said Commissioners may order and authorize the said Jury, or any Two or more of them, to view the Place or Places, or Matter or Matters in Question, which Jury, upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners are hereby empowered to administer), shall examine, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands, Tenements, or other Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Commissioners shall give Judgement for such Purchase Monies or Recompence, so to be assessed by such Jury; which said Verdict, and the Judgement thereupon pronounced as aforesaid, shall be signed by the said Commissioners, and shall be binding and conclusive, to all Intents and Purposes, against all Bodies Politick, Corporate, or Collegiate, and all other Persons, and shall be entered in the Rolls Office of His Majesty's High Court of Chancery in *Ireland*, and shall not be removed by *Certiorari* or other Process into any of His Majesty's Courts of Record at *Dublin*, or any other Court; any Law or Statute to the contrary notwithstanding.

XI. And be it further enacted, That if the Sheriff so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make Default in the Premises, he shall, for every such Offence, forfeit any Sum not exceeding Twenty Pounds nor less than Five Pounds; and if any Person so summoned and returned as aforesaid upon such Jury, shall not appear, or appearing shall refuse to be sworn, or to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined, or to give Evidence, every Person so offending, having no reasonable Excuse, to be allowed by the said Commissioners, shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds.

Compelling the Sheriff to summon the Jury.

XII. And be it further enacted, That all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall wilfully give false Evidence before the said Commissioners, or before any such Jury, or before any Justice of the Peace, acting as such in the Execution of this Act shall and may be prosecuted for the same, and upon Conviction thereof shall be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Punishing Persons guilty of Perjury.

XIII. And be it further enacted, That all the Costs, Charges, and Expences, of summoning and maintaining the Jury and Witnesses, shall be borne and paid by the said Commissioners, out of the Money received by them by virtue of this Act.

By whom the Expences of the Jury to be paid.

XIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used, by virtue of the Powers of this Act for the Purposes

Application of Compensation where equal to 200*l*.

Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, 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, to be placed to his Account there *ex parte* the said Commissioners; to the Intent that 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 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 purchased in case such Purchase or Settlement were made.

Application  
of Compenta-  
tion when less  
than 200*l.*  
and exceeding  
20*l.*

XV. Provided also, and be it 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 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



the Privity of the said Accountant General of the High Court of Chancery, 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 Five or more of 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 £.

XVI. And be it further enacted, That every Sum of Money to be agreed for or assessed as aforesaid, shall be paid out of the Monies to be received by virtue of this Act, to the Party or Persons respectively entitled to such Monies, or their Agents, and upon Payment thereof, or on leaving the same in the Bank of Ireland, for the Use of such Parties or Persons, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons respectively for whose Use the same was paid, in, to, or out of such Houses, Buildings, Lands, Tenements, and Hereditaments, shall vest in the said Commissioners, for the only Uses and Purposes of this Act, and they shall be deemed in Law to be in the actual Possession thereof, to all Intents and Purposes, as fully and effectually as if every Person having an Estate in the said Premises had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery and Seisin, Fine and Recovery, or any other legal Conveyance whatsoever, and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand, of the Person or Persons to whose Use such Payment was made, but also shall extend to, and be deemed and construed to bar the Dower and Dowry of the Wife or Wives of such Person or Persons, and all Estates Tail in Reversion or Remainder, and the Issue or Issues of such Person and Persons, and every Person claiming under them, as effectually as a Recovery or Fine would do, if levied or suffered by the proper Parties in due Form of Law.

On Payment of Purchase Money, Premises to be conveyed.

Premises vested in the said Commissioners.

XVII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on, or who shall have any Judgement or Judgements, or other Incumbrances upon or affecting any such Houses, Buildings, Lands, Tenements, or Hereditaments, which shall be purchased in pursuance of this Act, his, her, or their Heirs, Executors, Administrators, and Assigns respectively, shall, on Tender of the Principal Money and Interest due thereon, together with

Mortgagees to assign, on Tender of Principal, and Six Calendar Months Interest;

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or on Six  
Calendar  
Months No-  
tice.

Six Calendar Months Interest of the said Principal Money, by the said Commissioners, or by such Person or Persons as they shall appoint, immediately assign such Mortgage or Mortgages, Judgement or Judgements, or other Incumbrances, to the said Commissioners, or to such Person or Persons as they shall appoint in Trust for them; or in case such Mortgagee or Mortgagees, Judgement Creditor or Creditors, or other Person or Persons entitled to the said Incumbrances, shall have Notice in Writing given to him, her, or them, from the said Commissioners, or any Person authorized by them, that they will pay off and discharge the Principal and Interest Money, which, at the Expiration of the said Six Calendar Months, to be computed from such Notice given, shall be due on such Mortgage or Mortgages, Judgement or Judgements, or other Incumbrances, that then at the End of the said Six Calendar Months, on Payment or Tender of the Principal and Interest Money so due, such Mortgagee or Mortgagees, Judgement Creditor or Creditors, or other Person or Persons entitled to the said Incumbrances, shall convey and assign his, her, and their respective Estates and Interests in the said mortgaged Premises to the said Commissioners, or to such Person or Persons as they shall nominate and appoint in Trust for them; and if any such Mortgagee or Mortgagees, Judgement Creditor or Creditors, or other Person or Persons entitled to the said Incumbrances, his, her, or their Heirs, Executors, Administrators, or Assigns, shall refuse so to do on such Tender or Payment, then all Interest on every such Mortgage, Judgement, and other Incumbrance, shall cease and determine.

Tenants to  
give up the  
Possession of  
the Premises.

XVIII. And be it further enacted, That every Tenant at Will, or Lessee for a Year, or from Year to Year only, in Possession of any such Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, which shall be purchased by the said Commissioners as aforesaid, shall deliver up the Possession of such Premises immediately to the said Commissioners, or to such Person as the said Commissioners shall appoint to take Possession of the same, in case the said Commissioners, or such Person authorized by them, shall pay or tender to him, her, or them, Six Calendar Months Rent of the said Premises; or in case the said Commissioners shall give to him, her, or them, Six Calendar Months Notice to quit such Possession, then such Person or Persons in Possession shall, at the End of the said Six Calendar Months, or as soon after as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners, or to any Person authorized by the said Commissioners to take Possession thereof, in the Name of the said Commissioners; and that in case any such Person or Persons in Possession as aforesaid, shall refuse to give up such Possession as aforesaid, then and in such Case, it shall and may be lawful to and for the said Commissioners to issue their Precept or Precepts to the Sheriff of the County of the Town of *Galway* aforesaid, commanding the said Sheriff by virtue of this Act, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, in the Name of the said Commissioners, for the Purposes of this Act, and the said Sheriff is hereby required to deliver such Possession of the said Premises accordingly.

Courts, &c.  
to be built.

XIX. And be it further enacted, That the said Commissioners shall, in the erecting and building the said Gaol, provide therein not only such  
different

different and distinct Apartments for each and every Prisoner to sleep in, and Yards and Apartments for keeping the different Descriptions of Prisoners, and the Males from the Females separately, but also such Rooms for King's Evidence, Common Halls, Hospitals, Baths, and other Necessaries, Conveniencies, and Accommodations, as are directed to be provided and maintained in the several publick Gaols and Prisons throughout that Part of the United Kingdom called *Ireland*, in and by Two certain Acts of Parliament, One thereof made in the Twenty-third and Twenty-fourth Years of His present Majesty; intituled, *An Act for altering, amending, and rendering more effectual, the Laws now in being for regulating and managing the publick Gaols and Prisons throughout this Kingdom*, and the other made in the Twenty-sixth Year of the Reign of His said present Majesty; intituled, *An Act for amending and carrying more effectually into force the several Laws now in being for regulating the publick Gaols and Prisons throughout this Kingdom*.

23 &amp; 24 Geo. 3.

26 Geo. 3.

XX. And be it further enacted, That when the said Gaol so to be built and erected for the said County of *Galway*, by virtue of this Act, shall be made fit for the Reception and safe keeping of such Debtors, Felons, and other Prisoners as may be lawfully confined and imprisoned therein, and on the said Commissioners, or their Successors, or any Five or more of them, giving Notice in Writing thereof to the Sheriff of the said County of *Galway*, it shall and may be lawful for the said Sheriff, and he is hereby required to remove to such new Gaol, all such Debtors, Felons, and other Prisoners as shall be then in Custody, and the Expence of such Removal and Removals from the present Gaol or Prison, to the said new Gaol or Prison, shall be allowed and paid to such Sheriff by the said County of *Galway*; and such Removal or Removals shall not be deemed or taken to be an Escape or Escapes.

Sheriff to remove Prisoners to the new Gaol when built.

XXI. And be it further enacted, That all Sums of Money, or other Recompence, Consideration, or Satisfaction to be paid and made for the Purchase of any Lands, Tenements, or Hereditaments, and all the Costs and Charges of obtaining and passing this Act, and also all other Costs, Charges, and Expences, as the said Commissioners shall be at or put to in Execution of the several Trusts and Powers hereby vested in them, shall be paid out of such Monies as the said Commissioners shall receive, and be paid for the Purposes of this Act, in Manner herein-after mentioned.

Costs and Charges how to be paid.

XXII. And, for the Purpose of defraying the several Costs, Charges, and Expences of building, erecting, making, and finishing the said Gaol, and the Courts, Yards, Out-Offices, Buildings, Conveniencies, Passages, and Avenues of the same, and of purchasing such Houses, Buildings, Lands, Tenements, and Hereditaments, for the Purposes of this Act, and the Costs, Charges, and Expences attending the obtaining and passing this Act, and all other the necessary Costs, Charges, and Expences of the said Commissioners in carrying the same into Execution; be it further enacted, That it shall be lawful to and for the Grand Jury of the said County of *Galway*, and they are hereby required, at each Assizes, to cause to be presented and raised on the said County at large, such Sum or Sums of Money, as with any Sum or Sums of Money already raised, and now in the Hands of the

Grand Juries to present Money for Payment of Expences.

Treasurer

Treasurer of the said County, will constitute a sufficient Fund for defraying the said several Costs, Charges, and Expences.

Treasurer for the County to pay to the Commissioners the Monies presented by the Grand Jury;

XXIII. Provided always, and be it enacted, That the Treasurer of the said County of *Galway*, shall, as often as he shall receive or be paid the Amount of any such Presentment or Presentments to be made for the Purposes aforesaid, from Time to Time pay and deliver over the same to the said Commissioners, or to such Person or Persons as they shall by Writing under their Hands direct and appoint, together with all such Sums of Money as have been already raised in the said County for the Purposes aforesaid; and if the said Treasurer shall at any Time or Times neglect or refuse so to do, such Treasurer shall, upon being convicted of such Neglect or Refusal before the Judge of Assize, on the Oath of One or more Witnesses or Witnessesses in a summary Way, forfeit his said Office, and shall for ever thereafter be disqualified to hold or enjoy the same; and that as soon as conveniently may be, after the said Commissioners shall have received from the said Treasurer of the said County such Money so raised or to be raised, such Money shall be paid into the Bank of *Ireland*, in the Name and on Account of the said Commissioners, and be applied and disposed of, by Order of the said Commissioners by Writing under their Hands, for the Purpose of this Act.

and to be by them placed in the Bank of *Ireland*.

Clerk to account to Grand Juries.

XXIV. And be it further enacted, That the Clerk to the said Commissioners shall, at each and every Assizes to be holden for the said County of *Galway*, account upon Oath, in the usual Manner, for all Monies received, laid out, or expended by him for the Purposes of this Act, in such Manner as publick Money is accounted for at the Assizes; and all such Accounts shall be lodged with the Clerk of the Crown for the said County of *Galway*, who is hereby required to deposit and keep the same amongst the Records of the said County.

This Act not to repeal any of the Acts respecting Gaols.

XXV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend, so as to repeal or make void the several Statutes now in force for the Regulations of Gaols, Prisons, and Prisoners, in that Part of the United Kingdom called *Ireland*, or any Part thereof, but that the said several Statutes shall remain in full Force and Effect.

Recovery and Application of Penalties.

XXVI. And be it further enacted, That all Penalties and Forfeitures, by virtue of this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed), shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Galway*, or for the County of the Town of *Galway*, where the Offence shall happen (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath), and the Overplus, if any, of the Money arising by such Distress and Sale, shall be returned, upon Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making the Distress and Sale; and the Penalties and Forfeitures, when recovered (if not herein before directed to be otherwise applied), shall be paid to the Treasurer to the said Commissioners,

ers, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender to be committed to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months nor less than Fourteen Days, unless such Penalties and Forfeitures shall be sooner fully paid and satisfied.

XXVII. And be it further enacted, That in all Cases any Justice of the Peace may act as such in the Execution of the Powers herein contained, notwithstanding his being a Commissioner, except in Cases where he shall be personally interested. Commissioners may act as Justices if not interested.

XXVIII. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First or General Quarter Sessions of the Peace to be holden for the said County of *Galway*, next after the Expiration of Four Calendar Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Ten Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Commissioners; and the Justices in such Sessions are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein as they shall judge proper; and such Determination shall be final, binding, and conclusive, to all Parties, to all Intents and Purposes whatsoever. Appeal.

XXIX. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be afterwards done by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case. Distress not to be unlawful for Want of Form.

XXX. And be it further enacted, That no Order, Verdict, Assessment, Judgement, or other Proceedings made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Dublin*; any Law or Statute to the contrary thereof in anywise notwithstanding. Proceedings not to be quashed for Want of Form, or removeable by *Certiorari*.

XXXI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have Plaintiffs not to recover after Tender of Amends.

[*Loc. & Per.*]

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have been given to the Defendant or Defendants Twenty-one Days before such Action 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 his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement, shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of  
Actions.

XXXII. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Galway*, or in the County of the Town of *Galway*, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find 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 Suit after the Defendant or Defendants shall have appeared, or if upon Demurred Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Double Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Publick Act.

XXXIII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons, without being specially pleaded.

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