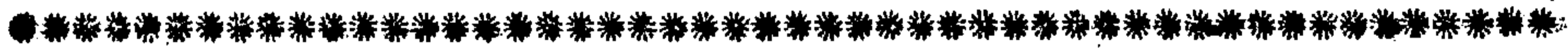


ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.



Cap. 98.

An Act for inclosing Lands in the Parishes of *Lyons*,
Kill, *Clonoclis*, *Celbridge* and *Donnacompport*, in the
County of *Kildare*. [14th May 1811.]

WHEREAS there are within the Parishes of *Lyons*, *Kill*, and *Clonoclis*, in the County of *Kildare*, in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, several Commons, Commonable Lands, and Waste Grounds, containing by Estimation Three hundred and seventy two Acres Three Roods and Five Perches, or thereabouts, Statute Measure: And whereas the Right Honourable *Valentine Brown* Lord Baron *Cloncurry*, is Lord or Owner of the Manor or reputed Manor of *Lyons*, in and extending over the said Parishes of *Lyons*, *Kill*, and *Clonoclis*, and is also Owner of divers Messuages, Lands, Tenements, and Hereditaments within the same; and the Reverend *Storer Charles Littlehales* is Vicar of the Parish of *Kill*, and Rector of the Parish of *Lyons* aforesaid, and as such is Owner of a House and certain Glebe Lands lying in the said Parishes of *Lyons*, *Kill*, and *Clonoclis*: And whereas there are within the Parishes of *Celbridge* and *Donnacompport*, in the said County of *Kildare*, several Commons, Commonable Lands, and Waste Grounds, containing by Estimation Eighty-eight Acres Two Roods and Five Perches, or thereabouts, Statute Measure: And whereas the Right Honourable Lady *Louisa Conolly* is Lady or Owner of the Manor or reputed Manor of *Celbridge*, in and extending over the said Parishes of *Celbridge* and *Donnacompport*, and is also Owner of divers Messuages, Lands, Tenements, and Hereditaments within the same; and the Re-

[Loc. & Per.]

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Commissioners.

verend *Patrick Sands* is Vicar and Curate of the Union of *Celbridge* aforesaid, and as such is Owner of a House and certain Glebe Lands lying in the said Parishes of *Celbridge* and *Donnacompert*; and the whole of the Commons, Commonable Lands, and Waste Grounds aforesaid, contain by Estimation Four hundred and sixty-one Acres One Rood and Ten Perches, Statute Measure, or thereabouts: And whereas the Right Honourable *Josua* Lord Viscount *Allen*, the Right Honourable *Henry Grattan*, Sir *Simon Bradstreet* Baronet, *Robert Browne* Esquire, *Anne Leake*, *Elizabeth Grattan*, *William Leake*, *Thomas Pettigrew*, and *Henry Pettigrew*, and several other Persons, are Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments within the said Parishes, and as such interested in the said Commons, Commonable Lands, and Waste Grounds: And whereas the said Commons, Commonable Lands, and Waste Grounds, are in their present State incapable of any considerable Improvement, and it would be advantageous to the said Owners and Proprietors, and all other Persons interested in the said Lands and Grounds, if the same were divided, allotted, and inclosed; but, as such Division, Allotment, and Inclosure cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Burne*, of *Merrion Square*, in the City of *Dublin*, Esquire, Barrister at Law; *James Archibald O'Reilly*, of *Bryan Lodge*, in the County of *Meath*, Esquire; and *Michael Hackett*, of *Muire Hall*, in the County of *Kildare*, Esquire, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Commons, Commonable Lands, and Waste Grounds, and for carrying this Act into Execution.

New Commissioners in case of Death.

II. And be it further enacted, That if any of the Commissioners herein named, or to be appointed by virtue of this Act, shall before the Execution of all the Powers and Authorities hereby vested in him or them, die, or refuse to act, or become incapable of acting in the Execution of this Act, then and in every such Case it shall be lawful for the surviving or remaining Commissioners or Commissioner, and they and he are and is hereby required at any Time and from Time to Time within Thirty Days after such Death, Refusal, or Incapacity shall be known to them or him, by Writing under their or his Hands or Hand, to appoint another Person (not interested in the said Division, Allotment, and Inclosure) to be a Commissioner in the Place of each Commissioner so dying, or refusing to act, or becoming incapable of acting; and every Commissioner so to be appointed as aforesaid shall, after taking the Oath herein mentioned, have the like Powers and Authorities for carrying this Act into Execution in all Respects as if he had been named and appointed a Commissioner in and by this Act; and that all Acts, Matters, and Things authorized or directed to be done or executed by the Commissioners herein named or to be elected as aforesaid, may be done and executed by any Two of them, and all such Acts, Matters, and Things shall be as valid and effectual as if the same had been done and executed by all the said Commissioners herein named or to be elected as herein mentioned.

III. Provided

III. Provided also, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, (except only in the Power hereby given of appointing the First Meeting, and administering the following Oath to the other Commissioners), until he shall have taken the following Oath; (that is to say), Commissioners to take an Oath.

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly examine into, hear, and determine all such Matters and Things as shall be brought before me as a Commissioner, by virtue of an Act for inclosing Lands in the Parishes of *Lyons, Kill, Clonoclis, Celbridge* and *Donnacomport*, in the County of *Kildare*, and otherwise execute the Powers thereby in me reposed, according to the best of my Skill and Judgment, and without Favour or Affection for any Person or Persons whomsoever. ‘ So help me God.’

Which Oath it shall be lawful for any One of the said Commissioners to administer, and he is hereby required to administer the same to any other of the said Commissioners.

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

V. And be it further enacted, That the said Commissioners shall and they are hereby required to cause a Notice in Writing of the Time and Place of their First and every other Meeting for the Execution of this Act, to be placed on the principal Doors of the said Parish Churches of *Lyons, Kill, Clonoclis, Celbridge* and *Donnacomport*; and also cause Notice to be inserted in the Newspaper called *The Dublin Journal*, or *Dublin Evening Post*, if then published, and if not, then in some other Newspaper printed in *Dublin*, and circulated within the said County of *Kildare*, Ten Days at least before every of such Meetings (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners it shall happen that no more than one Commissioner shall attend, such Commissioner may adjourn such Meeting to any Time and Place within the said Parishes, or within Eight Miles thereof, which he shall think most convenient: Provided also, that the several Persons interested in such Commons, Commonable Lands, and Waste Grounds, their Solicitors, Attornies, and Agents shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this Act. Notice of Meeting of Commissioners.

VI. And be it further enacted, That all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, having or claiming to have any Estate or Property, Right of Common, or other Right or Interest whatsoever, in, to, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, shall by himself, herself, or themselves, or by his, her, or their Guardians, Trustees, Agents, or Tenants, and he, she, and they is and are hereby respectively required, at the First or Second Meeting of the said Commissioners to be holden in pursuance of this Act, to deliver in Writing to the said Commissioners, a true and just Account of the Messuages, Cottages, Lands, Claims to be delivered to the Commissioners.

and Tenements belonging to him, her, or them respectively, for or in respect of which such Estate, Property, Right of Common, or other Right or Interest, shall be claimed, and also a true and just Account of his, her, and their respective Claims, Rights, and Interests into, over, or upon the said Lands and Grounds hereby directed to be divided and allotted, or any Part thereof; and that no such Accounts or Claims shall be received by the said Commissioners after such their Second Meeting, except for some special Cause to be allowed by them; and all and every Person and Persons, Body and Bodies Politick, Corporate or Collegiate, neglecting or refusing to deliver such Accounts as aforesaid, shall be and is and are hereby excluded and debarred from all Rights of Common, and other Rights or Interest whatsoever, into, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or into, over, or upon any Part or Parts of the same, to be assigned or allotted to any other Person or Persons by virtue of or under this Act; and if any One or more of the said Owners and Proprietors, or other Persons interested in the said intended Division and Allotments, shall have any Objection or Objections to the said Accounts or Claims, or any of them, such Objection or Objections shall be reduced into Writing and delivered to the said Commissioners, and to such other Person or Persons, Body or Bodies Politick, Corporate or Collegiate, whose Account or Accounts, Claim or Claims, shall be objected to, in such Manner and at such Time or Times as the said Commissioners shall appoint.

Commissioners to settle Differences,

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotments, touching or concerning the respective Rights, Interests, Shares and Proportions, which they or any of them shall claim to have of and in the Lands and Grounds hereby directed to be divided and allotted, or touching or concerning any other Matter or Thing relating to the said Division and Allotments, it shall be lawful for the said Commissioners and they are hereby authorized and required, as well by Examination of Witnesses upon Oath (which Oath any one of the said Commissioners is hereby empowered to administer) as upon any other proper and sufficient Inquiry and Evidence, to examine into, hear and determine the same: Provided always, that nothing in this Act contained shall authorize or empower the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements or Hereditaments whatsoever.

but not determine Titles.

Persons in Possession not to be molested without due Course of Law.

VIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties, contrary to the Possession of any of such Parties (except in Cases of Encroachments as herein-after mentioned), but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment, or other due Course of Law.

Commissioners may summon Witnesses.

IX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, from Time to Time as they shall see Occasion, by any Writing under their Hands, to summon and require any

any Person or Persons to appear before them, at any Time and Place in such Writing mentioned, and to testify the Truth upon Oath, (which Oath any one of the said Commissioners is hereby empowered to administer), touching any Matter, Difference, or Dispute between any of the said Proprietors or Persons interested, or concerning any Matter or Thing wherein any Doubt or Difficulty shall occur to the said Commissioners, and to cause a duplicate Copy of such Summons in Writing to be delivered to every such Person whose Testimony shall be so required, or left at his or her last or usual Place of Abode; and if any Person or Persons having been so summoned as aforesaid, and having been paid or tendered a sufficient Sum of Money, to be ascertained by the said Commissioners, to defray the Charges of his, her, or their Attendance or Attendances, shall without any just and reasonable Excuse neglect or refuse to appear before the said Commissioners pursuant to such Summons or Writing, or appearing shall refuse to be sworn, or to be examined, or to give Evidence touching the Premises, then and in every such Case, due Proof being made upon Oath (which Oath any one of the said Commissioners is hereby empowered to administer) of the Service of such Summons on the Person or Persons so refusing to appear at the Time and Place therein specified, and of such Person or Persons having been paid or tendered a sufficient Sum of Money to defray the Charges of his, her, or their Attendance, it shall be lawful for the said Commissioners, and they are hereby required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause any Sum of Money, not exceeding Ten Pounds, to be levied by Distress and Sale of the Goods and Chattels of every Person so neglecting or refusing to appear, or to be sworn, or to be examined, or to give Evidence, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale, and the Money so to be levied shall be applied towards defraying the Costs and Charges of obtaining and executing this Act.

X. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act, see Cause to award any Costs, it shall be lawful for the said Commissioners and they are hereby empowered, upon Application to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled; and in case the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by Warrant under their Hands and Seals, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand to the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, whose Goods

Commissioners to assess Costs.

and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to try
Right by an
Issue at Law.

XI. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims of the Right to the Soil of the said Commons, Commonable Lands, and Waste Grounds, or of any Rights of Common, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, or touching or concerning any other Claim or Claims which shall be made in pursuance of this Act, it shall be lawful for such Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, to proceed to a Trial at Law of the Matter so determined by the said Commissioners, and for that Purpose the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought in one of His Majesty's Courts of Law at *Dublin*, upon a feigned Issue against the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, in whose Favour such Determination shall have been made, within Three Calendar Months after such Determination of the said Commissioners, and shall proceed to Trial at the First or Second Term after the Commencement of such Action, or at the Sitting of *Nisi Prius* after such Term or Terms; and the Defendant or Defendants in such Action or Actions shall, and he, she, and they are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same), and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body and Bodies Politick, Corporate and Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, in case the said Court shall think proper; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials; and the Costs and Charges of such Action or Actions shall be paid in such Manner and by such Person or Persons as the Judge before whom such Issue or Issues shall be tried shall order or direct: Provided nevertheless, that if no such Action shall be brought or proceeded in within the Time and in the Manner aforesaid, the Determination of the said Commissioners shall be final and conclusive.

Suits about
Titles not to
Impede the
Proceedings
or the Execu-
tion of this
Act.

XII. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, in or to any Messuages, Lands, Tenements, or Hereditaments in the said Parishes of *Lyons, Kill, Clonoclis, Celbridge, and Donnacomport*, such Suit or Suits shall

shall not impede, delay or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act; but the said Division, Allotment and Inclosure shall be proceeded in notwithstanding such Dispute or Suit; and such Allotment or Allotments may be had and taken by the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, who upon the Determination of such Difference or Suit, shall become entitled to the same.

XIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic, Corporate or Collegiate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk or Clerks of the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

In cases of Death of Parties before Actions brought, the same to be carried on and defended in their Names.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized, at any Time before the Execution of the Award herein-after mentioned, by Writing under their Hands, to be affixed upon the principal Doors of the Parish Churches of *Kill* and *Celbridge* aforesaid, to order or direct all or any Part of the Rights of Common, or other Rights or Interests in, over, and upon the said Commons, Commonable Lands, and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Writing; and all such Rights as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall, from the Time of affixing such Writing on the said Church Doors, cease, determine and be extinguished, or the Exercise thereof shall be suspended accordingly, any Law, Usage, or Custom to the contrary thereof notwithstanding.

For extinguishing or suspending Rights of Common before the Award.

XV. And be it further enacted, That with all convenient Speed after the passing of this Act, a true and perfect Admeasurement of all the Lands and Grounds lying within the said Parishes of *Lyons*, *Kill*, *Clonoclis*, *Celbridge*, and *Donnacompert*; shall be made and laid down as a Survey or Plan, by such Person or Persons (not interested in the said intended Division, Allotment and Inclosure) as the said Commissioners shall appoint; and the said Plan or Survey shall contain and set forth the Number of Messuages and Cottages, and of Acres, Roods and Perches in Statute Measure, belonging to the several Owners or Proprietors respectively, and

Survey to be made.

also the Number of Acres, Roods and Perches contained in the said Commons, Commonable Lands and Waste Grounds, and shall be used by the said Commissioners as often as Occasion shall require; and the said Plan or Survey, together with all other Acts, Matters and Things to be done by the Person or Persons so to be appointed as aforesaid, shall be verified by his or their Oath, (which Oath any one of the said Commissioners is hereby empowered to administer), and the said Commissioners and Surveyor, their Assistants and Servants, and all and every other Person or Persons employed by the said Commissioners, shall and may and they are hereby authorized and empowered, at any Time before the Execution of the Award herein-after mentioned, to enter into, view, examine, survey, admeasure, plan and value the Lands and Grounds, lying within the said Parishes of *Lyons, Kill, Clonoclis, Celbridge, and Donnacomport*, and to fix Stakes or Land Marks thereon, and to do all Matters and Things which shall in the Judgement of the said Commissioners be requisite for carrying this Act into Execution: Provided nevertheless, that if any Plan or Survey already made of the Lands and Grounds lying within the said Parishes of *Lyons, Kill, Clonoclis, Celbridge, and Donnacomport*, shall be produced and laid before the said Commissioners, and of the Authenticity whereof they shall be satisfied, it shall be lawful for the said Commissioners to contract for and purchase the same, and to cause the same to be made Use of by the Surveyor or Surveyors to be appointed by them as aforesaid.

Perambulation of the Boundaries of the Parish.

XVI. And whereas Disputes may arise touching the Boundaries of the said Parishes of *Lyons, Kill, Clonoclis, Celbridge, and Donnacomport*; be it therefore further enacted, That the said Commissioners shall, and they are hereby required to perambulate the Boundaries of the said Parishes of *Lyons, Kill, Clonoclis, Celbridge, and Donnacomport*, and to cause Notice of such intended Perambulation to be inserted in the said Newspaper called *The Dublin Journal, or Dublin Evening Post*, if then published, and if not then in some other Newspaper printed in *Dublin*, and circulated within the said County of *Kildare*, Ten Days at least before the Time of such intended Perambulation; and after the Expiration of the Time to be specified in such Notice, they the said Commissioners are hereby authorized and required to inquire into, set out, ascertain, fix and determine the Boundaries of the said Parishes of *Lyons, Kill, Clonoclis, Celbridge, and Donnacomport*, and within Thirty Days after such Determination to cause a Description of the said Boundaries to be inserted in the Newspaper called *The Dublin Journal, or Dublin Evening Post*, if then published, and if not, then in some other Newspaper printed as aforesaid, and circulated within the said County of *Kildare*: Provided always, that if any Person or Persons shall be dissatisfied with the Determination of the said Commissioners respecting the said Boundaries, such Person or Persons may appeal to the Justices of the Peace acting in and for the said County of *Kildare*, at any Quarter Session of the Peace to be holden within Four Calendar Months next after the Publication as aforesaid of the Description of the said Boundaries, (the Party or Parties making such Appeal, giving Ten Days Notice of such Appeal, and of the Matter thereof to the said Commissioners, or to any Two of them,) and the Decision of the said Justices therein shall be final and conclusive.

XVII. And

XVII. And whereas it may shorten the Boundary Fences between the Lands lying in the said Parishes of *Lyons, Kill, Clonoclis, Celbridge,* and *Donnacompport,* and the Lands lying in the Parish or Parishes adjoining thereto, if the said Commissioners were empowered to cause Fences to be raised in such Directions as they shall think most proper and convenient, for shortening and making such Boundaries regular; be it therefore further enacted, That it shall be lawful for the said Commissioners, with the Consent in Writing under the Hand or Hands of the major Part in Value of the Land Owners in any Parish or Parishes adjoining to the said Parishes of *Lyons, Kill, Clonoclis, Celbridge,* and *Donnacompport,* and also under the Hand or Hands of the Lord or Lords, Lady or Ladies, of the Manor or Manors in any such adjoining Parish or Parishes, and of the Owner or Owners of the Land upon which such Fence or Fences shall or may be intended to be made, to set out, ascertain, and determine the Boundary Fences to be made between the Lands and Grounds lying in the said Parishes of *Lyons, Kill, Clonoclis, Celbridge,* and *Donnacompport,* and the Lands lying in such adjoining Parish or Parishes, as they shall judge proper for the Purposes aforesaid; and after such Boundaries shall be set out, ascertained and determined as aforesaid, the same shall be fenced in such Manner and at such Time or Times as the said Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the Lands and Grounds hereby directed to be divided, allotted and inclosed, and such adjoining Parish or Parishes, any Law, Usage, or Custom to the contrary notwithstanding.

Power of shortening Boundary Fences against adjoining Parishes.

XVIII. And be it further enacted, That all Encroachments which within Thirty Years now last past have been made upon the said Commons, Commonable Lands, and Waste Grounds, shall be deemed Part of the Lands and Grounds to be divided and allotted, by virtue of this Act, and shall be divided and allotted accordingly by the said Commissioners; and in case any Dispute shall arise touching any such Encroachments, or the Extent thereof, such Disputes shall be finally determined by the said Commissioners.

Encroachments within Thirty Years to be Part of the Lands to be divided.

XIX. And be it further enacted, That if after the said Commissioners shall have adjudged any Parcel of Land to be an Encroachment upon and Part of the Lands and Grounds to be divided, allotted, and inclosed, by virtue of this Act, and the Possessor or Possessors, Occupier or Occupiers thereof shall refuse or decline to yield up the Possession thereof, being thereunto duly required by a Notice or Notices in Writing signed by the said Commissioners, and affixed upon the Doors of the Churches of the Parishes of *Kill, Clonoclis, Celbridge,* and *Donnacompport,* Six Weeks at least before the Time to be expressed in the said Notice for yielding up such Possession to them, that then and in every such Case it shall be lawful for the said Commissioners to bring One or more Ejectment or Ejectments in the Name or Names of the Lord or Lords, Lady or Ladies, of the Manor or Manors within the said Parishes of *Lyons, Kill, Clonoclis, Celbridge,* and *Donnacompport,* and of the Proprietors and Owners of Lands within the said Parishes of *Lyons, Kill, Clonoclis, Celbridge,* and *Donnacompport,* all or any one of them, as Lessor or Lessors in such Ejectment or Ejectments, for the Recovery of the Possession of the Lands and Grounds so adjudged and withheld; and if upon the Trial of such Ejectment or Ejectments it shall appear that the Adjudication of the said Commissioners was duly made,

Commissioners may bring Ejectments.

purſuant to the Powers given to the ſaid Commiſſioners by this Act, then and in every ſuch Caſe the Plaintiff in ſuch Ejectment or Ejectments ſhall be entitled to recover Judgment, and have Execution, and the Lands and Grounds ſo to be recovered ſhall be deemed and taken to be Part and Parcel of the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, and ſhall be divided, allotted, and incloſed accordingly.

Cottages
built upon
Encroach-
ments not to
receive an
Allotment.

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

Roads

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall order and direct ſuch Bridges, Ditches, Fences, Banks, Stiles, Water-courſes, Drains, Tunnels and other Works to be made in, over, and upon any Part or Parts of the Lands and Grounds within the ſaid Pariſhes of *Lyons, Kill, Clonoclis, Celbridge,* and *Donnacompert,* and any other Lands and Grounds within the Limits and Proviſions of this Act, and ſhall ſet out and appoint ſuch public and private Roads and Ways, in, over and upon the ſaid Commons, Commonable Lands and Waſte Grounds, as they ſhall think neceſſary and proper, ſo that all new public Carriage Roads ſo to be ſet out and appointed as aforeſaid, ſhall contain Thirty Feet in Breadth between and excluſive of the Ditches, and ſhall be well and ſufficiently fenced out on both Sides, in ſuch Manner and within ſuch Time as the ſaid Commiſſioners ſhall direct and appoint; and that it ſhall not be lawful for any Perſon to erect any Gate acroſs any of the ſaid public Roads, or to plant any Trees in or near the Hedges or Sides thereof, at a leſs Diſtance from each other than Fifty Yards.

The Powers
of Grand
Jury over the
Roads not to
be preju-
diced.

XXII. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to derogate from, abridge, leſſen, or prejudice the Powers or Authorities of the Grand Jury of the County of *Kildare,* as to the Line, Direction, Breadth, or other Matter or Thing touching or concerning any of the Roads or Highways in, over, or upon the ſaid Lands or Grounds, or to prevent the ſaid Grand Jury from Time to Time from varying the Roads and Highways, or any of them, ſo to be laid out by the ſaid Commiſſioners as they ſhall think expedient; Provided that none of the preſent Roads ſhall be ſhut up or diſcontinued until the new Roads which may be ſubſtituted by the ſaid Commiſſioners in their place or ſtead by virtue of this Act ſhall be made ſafe and convenient for Horſes, Cattle and Carriages.

Old Roads
not to be ſhut
up until new
ones are made.

Allotments
of Part of the
Waſte Lands
for Sale, to
defray the
Expences of
obtaining the
Act and carry-
ing it into
Execution.

XXIII. And whereas it would be convenient to the ſeveral Perſons intereſted in the ſaid Division and Incloſure, if a competent Part of the ſaid Commons, Commonable Lands, and Waſte Grounds, were ſet apart and ſold, and the Money ariſing from ſuch Sale applied in defraying the Expences of obtaining and carrying this Act into Execution; be it therefore further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required and authorized, as ſoon as conveniently can be done after the paſſing of
this

this Act, to set out so much of the said Commons, Commonable Lands, and Waste Grounds, as in their Opinion will by the Sale thereof produce a Sum of Money sufficient to pay and defray all the Charges and Expences of obtaining this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Grounds hereby intended to be divided, allotted, and inclosed, and of inclosing with a Ring Fence the Land which shall be allotted to the said Vicar in right of his Parsonage House and Glebe Lands, and of preparing the Award hereby directed to be made, and of setting out and making all publick Roads and Works, and all other Costs, Charges, and Expences of carrying this Act into Execution; and such Lands, when so marked and set out, shall be, and are hereby declared to be vested in the said Commissioners, and they are hereby directed and required to sell the same to any Person or Persons whomsoever for the best Price or Prices that can be reasonably gotten for the same, by publick Auction or Auctions, (Notice of the Time and Place, or Times and Places of such Sale or Sales being given Three Times in One or more of the said publick Newspapers Six Weeks previous to such Auction or Auctions), and the Person or Persons who shall at such Sale be the highest Bidder or Bidders for any such Lands and Grounds shall be deemed and taken to be the Purchaser or Purchasers thereof, and shall immediately pay to the Commissioners who may be present at such Sale One Tenth Part of the Purchase Money as and for a Deposit, and shall engage to pay the Residue of the Purchase Money within Three Calendar Months afterwards into the Hands of the said Commissioners, who are hereby authorized to give Receipts for the same, and also for the Money to be paid as and for a Deposit as aforesaid; and if any Purchaser having made such Deposit as aforesaid, shall not pay the Whole of the Purchase Money within the Time appointed for the Payment thereof, the Money so deposited shall be forfeited to the said Commissioners, and shall be applied towards defraying the Expences attending the obtaining and executing of this Act; and it shall be lawful for the said Commissioners, on giving such Notice as aforesaid, to put up again to Sale such Lands and Grounds for which the Whole of such Purchase Money shall not have been paid, and so *toties quoties* until the same shall be sold; or the said Commissioners may, if they think proper, sell and dispose of such Lands and Grounds by private Contract for the best Price that can reasonably be gotten for the same, and the Money arising by the Sale or Sales of such Lands and Grounds shall be applied by the said Commissioners for the several Purposes aforesaid; and in case there shall be any Surplus of the Money arising from the Sale of such Parts of the said Commons, Commonable Lands, and Waste Grounds, after paying all the Charges and Expences of obtaining and executing this Act, such Surplus shall be paid to or applied for the Benefit of the several Proprietors in the said Commons, Commonable Lands, and Waste Grounds, in Proportion to their respective Rights and Interests therein.

XXIV. And be it further enacted, That the said Commissioners shall set out and allot unto the Lord or Lords, Lady or Ladies of the said Manor, and to any other Person or Persons being Lord or Lords, Lady or Ladies of any Manor or Manors, within the said Parishes of *Lyons, Kill, Clonoclis, Celbridge, and Donnacomport*, aforesaid, and to such of them as is, are, or shall be entitled to the Soil of the said Commons, Commonable Lands and Waste Grounds,

Allotment to
Lord of the
Manor.

or any Part thereof, such Part of the said Commons, Commonable Lands, and Waste Grounds, as in the Judgment of the said Commissioners shall be equal in Value to One Eighteenth Part thereof; and the said Allotment or Allotments shall be a full Satisfaction and Compensation for the Right of such Lord or Lords, Lady or Ladies, in and to the Soil of the said Commons, Commonable Lands, and Waste Grounds.

Allotment
for Glebe.

XXV. And be it further enacted, That the said Commissioners shall in the next Place set out and allot unto the said *Storer Charles Littlehales*, and his Successors, Vicars and Rectors as aforesaid, such Plot or Plots of the said Commons, Commonable Lands, and Waste Grounds, as in the Judgment of the said Commissioners shall be a full Satisfaction and Compensation in respect of and in Proportion to the yearly Value of the Glebe House and Glebe Lands within the said Parishes of *Lyons, Kill, and Clonmelis*, belonging to the said Vicarage and Rectory; and also shall set out and allot unto the said *Patrick Sands*, and his Successors, Vicars, and Curates as aforesaid, such Plot or Plots of the said Commons, Commonable Lands, and Waste Grounds, as in the Judgment of the said Commissioners shall be a full Satisfaction and Compensation in respect of and in Proportion to the yearly Value of the Glebe House and Glebe Lands within the said Parishes of *Celbridge and Donnacomport* belonging to the said Vicarage and Curacy.

Allotment of
the Residue.

XXVI. And be it further enacted, That the said Commissioners shall then divide, set out, and allot all the Residue and Remainder of the said Commons, Commonable Lands, and Waste Grounds, unto and amongst all and every the Owners and Proprietors of the Messuages, Farms, Cottages, Dwelling Houses, and Lands, within the said Parishes, in such Shares and Proportions as in the Judgment of the said Commissioners shall be a just and reasonable Compensation, Share and Allotment, in respect of, and in proportion to the real yearly Value of the said Messuages, Farms, Cottages, Dwelling Houses, Tenements and Lands respectively.

For laying
Allotments
conveniently
together.

XXVII. Provided always, and be it further enacted, That in making the said Allotments the said Commissioners shall have due Regard, as well to the Quality and Quantity of the Lands and Grounds so to be divided and allotted as aforesaid, as also to the Situation and Contiguity of the same to the respective Habitations, Messuages, Farms, and other Property of the several Parties to or for whom such Lands and Grounds shall respectively be assigned and allotted.

Allotments
to be made in
bar of former
Rights.

XXVIII. And be it further enacted, That the several Allotments to be made unto and for the several Persons, and Body or Bodies Politick, Corporate or Collegiate, who by virtue of this Act shall be entitled to the same, shall be in full Satisfaction and Compensation for their several Parts and Shares of the Lands and Grounds hereby directed to be divided and allotted, and for all their respective Rights and Interests in, over, and upon the same; and that from and immediately after the Execution of the said Award all Rights of Common, and other Interests whatsoever, belonging to or claimed by any Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, out of, in, over or upon the Lands and Grounds hereby

hereby directed to be divided and allotted, shall cease, determine, and be for ever extinguished.

XXIX. And be it further enacted, That the several Persons, and Body or Bodies Politick, Corporate or Collegiate, to whom any Lands or Grounds shall be allotted by virtue of this Act, shall accept of their respective Allotments by taking Possession thereof within the Space of Six Calendar Months next after the Execution of the said Award, and Notice thereof in Writing to them respectively given by the said Commissioners, or left at their respective usual or last Places of Abode, or given to or left at the usual Place of Abode of the known Agent or Clerk of any Body Politick, Corporate or Collegiate; and in case any Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, shall neglect or refuse to accept his, her, or their Allotment or Allotments within the Time herein for that Purpose mentioned, such Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, shall be totally excluded from and debarred of any Estate, Interest, Right of Common, or any other Property whatsoever in, to, over or upon any Lands or Grounds which shall be assigned or allotted to any other Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, in pursuance of this Act: Provided always, that the Guardians, Husbands, Committees, Trustees or Attornies of any Person or Persons being Minors, under Coverture, Idiots, Lunaticks, or beyond the Seas, or otherwise incapable by Law to accept such Shares and Allotments as aforesaid, shall and they are hereby enabled and required to accept thereof for the Use of such Person or Persons so incapacitated as aforesaid, and such Acceptance shall be and is hereby declared to be as valid and effectual as if the Person or Persons for or to whom such Allotments shall be made respectively, were capable of acting for himself, herself or themselves, and had accepted such Shares and Allotments as aforesaid, any Law or Usage to the contrary notwithstanding: Provided also, that the Non-claim or Non-acceptance of any Guardian, Husband, Executor, Committee or Trustee, shall not exclude or prejudice the Right or Claim of any Infant, Feme Covert, or Person under any Disability as aforesaid, who shall claim or accept his or her Share or Allotment within the Space of Twelve Calendar Months next after such Disability or Incapacity shall be removed; nor shall any such Non-claim or Non-acceptance exclude or prejudice the Claim or Right of any Person entitled as Heir, or in Remainder, after the Death of any Person dying under such Disability or Incapacity, the Person or Persons so entitled claiming or accepting his, her, or their Share or Allotment within the Space of Twelve Calendar Months next after his, her, or their Right, Title, or Interest shall have descended or accrued.

XXX. And be it further enacted, That the several Allotments of the Lands hereby directed to be divided and allotted shall be inclosed, hedged, and fenced by such Person or Persons, and Body or Bodies Politick, Corporate or Collegiate, (save and except the said *Storer Charles Littlehales*, and *Patrick Sands*, and their Successors, Vicars, Rectors, and Curates, as aforesaid), within such Time and in such Manner as the said Commissioners shall, in and by their Award, order, direct and appoint; and the Hedges, Ditches, Drains, and Fences which shall be made pursuant to the said Award shall at all Times thereafter be maintained and kept in Repair, and cleansed by such Person or Persons, Body or Bodies Politick, Corporate or Collegiate, as the said Commissioners shall by their said Award order

[*Loc. & Per.*]

and direct; and if any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, shall neglect or refuse to make and raise such Ditches, Drains or Fences, according to the Award of the said Commissioners, it shall be lawful for the said Commissioners, and they are hereby empowered and required to cause such Hedges, Ditches, Drains or Fences to be raised and made by such Person or Persons, in such Manner, and at such Time or Times, as they the said Commissioners shall think proper, and if the said Person or Persons, Body or Bodies Politick, Corporate or Collegiate, who ought to have raised and made such Hedges, Ditches, Drains, or Fences, shall neglect or refuse to pay the Costs and Expences of raising and making the same, (such Costs and Expences being settled by the said Commissioners,) within Ten Days after Demand made thereof, then and in such Case it shall be lawful for the said Commissioners, and they are hereby required to raise and levy the same by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied in case the Lands and Grounds herein directed to be sold are insufficient for the Payment thereof; and for the better preserving the Hedges, Ditches, Banks, Plants, Quicksets and Fences of the said intended Inclosure, it shall be lawful for the said respective Persons, and Body or Bodies Politick, Corporate or Collegiate, to whom any Allotment or Allotments shall be made by virtue of this Act, from Time to Time and at all Times during the Term of Seven Years next after the Execution of the said Award, to set or fix Posts or Rails, or any other Guards, on the Outside of the Hedges, Banks, and Fences, bounding their respective Allotments, not exceeding Three Feet from such Hedges, Banks, and Fences, and at all reasonable Times before the End of the said Term to remove, take, and carry away such Posts, Rails, and other Guards, and to convert the same to their own respective Uses.

Fences may be made before the Execution of the Award.

For leaving Gaps.

Satisfaction for unequal Share of Fencing.

XXXI. And be it further enacted, That when the said Commissioners shall have staked out the several Allotments intended to be made by virtue of this Act, it shall be lawful for any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, to whom any Allotment or Allotments is or are intended to be made, at any Time before the Execution of the said Award, to inclose or fence such Allotment or Allotments in such Manner as the said Commissioners shall by Writing under their Hands appoint: Provided always, that convenient Gaps and Openings shall be left in the Fences and Inclosures to be made in pursuance of this Act, for the Space of Twelve Calendar Months next after the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages into and through the same, unless the several Parties interested shall agree that the same shall be sooner fenced in, made up, and inclosed: Provided always, that in case through necessity of Situation, or any other Circumstances, it shall happen that One or more of the said Proprietors shall not have an equal or proportional Share of Boundary Mounds or Fences allotted to him, her, or them on the said intended Inclosure, it shall be lawful for the said Commissioners, when they shall judge it necessary and reasonable, to award, order, ascertain, and appoint, what Sum or Sums of Money such Proprietor or Proprietors shall respectively pay and contribute towards the making of the Mounds and Fences of the Allotments of such other of the said Proprietors, or either of them, who shall or may have too great a Share or Proportion of Mounding or Fencing allotted,

allotted to him, her, or them by virtue of this Act, the same to be settled by the said Commissioners in such Manner as they shall award, order, direct, or appoint; and the Money so ordered, directed, or appointed to be paid, shall be paid, raised, levied, and received in such and the same Manner as the other Expences of this Act are herein ordered and directed to be raised, levied, and recovered, in case the Lands and Grounds herein directed to be sold are insufficient for the Payment of such Expences.

XXXII. Provided also, and be it further enacted, That if any Person or Persons hath sold, or contracted or agreed to sell, or shall at any Time before the Execution of the said Award sell, or contract or agree to sell, his, her, or their Right, Interest, and Property in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, to any other Person or Persons, then and in every such case it shall be lawful for the said Commissioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, Contract, or Agreement, or to his or her Heirs or Assigns, for or in respect of such Right, Interest, and Property so sold, or contracted or agreed to be sold as aforesaid; and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall and may from and after the Execution of the said Award hold and enjoy the Lands so to be allotted to him, her, or them as aforesaid, in the same Manner to all Intents and Purposes as the Vendor in every such Sale, Contract, or Agreement might, could, or ought to have had, held, or enjoyed the same, in case such Sale, Contract, or Agreement had not been made.

In case any Person shall sell his Common Right, the Allotment is to be made to the Purchaser.

XXXIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized, by Indentures of Lease and Release, to be executed by them under their Hands and Seals, to grant and convey the Fee Simple and Inheritance of the Lands and Grounds which shall be sold as herein-before mentioned, towards Payment of the Costs and Expences of this Act, to the Purchaser or Purchasers thereof, his, her, or their Heirs and Assigns; or as he, she, or they, shall direct or appoint; and all such Grants and Conveyances shall be valid and effectual in the Law to all Intents and Purposes whatsoever; and after the Execution of every such Grant and Conveyance the Lands and Grounds so granted and conveyed shall be held by every such Purchaser, his or her Heirs and Assigns, freed and discharged of and from all Rights of Common, Rights of Soil, and all other Rights and Interests (Tithes excepted) of any other Person or Persons whomsoever in, over, or upon the same, any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding: Provided always, that the Purchaser or Purchasers of such Lands and Grounds so to be sold as aforesaid, shall be subject to the Performance of all Orders, Regulations, and Directions which shall be made by the said Commissioners, and inserted in their Award for inclosing, fencing, and draining such Lands, and for maintaining and keeping the Drains and Fences belonging thereto in good Repair.

Commissioners may convey the Lands so sold to the Purchaser.

XXXIV. And be it further enacted, That all and singular the Commons, Commonable Lands, and Waste Grounds which shall be allotted under and by virtue of this Act, shall (immediately after such Allotments are made) be held by and be subject to such and the same Tenures, Customs, Rents, and Services as the several and respective Messuages, Build-

Allotments to be of the same Tenure as the ancient inclosed Lands for which they shall be allotted,

ings, Lands, Tenements, and Hereditaments in respect whereof such allotted Lands shall be made, are now subject to.

Commissioners may make Partition of undivided Estates.

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

For making Exchanges.

XXXVI. And be it further enacted, That it shall be lawful for the Trustee or Trustees, Feoffee or Feoffees, and also for any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be Owner or Owners of any Messuages, Buildings, Lands, Tenements, or Hereditaments, within the said Parishes of *Lyons, Kill, Clonoclis, Celbridge, and Donnacomport*, and also for the Husbands, Guardians, Committees, or Trustees of any of the said Owners, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwise incapable to act for themselves, and also for all Persons acting as Guardians, Trustees, or Committees of such Owners respectively, being under any Disability whatsoever, whether such Owner or Owners be Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by Courtesy, or for Years determinable on any Life or Lives, to exchange all or any of his, her, or their Messuages, Cottages, Buildings, Lands, Tenements, Hereditaments, or any Lands or Grounds to be allotted to him, her, or them respectively, by virtue of this Act, for any other Messuages, Cottages, Buildings, Lands, Tenements, or Hereditaments within the said Parishes of *Lyons, Kill, Clonoclis, Celbridge, and Donnacomport*, or any adjoining Parish or Parishes, or for any other Lands or Grounds to be allotted by virtue of this Act, so that all and every such Exchange and Exchanges be made with the Consent and Approbation of the said Commissioners, and be described and ascertained in the said Award; and all and every such Exchange and Exchanges shall be valid in the Law to all Intents and Purposes whatsoever: Provided always, that nothing herein contained shall extend or be construed to extend so as to enable the said Vicars, Rectors, or Curates, or any other Person or Persons having any Ecclesiastical Preferment, and holding any Lands, Tenements, or Hereditaments in Right of any Church or Chapel, to make any such Exchange or Exchanges without the Consent of the Diocesan, and of the Patron or Patrons thereof, expressed in Writing under their Hands and Seals.

Vicar may lease with the

XXXVII. And be it further enacted, That it shall and may be lawful to and for the said *Storer Charles Littlehales, and Patrick Sands*, and their

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

Consent of
the Bishop
and Patron.

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

Leases at
Rack Rent to
be void.

Rack Rent now subsisting may be vacated; but where any Land shall have been taken in Exchange, which Land shall be under Lease, and wholly situate in an adjoining Parish, the Lease of such last-mentioned Land shall not be vacated.

Wills and Settlements not to be affected.

XXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, or Incumbrance out of, upon, or affecting any of the Messuages, Buildings, Lands and Grounds to be divided, allotted, or exchanged by virtue of this Act, or any Part thereof; but that each and every Proprietor shall stand and be seised of the several Messuages, Buildings, Lands and Grounds to be allotted to or exchanged with him or her as aforesaid, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, and Charges, and no other, as the Messuages, Buildings, Lands and Grounds, whereof such Proprietor was seised or possessed at or immediately before the Execution of the said Award, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not passed.

Application of Compensation when amounting to 200 l.

XL. And be it further enacted, That in case there shall be any Money arising from the Sale of any Lands, Tenements or Hereditaments under or by virtue of the Powers of this Act, to be paid by the said Commissioners to any Body Politic, Corporate or Collegiate, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustees for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other *Cestui que vie* 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 or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery in *Ireland*, to be placed to his Account there, *ex parte* the said Commissioners, to the Intent 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 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

Order of the said 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.

XLI. Provided also, and be it further enacted, That in case such Money arising from the Sale of any such Lands, Tenements or Hereditaments, to be paid by the said Commissioners to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed 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 said Lands, Tenements or Hereditaments, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands), be paid into the Bank of *Ireland*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery in *Ireland*, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated and appointed by the Person or Persons making such Option, and approved of by the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the same be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery: Provided also, that where such Money so 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 said Lands, Tenements and Hereditaments, 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 of Compensation when less than 200 l. and exceeding 20 l.

XLII. And be it further enacted, That in case the Money arising from the Sale or Sales of Land as herein-before directed, shall not be sufficient to pay and defray all such Costs, Charges, and Expences as aforesaid, of obtaining and passing this Act, and of carrying the same into Execution, then and in such Case such Deficiency shall be made up and paid by the several Persons, Bodies Politic, Corporate or Collegiate, interested in the said Commons, Commonable Lands and Waste Grounds, (save and except the Vicars and Rectors of the said Parishes for the Time being, for or in respect of any Allotment made to them as Vicars or Rectors), in such Shares and Proportions, at such Time or Times, and to such Person or Persons, as the said Commissioners shall by Writing under their Hands appoint; and if any Person or Persons shall refuse or neglect to pay his, her, or their Share or Shares of the said Costs, Charges and Expences, to

Expences how to be paid, if Money by Sale of Land is not sufficient.

the Person or Persons authorized to receive the same, at the Time or Times which shall be appointed by the said Commissioners for the Payment thereof, then and in every such Case the said Commissioners shall and may, by Warrant under their Hands and Seals directed unto any Person or Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting as aforesaid, rendering the Overplus (if any), on Demand, after deducting the Charges and Expences attending such Warrant, Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold; or otherwise it shall be lawful for the said Commissioners by Writing under their Hands and Seals to authorize and empower one or more Person or Persons to enter into and upon the Lands and Grounds to be allotted, or belonging to the Person or Persons, Body or Bodies Corporate or Collegiate, refusing or neglecting as aforesaid, and to take and receive the Rents, Issues and Profits of the same Premises, until thereby or therewith the Share or Shares of the said Costs, Charges and Expences so appointed to be paid by such Person or Persons, Body or Bodies Corporate or Collegiate, so refusing or neglecting as aforesaid, with lawful Interest thereupon, from the Time the same shall have become due, and also all the Costs and Expences occasioned by or attending such Entry on and Perception of the Rents and Profits of the said Premises, shall respectively be fully paid and satisfied.

Power to
borrow
Money.

XLIII. And whereas some of the Owners and Proprietors of the Lands and Grounds within the said Parishes of *Lyons, Kill, Clonoclis, Celbridge,* and *Donnacompert*, may have Occasion to borrow Money to defray their respective Shares and Proportions of the Charges and Expences of obtaining and carrying this Act into Execution, and of inclosing and fencing their respective Allotments; be it therefore enacted, That it shall and may be lawful to and for the Proprietors and Owners of such Lands and Grounds respectively, and also to and for the Husbands, Guardians, Trustees and Committees of any of the said Owners or Proprietors, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or labouring under any other Disability whatsoever, and also to and for all Persons, acting as Guardians, Trustees, or Committees of any Owners or Proprietors, being under any Disability or Incapacity whatsoever, whether such Owners or Proprietors respectively be Tenants for Life, with or without Impeachment of Waste, Tenants in Fee Tail, General or Special, or Tenants by Courtesy, or for Years determinable on any Life or Lives, (other than and except the Vicars, Rector and Curate of the said Parishes, and their Successors, in respect of any Allotment or Allotments made to them respectively as Vicars, Rectors and Curates as aforesaid), by any Deed or Deeds, Writing or Writings under their respective Hands and Seals, to be duly executed in the Presence of and attested by Two or more credible Witnesses, to charge those Lands and Grounds which shall be allotted to them respectively by virtue and in pursuance of this Act, with any Sum or Sums of Money for defraying their respective Proportions of the said Charges and Expences, and of inclosing and fencing their respective Allotments, as the said Commissioners shall think necessary, not exceeding the Sum of Forty Shillings for every Acre of the Lands and Grounds so to be allotted to them respectively, the same to be paid to such Person or Persons, and applied for the Purposes aforesaid, in such Manner as the said Commissioners shall direct and appoint; and for securing the Re-payment of such Sum or Sums of Money, with Interest for the same,

to

to grant, mortgage, lease, and demise, or otherwise subject the said Premises or any Part thereof unto any Person or Persons who shall advance and lend such Sum or Sums of Money respectively, his, her or their Heirs, Executors, Administrators or Assigns, for any Term or Number of Years, so that every such Grant, Mortgage, Lease, Demise, or Security be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when such Sum or Sums of Money thereby to be secured, and the Interest thereof, shall be fully paid and satisfied; and so that in every such Grant, Mortgage, Lease, Demise, or Security, which shall be made by any Person or Persons interested in or entitled unto the Premises, for the Term of their natural Lives only, or by his, her or their Guardian or Guardians, Trustee or Trustees, Committee or Committees, there be contained a Proviso or Covenant that the Owners or Proprietors of the said Premises, shall duly pay and keep down the Interest of any and every Sum or Sums of Money to be thereby secured during their respective Lives, so that no Person afterwards becoming seized or possessed of the said Premises, shall be liable to the Payment of any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced; and every such Grant, Mortgage, Lease or Demise of the said Premises shall be good, valid, and effectual in the Law for the Purpose thereby intended.

XLIV. And be it further enacted, That the said Commissioners shall and they are hereby required to enter in a Book or Books, to be provided for that Purpose, an Account of all Monies whatever received from the Proprietors or others during the said Division and Inclosure, and also of all Charges and Expences incurred in the Execution of this Act; which Book or Books of Account shall be kept at the Office of the Clerk to the said Commissioners, and be open at all reasonable Times during the Progress of the said Division and Inclosure, and till all the Accounts are finally settled for the Inspection of any of the Proprietors, without Fee or Reward; and in case the said Commissioners or their said Clerk shall neglect to procure and keep such Book or Books of Accounts as aforesaid, or refuse the Inspection thereof to any of the Proprietors at reasonable Times, the Party or Parties so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and in case of Non-payment thereof, on Conviction of the Offenders respectively, on the Oath of any credible Witness or Witnesses, or by the Party or Parties so offending, before some Justice of the Peace for the said County of *Kildare*, such Fine and Forfeiture shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of such Justice; and all such Fines and Forfeitures shall be applied and disposed of towards defraying the Charges and Expences of obtaining and executing this Act; and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines or Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for want of sufficient Distress, or in case the Fine or Forfeiture shall not be forthwith paid, it shall and may be lawful to and for such Justice, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

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

Monies received, when amounting to 50l. to be paid unto such Persons as shall be appointed by a Majority in value of the Proprietors.

Persons advancing Money to be repaid with Interest.

Commissioners Accounts to be examined yearly.

Award to be made.

XLV. Provided always, and be it enacted, That all Sums of Money to be raised under and by virtue of the Powers contained in this Act shall, as often as the same shall amount to the Sum of Fifty Pounds, be paid into the Hands of some Banker, or of such other Person or Persons as shall be approved by a Majority in Value of such Proprietors who shall be present at the first Meeting of the said Commissioners; and in the Notice of which Meeting shall be expressed the Intention of then appointing such Banker, or such other Person or Persons; and that no Monies shall be issued out of the Hands of such Banker or other Person or Persons, without an Order of the said Commissioners, specifying the Person to whom the same are payable, and the Service for which the same are due; and that the Balance (if any) upon the final Settlement of Accounts shall be immediately repaid to the Land Owners, in Proportion to the Sums respectively paid by them: Provided also, that if any Person or Persons shall advance and pay any Money in discharge of the Fees or other Expences of preparing, soliciting, obtaining, or executing this Act, the Money so paid and advanced shall be repaid and satisfied to him, her, or them so advancing the same, together with lawful Interest for the same, out of the first Monies to be raised by virtue of this Act.

XLVI. Provided always, and be it enacted, That the several Commissioners acting from Time to Time in the Execution of this Act, and each of them, shall make out an Account containing a true Statement of all and every Sum and Sums of Money by him or them received or expended, or due to him or them for his or their own Trouble or Expences; and that such Account shall once at least in each and every Year from the Date of the passing of this Act, until such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by *Henry Meredyth* Esquire, (or in case of his Decease, or refusing or neglecting to examine such Accounts when thereunto required), by any Justice of the Peace acting for the said County of *Kildare*; and the Amount or Balance thereof shall be by him the said *Henry Meredyth* or such Justice stated in the Book of Accounts by this Act required to be kept in the Office of the Clerk of such Commissioners; and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by the said *Henry Meredyth*, or such Justice, in Manner as aforesaid.

XLVII. And be it further enacted, That so soon as conveniently may be after the said Commissioners shall have completed the Division and Allotments of the Lands and Grounds hereby directed to be divided and allotted, pursuant to the Directions of this Act, they shall form and draw up an Award or Instrument in Writing, which shall express and denote the Quantity in Statute Measure of Acres, Roods, and Perches, of the said Lands and Grounds, and the Quantity of each and every Part and Parcel thereof, which shall be assigned and allotted to or exchanged with each of the Parcels entitled to or interested in the same; and shall also contain a Description of the Situation, Abuttals, and Boundaries of the same Parcels and Allotments respectively, and also of such Part or Parts thereof as are to be or remain Copyhold, Customaryhold, or Leasehold; and such Orders and Directions for raising and maintaining the Fences, and also for making, laying out, and maintaining proper Roads, Passages, Bridges, Gates, Stiles, Drains, Tunnels, and Watercourses in, through, over, and upon the same Premises; and such other Orders and Regulations

as the said Commissioners shall think proper and necessary to be inserted in such Award, conformable to the true Purport and Tenor of this Act; and the said Award shall be fairly ingrossed or written on Parchment, (with a reduced Map or Plan of the said Parishes of *Lyons, Kill, Clonoclis, Celbridge, and Donnacomport* thereto annexed), and signed and sealed by the said Commissioners; and the said Award shall within Six Calendar Months after the Execution thereof be inrolled with the Clerk of the Peace for the said County of *Kildare*, or in one of His Majesty's Courts of Record at *Dublin*, to the End Recourse may be had thereto by any Person or Persons interested in the said Premises, for the Inrolment whereof the Sum of Two Pounds Two Shillings shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling, and no more shall be paid; and the said Award, after such Inrolment as aforesaid, shall be deposited and kept in the Parish Church of *Kill*, or in such other Place within the said Parishes as the said Commissioners shall appoint; and the said Award, or a true Copy thereof, or of any Parts thereof, signed by the said Commissioners, or by the said Clerk of the Peace or his Deputy, or by the proper Officer of the Court or his Deputy, where the same shall be inrolled as aforesaid, (for which no more shall be paid than Four-pence *per* Sheet, each Sheet containing Seventy-two Words), shall from Time to Time and at all Times thereafter be admitted and allowed in all Courts whatsoever as legal Evidence of all Matters and Things therein contained; and the said Award, and the several Allotments, Partitions, Exchanges, Orders, Directions, Matters, and Things therein contained, shall be and is and are hereby declared to be binding and conclusive unto and upon all and every the several Parties interested in and entitled unto the several and respective Premises so to be divided, allotted, inclosed, and exchanged as aforesaid, their several and respective Heirs and Assigns.

XLVIII. Provided always, and be it enacted, That the Award of the said Commissioners shall be read and executed by them in the Presence of the Proprietors who shall attend at a special Meeting called for that Purpose, of which Ten Days Notice at least shall be given in the Newspaper called *The Dublin Journal* or *Dublin Evening Post*, if then published, and if not, then in some other Newspaper circulated in the said County of *Kildare*, which Execution of such Award shall be proclaimed the next *Sunday* in the Parish Churches of *Kill* and *Celbridge*, immediately after Divine Service, from the Time of which Proclamation only, and not before, such Award shall be considered as complete.

Commissioners Award to be read and executed by them in the Presence of the Proprietors, and proclaimed in the Parish Churches.

XLIX. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, (other than and except such Orders and Determinations of the said Commissioners as are herein ordered to be final and conclusive, and except in such Cases where an Issue at Law shall be tried as hereinmentioned), then and in every such Case he, she, or they may appeal to the Justices (not interested in the Premises, and who shall be of the Quorum) at the General Quarter Session of the Peace which shall be holden for the said County of *Kildare*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, or any Two of them, Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the said Justices (not interested in the Premises) at their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein,

Appeal to the Sessions.

therein, and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order and Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale, and the Determination of such Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record in *Dublin* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and be levied in Manner aforesaid.

Saving the
Rights of
Lords of
Manors.

L. Provided always, and be it further enacted, That nothing in this Act contained shall defeat, lessen, or prejudice, or be construed to defeat, lessen, or prejudice, the Right, Title, or Interest of the Lord or Lords, Lady or Ladies of the said Manor, or any of them, or of any other Manor or Manors within the said Parishes of *Lyons, Kill, Clonoclis, Celbridge, and Donnacomport* for the Time being, in or to the Seignior, Royalties, Rights, and Services incident and belonging to the said Manors, but that such Lord or Lords, Lady or Ladies, of the said Manors for the Time being respectively, shall and may from Time to Time and at all Times hereafter hold and enjoy all Rents, Services, Courts, Perquisites, and Profits of Courts, Mines, Goods, and Chattels of Felons, Fugitives, Felons of themselves, Persons put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Jurisdictions, Rights, and Pre-eminences whatsoever to the said Manors, or to the Lord or Lords, Lady or Ladies thereof for the Time being respectively, incident, appendant, appurtenant, belonging or in anywise appertaining (save and except such Rights of Soil, and other Rights and Interests, as are hereby meant and intended to be barred and destroyed) in as full, large, ample, and beneficial Manner to all Intents and Purposes, as he, she, or they could or might have held and enjoyed the same in case this Act had not been passed.

General
Saving.

LI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Right, Title, and Interest (other than and except such as is and are hereby meant and intended to be barred, destroyed, and extinguished) as they, every or any of them could or ought to have had and enjoyed, of, in, to, or out of the said Commons, Commonable Lands, and Waste Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been passed.

Act to be
printed by
the King's
Printer.

LII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices and others.