



ANNO QUINQUAGESIMO SEPTIMO

# GEORGI III. REGIS.

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## Cap. xlix.

An Act to continue an Act, passed in the Parliament of *Ireland* in the Thirty-fifth Year of His present Majesty, for improving and repairing the Turnpike Road leading from *Dublin* to *Mullingar*, and for repealing the several Laws theretofore made relating to the said Road.

[16th June 1817.]

**W**HEREAS an Act was passed in the Parliament of *Ireland* in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act for improving and repairing the Turnpike Road leading from Dublin to Mullingar, and for repealing the several Laws heretofore made relating to the said Road*: And whereas it is by the said Act, amongst other Things, enacted, that the said Act should be and continue in force for the Term of Thirty-one Years from the last Day of the then present Session of Parliament, and from thence to the End of the then next Session of Parliament: And whereas the Trustees, in pursuance of the Powers vested in them by the said Act, and in compliance with the Provisions of an Act passed in the Forty-fifth Year of His present

Irish Act,  
35 G. 3. c. 43.

45 G. 3.  
sent

[Local.]

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sent Majesty's Reign, intituled *An Act to amend the Laws for improving and keeping in Repair the Post Roads in Ireland, and for rendering the Conveyance of Letters by His Majesty's Post Office more secure and expeditious*, have caused a new Line of Road to be surveyed and laid out, for avoiding the long, steep, and dangerous Hill of *Cappagh*, lying between *Kilcock* and *Kinnegad*: And whereas the said Trustees have, in pursuance of the Provisions contained in the said Act of the Forty-fifth of His Majesty, applied to the Lord Lieutenant of *Ireland* for the Advance of a Sum of Money for the Purpose of completing the said new Road, to be repaid by means of a Sinking Fund, in Manner directed by the said recited Act; but the Residue now to come of the Period for which the Revenue of the said Road is vested in the said Trustees by the said Act of the Thirty-fifth of His Majesty, is not of sufficient Duration to secure the Repayment of such Money, according to the Terms and Conditions prescribed by the said recited Act, and it is therefore expedient that the Term granted by the said Act be further continued: 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 said recited Act of the Thirty-fifth Year of His present Majesty, and all and every the Powers, Authorities, Provisions, Penalties, Forfeitures, Matters, and Things therein respectively contained, shall be and are hereby continued for and during the Term hereinafter mentioned, in like Manner, and as fully and effectually to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; and that the additional Term hereby granted shall be and is hereby declared to be subject and liable to the Payment of all Monies due or that shall hereafter become due on the Credit of the said recited Act and this Act, and of all Interest due and to grow due thereon.

Recited Act continued.

Application of Compensation Money when amounting to or exceeding 200l.

II. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts of the Thirty-seventh and Thirty-ninth Years of the Reign of His present Majesty, and of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustees for or on behalf of any Infant, Lunatic, Idiot, 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 amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery in *Ireland*, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as

the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Government Securities; and in the meantime, and until the said Government Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of such Government Securities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so hereby directed to be purchased by virtue of the said last-mentioned Acts and this Act, in case such Purchase or Settlement were made.

III. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees (in case of Infancy, Idiocy, or Lunacy), to be signified in Writing under their respective Hands, be paid into the Bank of *Ireland*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery in *Ireland*, and be placed to his Account as aforesaid; in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Seven or more of the said Commissioners for executing the said two first-recited Acts of the Thirty-seventh and Thirty-ninth Years of the Reign of His present Majesty, and of this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in 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.

When less than 200l. and exceeding 20l.

IV. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than

Application when less than 20l.

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, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts of the Thirty-seventh and Thirty-ninth Years of the Reign of His present Majesty, and of this Act, so far as regards the said Roads hereby placed under the Management of the said Commissioners as aforesaid, in such Manner as the said Commissioners shall think fit; or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of  
not making  
out Titles;

or if Persons  
cannot be  
found, Pur-  
chase Money  
to be paid  
into the  
Bank.

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

Respecting  
disputed  
Titles.

VI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant

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

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

Court of Chancery to direct the Payment of Expences.

VIII. And be it further enacted, That the Charges and Expences of obtaining and passing this Act shall be defrayed out of any Money already raised by virtue of the said recited Act, or out of the first Money to be raised by virtue thereof and of this Act.

For paying Expences of this Act.

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

Public Act.

X. And be it further enacted, That the Term granted and continued by the said recited Act shall, from and after the passing of this Act, cease and determine; and that the said recited Act and this Act shall from

Term and Continuance of Act.

[Local.]

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thenceforth

thenceforth continue and be in force, and be executed, for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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