



ANNO QUADRAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 25.

An Act to alter and amend an Act, made in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for making, widening, and repairing, publick Roads in the County of Dublin; and for repealing Parts of several Acts formerly made for that Purpose.*

[7th April 1803.]

WHEREAS from the Insolvency of several of the Collectors of the publick Money presented at sundry Times by Grand Juries of the County of *Dublin*, to be levied on the said County, and of the Sureties of the said Collectors, the Death of the Seneschall, and from the Expences of a Suit between the Crown and the said County, pending several Years, but now terminated, very considerable Arrears in several Baronies have accrued: And whereas there is also a considerable Sum of Money due or claimed by divers Persons concerned in the building of the New Gaol at *Kilmainham*, in and for the County of *Dublin*, and for the Payment of which several Sums the

[*Loc. & Per.*]

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Grand Jury to present on the County:

Sums presented to be paid into the Bank of Ireland as directed by 26 Geo. 3.

Poundage to any Collector, &c. not to be allowed until an Affidavit shall be made, that the Money has been paid to the Treasurer.

Grand Jury for the said County have not Power by any Law now in force to provide: 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 it shall and may be lawful to and for the Grand Jury of the County of *Dublin*, in each and every Year, at the *Easter* Term and the *Michaelmas* Term, or either of them, to present on the said County at large, or on the several Baronies, Parishes, Liberties, or Districts within the said County, in such Proportions or Parts as the said Grand Jury shall think just and equitable, such Sum or Sums of Money as they shall think proper for the Purpose of discharging the said Arrears, and for preventing any Arrears in future, and for discharging the said several Sums of Money due and owing, and for building, erecting, and maintaining, a new Sessions House, and also One or more House or Houses of Correction, for the Use of the said County; and for taking a Survey and making a Map or Plan of the said County; and for the Payment of an Apothecary, or other Medical Attendant, for his Trouble and Attendance on the several Prisoners confined in the Common Gaol or Houses of Correction of the said County, and for providing such Prisoners with Drugs and Medicines; and for the Payment of the Treasurer, Inspector of Accounts, and Sub-Constables of the said County; and for the Payment of the said Treasurer for his Trouble and Attendance, under any Law or Laws in Force or Effect for raising and embodying a Militia for *Ireland*, for and during such Time as such Militia shall be embodied, and for Six Calendar Months after the same shall be disembodied; and each and every such Sum and Sums of Money when so presented, shall be apportioned and apportioned in such Shares and Proportions, and shall be raised, levied, and collected by such Ways and Means, and shall be paid into the Bank of *Ireland* under such Rules, Regulations, and Restrictions, as the several Presentments of the several Grand Juries for the said County of *Dublin* are directed to be apportioned, apportioned, raised, levied, collected, and paid in, by an Act made in the Parliament of *Ireland*, in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for making, widening, and repairing, publick Roads in the County of Dublin; and for repealing Parts of several Acts formerly made for that Purpose.*

II. And be it further enacted, That, from and after the passing of this Act, it shall not be lawful for any Grand Jury of the County of *Dublin* to present, or the Court of King's Bench to allow, any Sum or Sums of Money as Poundage or Wages to any Collector, or other Person or Persons whomsoever, collecting or receiving any such Money so presented by any Grand Jury of the County of *Dublin*, until an Affidavit or Affidavits shall be made that the Person so collecting or receiving did pay to the Treasurer of the said County, at the End of each Ten Days, or when the same shall amount to the Sum of One hundred Pounds *Irish* Currency, all and every Sum or Sums so by him or them then collected or received by virtue of any Warrant under the Hand of the said Treasurer; such Affidavit or Affidavits to be

be sworn before any One or more of His Majesty's Justices of the Peace for the said County, or before One of the Judges of the said Court of King's Bench (which Oath and Oaths such Justices and Judge is and are hereby authorized and required to administer); and in every such Affidavit the total Amount of the Sum or Sums by him or them respectively collected or received under every such Warrant shall be particularly expressed.

III. And be it further enacted, That if any Collector or other Person or Persons duly authorized to collect and receive any Sum or Sums of Money presented by the Grand Jury of the said County, on any Barony in the said County, on returning his or their Warrant or Warrants as by Law directed, shall pay or advance to the Treasurer of the said County the Proportion of the County Cess apploited on the holding of any Person or Persons whomsoever, it shall and may be lawful to and for the said Collector, or other Person or Persons as aforesaid, at any Time or Times within Six Calendar Months from the Day of returning the said Warrant or Warrants, to demand the Sum or Sums of Money so by him or them advanced or paid, of or from the Person or Persons for whom such Sum or Sums of Money was or were advanced or paid, or of the Occupier or Occupiers of the Lands or Tenements on which such Sum or Sums of Money was or were apploited; and if the same shall not be paid within Ten Days after Demand thereof made in Writing, or left at the last or usual Place or Places of such Person or Persons, Occupier or Occupiers, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said County of *Dublin*, on due Proof made before him of such Demand as aforesaid, and of the Non-payment or Tender of such Sum or Sums of Money as aforesaid, on the Oath of any credible Witness or Witnesses, (which Oath such Justice is hereby required to administer) to cause the same to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, Occupier or Occupiers, rendering the Overplus, (if any), after deducting such Sum or Sums of Money, and the Costs and Charges of such Distress and Sale, to the Owner or Owners thereof; or it shall and may be lawful to and for such Collector, or other Person or Persons as aforesaid, to recover the same with Costs by Civil Bill at Sessions, on Proof of such Apploiment and Payment to the Treasurer; any Thing contained in any Act or Acts to the contrary thereof in anywise notwithstanding.

Collector paying to the Treasurer the Proportion of the County Cess apploited on the holding of any Person; may demand Payment of such Person or the Occupier of the Land; and on Non-payment, may levy the same by Distress and Sale, &c.

IV. And whereas the present Court House of the said County at *Kilmainham* where the Quarter Sessions are held, is situate in a low, unhealthy Place, and is now in a ruinous State, and in every respect unfit for a Sessions House of the said County, and great Inconvenience arises from the Want of a House or Houses of Correction for the said County; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the Grand Jury of the said County, by any Presentment or Presentments at any of the Four Terms, to authorize any Person or Persons whom they shall think proper to appoint for that Purpose to accept from any Person or Persons enabled to grant or make the same, an effectual Conveyance

Power to Grand Jury to take Ground in City or County for a new Sessions House; and authorize Persons to take a Conveyance.

Persons taking
the Convey-
ance not to
be considered
as Freehold-
ers.

ance and Assurance to such Person or Persons so appointed, and his and their Heirs for ever, of such Piece or Pieces, or Plot or Plots of Ground, either in the said County or County of the City of *Dublin*, as the said Grand Jury by such Presentment or Presentments shall express to be necessary or convenient, in Trust for the Purpose of erecting and building thereon a Sessions House, and a House or Houses of Correction for the Use of the said County, and making convenient and necessary Approaches, Yards, and Offices thereto respectively: Provided, that no Land to be so conveyed or assured to such Person or Persons for such Purpose as aforesaid shall make or be deemed to make such Person or Persons, his or their Heirs or Assigns, or any Person or Persons under him, them, or any of them claiming or deriving, a Freeholder or Freeholders to any Intent or Purpose whatsoever.

Such Sessions
Houses, etc. if
in the County
of the City of
Dublin, to be
taken to be in
the County of
Dublin, etc.

V. And in case the said Land or Ground so to be taken for the Purpose of building a Sessions House upon for the said County, shall be situate in the County of the City of *Dublin*; be it further enacted, That the said Land or Ground, and the said Sessions House, together with the Offices, Yards, and Approaches thereto, shall for ever, from the Date of the Conveyance of the said Land or Ground, be taken and deemed to be in the County of *Dublin*, for the Purposes following; that is to say, that the Chairman of the Quarter Sessions and Justices of the said County, shall be and he and they is and are hereby authorized and empowered to meet and sit at such Sessions House, and there to deliver the Gaol of the said County; and also the said Chairman and Justices, and Grand Jury of the said County, may at the said Place enquire of, present, hear, and determine, all such Crimes and Offences perpetrated and committed either by Principals or Accessories in the County of *Dublin*, as they are empowered and authorized to hear and determine by virtue of their respective Offices; and all his and their Proceedings at such Sessions House, and all Acts, Matters, and Things, done and executed by them respectively therein shall be as good, valid, and effectual, and shall have the like Force and Effect, to all Intents and Purposes whatsoever, as if such Proceedings had been holden or taken Place, or such Acts, Matters, and Things, had been done and executed within the said County of *Dublin*: And that all Precepts, Rules, Orders, Indictments, Verdicts, Judgements, and Awards of Execution, issued, made, pronounced, found, given, or awarded, by the said Chairman and Justices, shall be as good and valid, to all Intents and Purposes whatsoever, as if the same were respectively issued, made, pronounced, found, given, or awarded, within the said County of *Dublin*; any Law, Statute, Usage, or Custom, to the contrary thereof in anywise notwithstanding.

Juries to at-
tend at the
Sessions House.

VI. And be it further enacted, by the Authority aforesaid, That the several Sheriffs, Sub-Sheriffs, Justices of the Peace, Coroners, Gaolers, Bailiffs, and all Officers of Justice of the said County of *Dublin*, and all Persons of the said County impannelled and returned to be and appear upon any Grand Inquest or Petty Jury, and all other Persons dwelling

dwelling and residing in the said County of *Dublin*, if thereunto duly summoned, shall and they are hereby required to attend the Quarter Sessions of the said County and Adjournments thereof, from Time to Time at such Sessions House, under the like Pains, Penalties, Forfeitures, Fines, and Amerciaments, as if the said Sessions were held at some Place within the said County of *Dublin*; and that all Elections held at the said Sessions House for the Return of Knights of the Shire to serve in Parliament for the said County of *Dublin*, and all other Business for the said County done thereat shall be as good and valid in Law, to all Intents and Purposes whatsoever, as if the same were done or executed at some Place within the said County of *Dublin*; any Law, Statute, Usage, or Custom, to the contrary thereof in anywise notwithstanding.

VII. And be it further enacted, That every such Survey, and Map or Plan when finished, shall be deposited with and kept by the Treasurer of the said County amongst the Records thereof; and a Copy of the said Survey and Map shall be put up and kept constantly in the Grand Jury Room of the said County of *Dublin*, at the Four Courts, for the Use of the Grand Jury of the said County.

Map or Plan
to be deposited
with the
Treasurer.

VIII. And be it further enacted, That the Inspector of the Accounts of the said County of *Dublin*, shall, on or before the last Day of each Term in each and every Year, produce to the said Grand Jury printed or engraven Drafts for all Monies to be for that Term directed by him to be paid for or on Account of the said County of *Dublin* in the Form following; that is to say,

Form of the
Drafts to be
produced by
the Inspector
of Accounts.

‘ No.

‘ To the Governors and Company of the Bank of *Ireland*.

‘ PAY to

‘ the Sum of _____ which place to the Ac-
‘ count of the County of *Dublin*, _____ Term, One thousand
‘ eight hundred and _____

Inspector of the County Account.’

And the said Drafts shall, at the Time of so producing them, be filled up with the respective Numbers, Names of the Persons to whom payable, and the Sums to be paid, and shall be signed with the Name of the said Inspector; and all such Drafts shall also be signed by the Foreman of the Grand Jury of the said County of *Dublin*, and the said Inspector shall deliver all such Drafts when so signed to the Treasurer of the said County of *Dublin*, to be by him delivered to the Person or Persons in whose Favour such Draft or Drafts was or were drawn, on his, her, or their signing the proper Receipt or Receipts in the County Book; and upon Delivery of every such Draft to such Person or Persons, the Treasurer shall countersign each and every such Draft with his Name, and shall write thereon the Day of the Month, and Year when so delivered to such Person or Persons; and every such Draft so drawn and countersigned shall be to the said Governor and Company of the Bank of *Ireland*, or their Cashier, full and law-
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[*Loc. & Per.*]

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ful Authority to pay the Contents thereof to the Drawer or Bearer, out of the Monies paid to them by the Treasurer of the said County of *Dublin*, on Account and to the Credit of the County of *Dublin*; any Thing contained in the said recited Act, made in the Twenty-sixth Year of the Reign of His present Majesty, to the contrary thereof notwithstanding.

Justice of Peace for the County of *Dublin* to appoint an Overseer for repairing any Bridge in the said County.

IX. And whereas the Sum which by Law a Justice of the Peace is empowered to order for the Repairs of a Bridge suddenly injured by Floods has been found insufficient for such Purpose; be it therefore enacted by the Authority aforesaid, That, from and after passing of this Act, it shall and may be lawful to and for any Justice of the Peace for the County of *Dublin*, who shall be possessed of a Freehold Estate of the clear yearly Value of One hundred Pounds *British*, without Deductions, within the said County of *Dublin*, to nominate and appoint under his Hand and Seal an Overseer who can read and write, for the Purpose of repairing the Arch or Arches, Pier or Piers, or other Part or Parts of any Bridge within the said County that may be suddenly injured, damaged, or affected by any Flood or Torrent of Water, or other Accident; and such Overseer, when so nominated and appointed, shall have full Power and Authority to lay out and expend any Sum not exceeding Ten Pounds *British*, in repairing such Arch or Arches, Pier or Piers, or other Part or Parts of any such Bridge so injured, damaged, or affected, and the Charges and Expences thereof shall be accounted for and produced to, and allowed by the Grand Jury of the said County, in the Manner and Form directed by the said recited Act made in the Twenty-sixth Year of the Reign of His present Majesty.

Presentments to widen any Road.

X. And be it further enacted, That no Presentment for repairing any of the Roads in the County of *Dublin* aforesaid shall be granted, unless the same be Twenty-one Feet wide between the Ditches, Drains, or Fences, unless where the same is inclosed by Houses, or Lime and Stone Walls Four Feet high at the least; and that in every Place where a Presentment is applied for to widen any Road or Roads to the Breadth of Twenty-one Feet, the Gripe or Gripes shall be turned from the Road.

Power for any Person to impound Cattle found straying.

XI. And be it further enacted, That if any Horse, Mule, Ass, Bull, or Cow, Sheep, Goat, Pig, or other Beast, shall, at any Time after the passing of this Act, be found feeding or straying on any Road or Roads within the said County of *Dublin*, it shall and may be lawful to and for any Person or Persons whomsoever, to drive every such Horse, Mule, Ass, Bull, Ox, Cow, Sheep, Goat, Pig, or other Beast, to the next Pound, and there to detain every such Horse, Mule, Ass, Bull, Ox, Cow, Sheep, Goat, Pig, or other Beast, until the Owner or Owners of the same shall pay a Fine not exceeding Five Shillings *Irish* Currency, for each and every Beast so impounded to the Person impounding the same; and such Fine shall be levied and recovered in Manner directed by this Act.

XII. And

XII. And be it further enacted, That if any Person or Persons shall ride any Beast, or drive any Carriage, Carr, or Cart, on any Road within the said County of *Dublin*, save and except on the left Side of such Road, when meeting any Beast, Carriage, Carr, or Cart, every such Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings *Irish* Currency; and such Penalty or Forfeiture shall be recovered on the Oath of One credible Witness, before any Justice of the Peace for the County of *Dublin* aforesaid, (which Oath such Justice is hereby empowered to administer), or upon the View of such Justice of the Peace, and shall be levied by Warrant under the Hand and Seal of such Justice of the Peace, by Distress and Sale of the Horse, Beast, or Cattle, so ridden or driven on such Road, or of the Goods and Chattels of the Offender or Offenders, One Moiety whereof shall go to the Informer and the other Moiety to the Poor of the Parish wherein such Offence shall be committed; and the several Overseers of the several Roads in the said County of *Dublin*, shall and they are hereby required immediately after the passing of this Act, to put up and affix written or printed Notices in the most convenient Places on the said Road, specifying the Purpose and Meaning of this Clause.

Penalty on Persons driving any Carriage, &c.

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XIII. And whereas the Power of appointing a High Constable for each of the Baronies in the said County, (except the Baronies of *Saint Sepulchres* and *Donore*), and Four Sub-Constables for each Barony in every Year, is vested in the Grand Jury of the said County at the General Quarter Sessions: And whereas it would be more proper to have the said High and Sub-Constables appointed by the Term Grand Jury of the said County; be it therefore enacted by the Authority aforesaid, That the Term Grand Jury of the said County shall every Year, at *Easter* Term, appoint a proper Person to be High Constable for each of the Baronies in the said County of *Dublin*, (except the Baronies of *Saint Sepulchres* and *Donore*), and shall also appoint Four proper Persons to be Sub-Constables for each of such Baronies, (except the said Baronies of *Saint Sepulchres* and *Donore*), to preserve the Peace at the Quarter Sessions and Elections, and at all Times and Places in the said County: Provided always, that every such High Constable shall have the like Powers and Authorities, and be subject to the like Pains and Penalties as if he had been appointed by the Grand Jury at the *Easter* Quarter Sessions; and that no Sum or Sums of Money shall be paid to any such Sub-Constable for his Trouble in executing the said Office, by the Treasurer of the said County, unless such Sub-Constable shall produce to the said Treasurer a Certificate signed by the Clerk of the Peace of the said County, that he had at some Quarter Sessions or Adjournment thereof for the said County, since his Appointment to such Office, duly qualified himself agreeable to an Act, passed in the Second Year of Her late Majesty Queen *Anne*, intituled, *An Act to prevent the further Growth of Popery*.

High Constable
Sub-Constables to be appointed by the Term Grand Jury

XIV. And whereas Persons residing near or holding Lands through which the publick Roads in the said County pass, are often guilty of great Nuisances; be it further enacted, That, from and after the

Constables to report Abuses or Nuisances.

the passing of this Act, the Sub-Constable in each and every Barony in the said County, (*Saint Sepulchres* and *Donore* excepted), shall, and he and they is and are hereby required to report all such Nuisances as shall occur in their respective Baronies, to the next residing Magistrate, who shall punish by Fine or otherwise every Person so informed against by the said Constable or Constables, according to the Powers vested in such Magistrate by the said herein-before recited Act; and that every Fine so levied shall be divided, and One Half thereof be given to the said Constable or Constables, and the other to the Poor of the Parish where such Abuse or Nuisance shall have existed.

Grand Jury not to present any Sum at Quarter Sessions.

XV. And be it further enacted, That, from and after the passing this Act, it shall not be lawful to or for the Grand Jury of the said County at Quarter Sessions, on any Account whatsoever, to present any Sum whatever to be levied on the said County: Provided always, that nothing herein contained shall extend or be construed, so as in any Manner to affect the Claim of any Person or Persons to any Monies heretofore presented by the said Grand Juries at Quarter Sessions.

Grand Jury to present two Sums, not exceeding 50*l*. each, at each Term, &c.

XVI. And be it further enacted, That, from and after the passing of this Act, it shall and may be lawful to and for the Grand Juries of the said County of *Dublin*, at *Easter* and *Michaelmas* Terms respectively, to present on the said County any Sum not exceeding Fifty-two Pounds *Irish* Currency, such Money to be paid to the Clerk of the Peace of the said County for discharging Prisoners tried at the Quarter Sessions without Fees, and any Sum not exceeding Fifty-two Pounds *Irish* Currency, to be paid to the Clerk of the Crown for discharging Prisoners without Fees tried at the several Commissions of General Gaol Delivery; any Thing in any Act of Parliament contained to the contrary thereof in anywise notwithstanding: Provided always, that the several Sums to be presented for the Clerk of the Peace and Clerk of the Crown shall not exceed the Amount of their legal Fees, such Fees to be ascertained upon Oath in the usual Manner.

Penalties of this Act to be levied by Distress,

XVII. And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act, or the said recited Act, made in the Twenty-sixth Year of the Reign of His present Majesty imposed, (the Manner of levying and recovering whereof is not otherwise directed), shall and may be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the City, County, or Place, wherein such Offence shall be committed, upon the Information of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered to administer), and the Overplus, (if any), after deducting the Costs and Charges attending such Distress and Sale, shall be rendered upon Demand to the Party or Parties whose Goods and Chattels shall have been so distrained and sold, and One Moiety of all such Fines, Penalties, and Forfeitures, shall go to the Informer, and the other Moiety to the Poor of the Parish where the Offence shall be

be committed; and in case such sufficient Distress cannot be found, it shall and may be lawful to and for such Justice as aforesaid; and he is hereby required to commit by Warrant under his Hand and Seal the Person or Persons so offending to the Common-Gaol or House of Correction of the County, City, or Place, where the Offence shall be committed, there to remain, without Bail or Mainprize, for any Term not exceeding Six Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges and Expences attending the same, shall be sooner paid and satisfied.

or Persons offending to be committed.

XVIII. And be it further enacted, That no Action shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, or of the said Act, made in the Twenty-sixth Year of the Reign of His present Majesty, after Six Calendar Months next after the Fact committed, nor unless Notice in Writing shall have been given to the Defendant or Defendants Ten Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action, if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action brought; and every such Action shall be laid and tried in the County of *Dublin* and not elsewhere; and if any such Action shall be brought before Twenty-one Days Notice shall have been given thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and shall have the like Remedy for the Recovery thereof as any Defendant hath for Costs of Suit in other Cases by Law.

Limitation of Actions.

Tender of Amends.

XIX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Term Grand Jury of the said County of *Dublin*, and they are hereby required, at the *Easter* or *Michaelmas* Term immediately after the passing of this Act, to present on the County at large such Sum of Money as shall be necessary for defraying the Costs, Charges, and Expences of obtaining this Act, and other Expences incident thereto; and if any Person or Persons shall have advanced or lent any Money in Discharge of such Costs, Charges, and Expences, the Money so advanced shall be repaid and satisfied to him, her, or them, by Direction of the said Grand Jury, together with lawful Interest for the same.

Grand Jury to present a Sum to defray the Expences of this Act.

Publick Act.

XX. And be it it further enacted, That this Act shall be deemed, adjudged, and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever without specially pleading the same.

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