



ANNO QUADRAGESIMO OCTAVO

# GEORGI II. REGIS.

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## Cap. 55.

An Act for repairing the Road from the Town of *Athy*, in the County of *Kildare*, to the Town of *Castlecómer*, in the County of *Kilkenny*, and to the Town of *Leighlin Bridge*, in the County of *Carlow*, and from the Town of *Carlow* to the said Town of *Castlecómer*. [27th May 1808.]

WHEREAS an Act was made in *Ireland*, in the Twenty-fifth Year of the Reign of his late Majesty King *George the Second*, intituled, *An Act for making and repairing the Road, leading from the Town of Athy, in the County of Kildare, through Part of the Queen's County, and through the Town of Castlecómer in the County of Kilkenny, to the Town of Old Leighlin, in the County of Carlow, and from thence to and through the Town of Leighlin Bridge, in the said County of Carlow*: And whereas one other Act was made in *Ireland*, in the Fifteenth and Sixteenth Year of the Reign of His present Majesty, intituled, *An Act for altering and amending an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Second, intituled, 'An Act for making and repairing the Road leading from the Town of Athy, in the County of Kildare, through Part of the Queen's County, and through the* 25 G. 2. c. 19  
15 & 16 G. 3. c. 12.

[*Loc. & Per.*]

*'Town*

‘*Town of Castlecomer, in the County of Kilkenny, to the Town of Old Leighlin, in the County of Carlow, and from thence to and through the Town of Leighlin Bridge, in the said County of Carlow:*’ And whereas the Trustees appointed in and by virtue of the said Acts, for the Purpose of repairing the said Road, have proceeded to put the same into Execution, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls arising upon the said Road, which are still due and owing, and cannot be paid off, nor can the said Road be effectually amended, widened, improved, and kept in Repair, unless the Term of the said Acts be further continued, and the Powers and Provisions thereof altered and enlarged, and the Tolls thereby granted increased; and it would tend greatly to facilitate the Execution of the Purposes of the said Acts, if the same were repealed, and further and better Provision made for those Purposes: And whereas the Road leading from the Town of *Carlow* to the Town of *Castlecomer* aforesaid is very mountainous, and in such bad Repair as to be scarcely passable for Travellers, and the same cannot be kept in good and sufficient Repair by the ordinary Means of Presentment; and it is therefore expedient that a new Line of Road should be laid out between the said Towns of *Carlow* and *Castlecomer*, or so much of the said old Road altered, as may be found necessary for avoiding Hills: 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 Acts, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Matters, and Things, in the said Acts contained, shall be and the same is and are hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

Trustees.

II. And be it further enacted, That the Right Honourable *David Latouche*, the Honourable *James Butler*, the Honourable *Charles Butler*, *Henry Parnell*, *Thomas Kavanagh*, *Peter Digges Latouche*, *Sir Henry Wilkinson*, *Patrick Den*, *William Cooper*, *William Colville*, *William Broome*, *John Stewart*, *John Enery*, *George Rothe*, *Robert Edmonds*, *Nicholas A. Vigors*, *Edward Cullen*, *Robert Kane*, *David Aber*, *Henry Garraway*, *William Garraway*, *Henry Wilkinson*, Esquires; the Reverend *Bartolomew Thomas*, the Reverend *Samuel Thomas Roberts*, the Reverend *Thomas Vigors*, the Reverend *Henry Irwin*, the Reverend *Francis Thomas*, the Reverend *Arthur Weldon*, the Reverend *Weldon Moloney*, *Nicholas Roche*, *Edward Groome*, *Thomas James Rawson*, *James Rawson*, *Robert Rawson*, *James Poe*, *Arthur Thomas*, *James Thomas*, *Hovenden Stapleton*, *Robert Jackson*, *Robert Fishbourn*, *Jonas Shekleton*, *Dowling Wall*, *Matthew M’Kenna*, *George Mansergh*, *Benjamin Braddell*, *George Carpenter*, *Samuel Barrass*, *Robert Johnston*, *John Johnston*, *Wheeler Barrington*, *Thomas Pope*, *James Carrol*, Esquires, and no other Persons other than their Successors, to be elected in Manner herein-after directed, shall be, and they are hereby declared to be Trustees for amending, repairing, altering, widening, and improving the Road leading from the Town of *Athy* in the County of *Kildare*, through Part of the *Queen’s County*, and through the Town of *Castlecomer* in the County of *Kilkenny*, to the Town of *Old Leighlin*, in the County of *Carlow*, and from thence to and through the Town of *Leighlin Bridge*, in the said County



County of *Carlow*, and from the said Town of *Carlow* to the said Town of *Castlecomer*, and for otherwise carrying this Act into Execution.

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

No Act valid unless at a Meeting.

Majority present may act, the whole Number not being less than Five.

Chairman to be appointed, and to have the casting Vote.

IV. And be it further enacted, That whenever the Number of Trustees hereby named, shall, by Death or Refusal, or Neglect, have been reduced to Nine resident Members in, and in the Neighbourhood of any of the said Towns of *Castlecomer*, *Athy*, *Leighlin Bridge*, and *Carlow*, it being the Intent hereof, that there shall be only Nine Trustees residing in, and in the Neighbourhood of each of the said Towns, so as to reduce the present Number to Thirty-six for the said Four Towns; and upon the Death, Refusal, or neglecting to act, of such Thirty-six remaining Trustees, or any of them, or of their Successors, to be elected in Manner herein-after mentioned, to act in the Execution of this Act, then and in every such Case it shall and may be lawful to and for the surviving or remaining Trustees, at a Board to be holden as aforesaid, from Time to Time, to elect and appoint by Ballot one other Person to be a Trustee, in the Room of each Trustee so dying, or refusing, or neglecting, or being incapable of acting, and Notice of the Time and Place of the Meeting for every such Election shall, by the Secretary of the said Trustees for the Time being, be posted on the Toll-gates of the said Road, Ten Days at least before such Meeting; and every Person so elected a new Trustee, as aforesaid, is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as the Trustee in whose Room or Stead he shall have been so elected.

Elections of new Trustees.

V. And be it further enacted, That if any Person or Persons herein nominated or to be elected a Trustee or Trustees as aforesaid, shall neglect to act in the Execution of this Act at a Meeting of the said Trustees to be holden at any Two of the said Towns during the Space of Twelve Calendar Months, then and in every such Case such Neglect shall be and be deemed to be a Refusal of such Trustee or Trustees to act within the Intent and Meaning of this Act, save and except such Trustee or Trustees shall not have resided within that Part of the United Kingdom called *Ireland*, during the Whole of such Period of Twelve Calendar Months.

If Trustees neglect to act for 12 Months it shall be deemed a Refusal to act, unless, &c.

Qualification  
of Trustees.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of Fifty Pounds, or be possessed of or entitled to a Personal Estate of the Value of One thousand Pounds, or shall be Heir Apparent of some Person possessed of an Estate in Lands, of the clear Yearly Value of Two hundred Pounds; and if any Person not being so qualified, shall act as a Trustee in the Execution of this Act, every such Person so offending, shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every such Person so sued or prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of all and every Person and Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Acts of Trustees not qualified, if done before Conviction, valid.

Trustees to take an Oath.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, (save and except in appointing the First Meeting of the said Trustees to be holden in pursuance of this Act, in case the same shall not be holden on the Day herein appointed, and in administering the Oath herein mentioned to the other Trustees) until he shall have taken and subscribed the following Oath, at a Meeting to be holden by the said Trustees by virtue of this Act (which Oath any One or more of the said Trustees is and are hereby empowered to administer):

‘ I *A.B.* do swear, That I will execute the Duty of a Trustee reposed in me by an Act made in the Forty-eighth Year of the Reign of King *George* the Third, [*here set forth the Title of this Act*] according to the best of my Skill and Judgment, without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.

‘ So help me GOD.’

Victuallers, &c. incapable of acting, &c.

VIII. Provided always, and be it further enacted, That no Person or Persons who shall keep any Victualling House, Alehouse, or other House of Public Entertainment, or who shall sell Wine, Cyder, Beer, Ale, Whiskey, or other Spirituous or Strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, during such Time as he, she, or they shall keep such Victualling House, Alehouse, or other House of Public Entertainment, or shall sell any Wine, Cyder, Beer, Ale, Whiskey, or other Spirituous or Strong Liquors by Retail; but no such Person shall be precluded from hiring or farming such Tolls, provided he, she, or they do employ a Person or Persons to collect such Tolls, who shall not be under any such Incapacity.

IX. And



IX. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace shall and may in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act notwithstanding their being Trustees, except only in such Case or Cases where they shall be personally interested.

Trustees may act as Justices if not interested.

X. And be it further enacted, That the several Meetings of the said Trustees to be holden in pursuance of this Act shall be holden at the said several Towns of *Castletomer*, *Athy*, *Leighlin Bridge*, and *Carlow*, by Turns; and the First Meeting of the said Trustees shall be holden at *Castletomer*, at some convenient Place to be named by the present Secretary, after the passing of this Act; and in case there shall be no Meeting of the said Trustees on that Day, then and in such Case there shall be a Meeting of the said Trustees holden on that Day Fortnight, at the said Town of *Athy*; and in case there shall be no Meeting of the said Trustees, then and in such Case there shall be a Meeting of the said Trustees holden on that Day Fortnight at the said Town of *Leighlin Bridge*; and in case there shall be no Meeting of the said Trustees on that Day, then and in such Case there shall be a Meeting of the said Trustees holden on that Day Fortnight at the said Town of *Carlow*, and so *toties quoties*, taking the said Towns always in Roteen, until there shall be a Meeting of the said Trustees, between the Hours of Ten in the Forenoon and Four in the Afternoon; and at such Meeting the said Trustees shall proceed to carry this Act into Execution, and shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden at such of the said Towns as shall be next in Roteen, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear, at any such Meeting, a sufficient Number of Trustees to act in the Execution of this Act, the Trustee or Trustees then present, or the Secretary to the said Trustees, shall, from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day within Thirty-one Days then following, to be holden at such of the said Towns as shall be next in Roteen; and the said Secretary shall cause Notice thereof to be posted on the several Toll Gates Ten Days at least before the Day to which such Meeting shall be so adjourned; and the said Trustees shall, at their several Meetings, defray their own Expences; and no Person shall be capable of acting as a Trustee in the Execution of this Act, during such Time as he shall hold any Place of Profit under this Act.

First Meeting of the Trustees.

Trustees to defray their own Expences.

XI. And be it further enacted, That if after any Adjournment of any Meeting as aforesaid, it shall at any Time or Times be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case, the Secretary to the said Trustees (an Order in Writing signed by Five or more of the said Trustees, mentioning the Time and Place and Purpose of such earlier Meeting being given to him, or left at his last or usual Place of Abode) shall forthwith give Notice of such earlier Meeting, by posting the same on the Toll-gates erected on the said Roads, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice); and all Proceedings of the said Trustees, at such earlier Meeting,

Meetings on Emergencies.

[*Loc. & Per.*]

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ing, shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment.

No Order to be revoked, unless at a Meeting for the Purpose, nor unless a Majority of the Trustees present concur.

XII. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Trustees, holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting of not less than Nine Trustees, to be holden for that express Purpose; nor unless Notice, specifying the Revocation or Alteration intended to be made, be given by the Secretary to the said Trustees, by posting on the several Toll-gates, at least Twenty-one Days before such subsequent Meeting; nor unless a Majority of the Trustees present at such subsequent Meeting shall decide in Favour of such Revocation or Alteration, and a greater Number of Trustees shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment, or Proceeding were had or made.

Proceedings to be entered.

XIII. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings, relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books, being signed by the Chairman and Secretary then present, or either of them, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, and Actions, touching or concerning any Thing done in pursuance of this Act; and that such Book or Books shall, at all of the Meetings of the said Trustees, be open and liable to the Inspection of all and every of the said Trustees and of the Creditors on the Tolls hereby granted and made payable; and that any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy not exceeding One hundred Words, the Sum of One Shilling and so in Proportion for any greater or less Number of Words.

Entries of Proceedings under former Acts good Evidence.

XIV. Provided always, and be it further enacted, That all and every Book or Books in which any Entry or Entries of any Proceeding or Proceedings relating or in anywise appertaining to the Roads directed to be amended, widened, and repaired by virtue of this Act, of any of the Trustees, or other Person or Persons acting by and under the Authority of the said recited Acts or either of them (such Entry or Entries being made in such Book or Books according to the Direction of, and made Evidence by the said recited Acts, or either of them), shall be and be deemed to be good and sufficient Evidence of such Proceedings in any Court whatsoever; any Thing herein contained to the contrary thereof notwithstanding.

Trustees to appoint Officers;

XV. And be it further enacted, That the said Trustees may, and they are hereby empowered, by Writing under their Hands, to appoint a Person as Secretary and Treasurer, and also Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and also Overseers and such other Officers and Persons for the Execution of this Act, as they the said Trustees shall think proper; and from Time to Time to make such Rules, Orders, and Regulations for the good Conduct and Well-governing of every such Treasurer, Secretary, Collector, Surveyor, and all such other Officers

and remove them;



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

and allow  
them Salaries.Trustees to  
take Security  
from the  
Treasurer, &c.Officers to  
account.Treasurer to  
account  
yearly on  
Oath.

Goods



Goods and Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels; or if it shall appear to such Justice that such Officer shall have refused, or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto; or that any Books, Papers, or Writings relating to the Execution of this Act, shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the common Gaol or House of Correction of the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Trustees are hereby empowered to make and receive), and until he or she shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees: Provided always, that no such Officer or other Person so committed for Want of sufficient Distress shall be confined or detained in Prison by virtue of such Warrant for any longer Space of Time than Twelve Calendar Months: Provided always, that no greater Salary than the yearly Sum of One hundred Pounds shall be given to any such Secretary or Treasurer, nor no greater Salary than Four Guineas *per* Mile to each Surveyor, for so much of the said Road as he shall be in the Care of, nor no greater Salary than One Shilling and One Penny *per* Day for any Toll-gate Keeper or Toll-gatherer: Provided always, that upon the Death, Removal, or Resignation of the Secretary and Treasurer so appointed by the said Trustees, then and in every such Case the said Trustees shall proceed to the Election of One other proper and fit Person to act in the Room of such Secretary and Treasurer; and Notice of the Time and Place of the Meeting for every such Election shall, by any One of the said Trustees, be inserted in some Newspaper circulated within the Counties of *Carlow, Kilkenny, Kildare, and Queen's County*, Twenty-one Days at least before such Meeting; and also such Notice to be posted on the several Toll-gates on the said Roads.

Officers acting under the Acts repealed, to account to the Trustees under this Act.

XVI. And be it further enacted, That all and every Treasurer and Treasurers, Secretary or Secretaries, and all and every other Person and Persons appointed by virtue of, or acting or who have acted in Execution of the said recited Acts, or any of them, who shall have in his, her, or their Custody or Power any Monies collected by virtue of, or any Books, Papers, or Writings, relating to the Execution of the said recited Acts, or either of them, shall, when thereunto required by Notice in Writing, signed by any Five or more of the said Trustees, given to him, her, or them, or left at his, her, or their last or usual Place or Places of Abode, within Twenty-one Days after the Receipt of such Notice, deliver up to the said Trustees, or to such Persons appointed by them for that Purpose, at the Time and Place to be mentioned in such Notice, all the Monies received by him, her, or them, by virtue of the said recited Acts, or either of them, and all the Books, Papers, and Writings, relating to the Execution thereof, and all the Accounts of the several Monies received or disbursed by him, her, or them, together with the Vouchers relating there-  
to



to ; and every such Treasurer, Secretary, and other Person so accounting, shall upon Oath (which Oath any of the said Trustees are hereby empowered to administer) verify all the said Accounts ; and if any such Treasurer, Secretary, or other Person, shall refuse or wilfully neglect to make and render, or to verify upon Oath any such Account, or to produce and deliver up the Vouchers relating thereto, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver up in Manner aforesaid, all Books, Papers, and Writings relating to the Execution of the said recited Acts, or either of them, or give Satisfaction to the said Trustees in respect of the same, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the County, City, or Place wherein such Treasurer, Clerk, or other Person so refusing or neglecting shall be or reside, upon Complaint made to him by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Treasurer, Secretary, or other Person so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way ; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered to administer,) it shall appear to such Justice that any of the Monies that shall have been collected or received by virtue of the said recited Acts, or any of them, shall be due from, or in the Hands of such Treasurer, Secretary, or other Person, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be raised by Distress and Sale of the Goods and Chattels of such Treasurer, Secretary, or other Person, as aforesaid ; and if no Goods and Chattels of such Treasurer, Secretary, or other Person can be found to answer and satisfy the said Money, and the Charges of distraining and selling such Goods and Chattels, or if it shall appear to such Justice that such Treasurer, Secretary, or other Person, shall have refused or neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of the said recited Acts, or either of them, shall be in the Custody or Power of such Treasurer, Secretary, or other Person, and he or they shall have refused or neglected to deliver, or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction of the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he or she shall give and make a true and perfect Account, and make Payment as aforesaid, or until he shall compound with the said Trustees for the said Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Trustees are hereby empowered to make and receive), and until he or she shall deliver up all such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees : Provided always, that no such Treasurer, Secretary, or other Person so committed for Want of sufficient Distress, shall be detained in Prison by virtue of such Warrant, for any longer Space of Time than Twelve Calendar Months.



Trustees and Surveyor to have the like Powers with respect to the Road, as any Overseer of the public Roads.

XVII. And be it further enacted, That the said Trustees, and their Surveyor and Surveyors of the said Roads, shall have, and they are hereby invested with the like Powers and Authorities in respect to the Roads directed to be amended and kept in Repair by virtue of this Act, as any Overseer appointed by any Law or Statute in Force and Effect, in that Part of the United Kingdom called *Ireland*, for amending, making, or repairing public Roads, is invested with.

On the Death of a Gate Keeper, Trustees may nominate another until the next Meeting,

XVIII. And be it further enacted, That it shall and may be lawful to and for any Three or more of the said Trustees, nominated or appointed by virtue of this Act, or their Treasurer, upon the Death, Neglect, Refusal, or Incapacity to act, of any Collector of the Tolls hereby granted, by Writing under his or their Hands, to nominate and appoint some other fit Person in his Place, until the next Meeting of the Trustees of the said Roads, which Person, so to be nominated and appointed, shall have the like Power and Authority, and be accountable in the same Manner in all respects, as the Person in whose Room or Stead he shall be so nominated and appointed; and if any Collector of the said Tolls, who shall be discharged from his or her Office by the said Trustees, shall refuse to deliver up the Possession of the Toll-house, Buildings, and Appurtenances which he or she possess or enjoy in right of his or her Appointment to that Office within Three Days after Notice given to him or her, or left at such Toll-house, in Writing under the Hands of the said Trustees, or any Three of them; or if the Wife or Family of any such Collector who shall die as aforesaid, or any other Person who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such House, Buildings, and Appurtenances, within Three Days after Notice of such new Appointment being made as aforesaid shall have been given to him, her, or them, or left at such Toll-house, signed by any Three or more of the said Trustees, then and in either of the said Cases it shall and may be lawful to and for any Justice of the Peace for the County, City, or Place where such Toll-house shall stand or be, or any Trustee, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll-house and Premises, in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such Toll-house and other Premises, and to put the new appointed Collector in Possession thereof.

If discharged Gate-Keeper refuses to deliver up Toll-house, &c.;

any Justice may cause him to be removed.

Trustees empowered to erect Turn-pikes and Toll-Houses and receive To Is.

XIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered to continue the several Turnpikes already erected on the said Roads, and (in case they shall think proper) to cause to be erected such and so many other Turnpikes to secure the Tolls hereby granted upon or across the said Roads, and on or near the Sides thereof, in, near, unto, or across any Lanes or Ways leading, or that may hereafter lead, out of the same, and to continue the present Toll-houses, and to erect or cause to be erected such and so many other Toll-houses as they shall think proper; and it shall and may be lawful to and for the said Trustees, and they are hereby empowered in Manner herein directed, for the purchasing or taking of Land for the turning or widening of the said Roads, to purchase and take Land sufficient for such Toll-house or Toll-houses, with necessary Accommodations thereto, and from Time to Time remove, alter, or discontinue such Turnpikes



piques and Toll-houses, or any of them, as they the said Trustees shall from Time to Time think meet and expedient; and it shall and may be lawful to and for the said Trustees to demand and take, or cause to be demanded and taken at the said Turnpikes, the Tolls following, before any Carriage, Horse, or other Beast or Cattle, shall be permitted to pass through the same; that is to say,

For every Coach, Berlin, Landau, Vis-a-Vis, Chariot, Chaise, Phaeton, Tolls.  
Cabriolet, Calash, Chair, Caravan, Hearse, and Litter, drawn by Six or more Horses, or other Beasts of Draught, the Sum of Three Shillings and Three-pence:

For every Carriage of the same or a like Description, drawn by Four or Five Horses, or other Beasts of Draught, the Sum of Two Shillings and Two-pence:

For every Carriage of the same or a like Description, drawn by Two or Three Horses, or other Beasts of Draught, the Sum of One Shilling and One Penny:

For every Carriage of the same or a like Description, drawn by One Horse, or other Beast of Draught, the Sum of Sixpence:

For every Horse, and other Beast of Draught, drawing any Waggon, Wain, Dray, or other such Carriage, (not being a Cart or Car), having the Streaks or Shoeings of all the Wheels thereof respectively of the Breadth of Five Inches or more, and having all such Streaks or Shoeings set on or fastened with Nails, Bolts, or Screws, so countersunk and flat-headed that no Nail, Bolt, or Screw therein shall project beyond the Surface of such Streaks or Shoeings respectively, and revolving on a fixed Axletree, the Sum of One Penny:

For every Horse, and other Beast of Draught, drawing any Waggon, Wain, Dray, or other such Carriage, (not being a Cart or Car), having the Streaks or Shoeings of all the Wheels thereof respectively of the Breadth of Four Inches, and less than Five Inches, and having all such Streaks or Shoeings so set on or fastened as aforesaid, and revolving on a fixed Axletree, the Sum of One Penny Halfpenny:

For every Horse, and other Beast of Draught, drawing any Waggon, Wain, Dray, or other such Carriage, (not being a Cart or Car), having the Streaks or Shoeings of all the Wheels thereof respectively of the Breadth of Three Inches, and less than Four Inches, and having all such Streaks or Shoeings so set on or fastened as aforesaid, and revolving on a fixed Axletree, the Sum of Three-pence:

For every Horse, and other Beast of Draught, drawing any Waggon, Wain, Dray, or other such Carriage, (not being a Cart or Car), having any Streak or Streaks, Shoeing or Shoeings, of any Wheel or Wheels thereof respectively, of a less Breadth than Three Inches, or having any such Streak or Streaks, Shoeing or Shoeings, not so set on or fastened as aforesaid, and revolving on a fixed Axletree, the Sum of Four-pence:

For every Horse, and other Beast of Draught, drawing any Cart or Car, having the Streaks or Shoeings of all the Wheels thereof respectively of the Breadth of Three Inches and a Half, or more, and having such Streaks or Shoeings set on or fastened with Nails, Bolts, or Screws, so countersunk and flat-headed that no Nail, Bolt, or Screw therein shall project beyond the Surface of such Streaks or Shoeings respectively,  
with



with Wheels revolving on fixed Axletrees, the Sum of One Penny :

For every Horse, and other Beast of Draught, drawing any Cart or Car, having any Streak or Streaks, Shoeing or Shoeings, of any Wheel or Wheels thereof respectively of a less Breadth than Three and more than Two Inches, and having all such Streaks or Shoeings so set on or fastened as aforesaid, and revolving on a fixed Axletree, the Sum of Two-pence :

For every Horse, and other Beast of Draught, drawing any Cart or Car, having any Streak or Streaks, Shoeing or Shoeings, of any Wheel or Wheels thereof respectively of a less Breadth than Two Inches, and set on as aforesaid, and with fixed Axletrees, the Sum of Two-pence Halfpenny :

For every Horse, and other Beast of Draught, drawing any Cart or Car, having any Streak or Streaks, Shoeing or Shoeings, of any Wheel or Wheels thereof respectively, not so set on or fastened as aforesaid, the Sum of One Penny Halfpenny over and above the foregoing.

For every Horse, Mare, Gelding, Mule or Ass, laden or unladen, the Sum of Two-pence :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Two Shillings and Sixpence *per* Score, and so in Proportion for any greater or less Number :

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of One Shilling and Three-pence *per* Score, and so in Proportion for any greater or less Number : And,

For every Mill-stone Three Shillings and Nine-pence Halfpenny.

Less Tolls to be demanded for Carriages with fixed Axletrees.

XX. Provided also, and be it further enacted, That the Sum of One Penny shall be demanded and taken at any Gate or Gates erected, or to be erected, on the said Roads, over and above the foregoing Tolls, for every Horse or other Beast of Draught, drawing any Waggon, Wain, Dray, Cart, or Car, the Axletree whereof shall turn round with the Wheels thereof, of whatever Size or Dimensions the Streaks or Shoeings of such Wheels shall be.

Collectors may measure the Dimensions of Wheels.

XXI. And be it further enacted, That it shall and may be lawful to and for the respective Collectors of the said Tolls, in case he or they shall think proper, to measure or cause to be measured the Breadth or Dimensions of the respective Streaks or Shoeings of all or any of the Wheels of each and every Waggon, Wain, Dray, Cart, Car, or other such Carriage, before any such Waggon, Wain, Dray, Cart, Car, or other such Carriage, shall be permitted to pass through any Turnpike or Turnpikes erected on the said Roads.

Collectors may distrain Carriages &c. upon refusal to pay Tolls.

XXII. And be it further enacted, That a Table of the said Tolls shall be put up and continued at each and every Turnpike erected on the said Roads ; and it shall and may be lawful to and for the several Persons who shall, by virtue of this Act, be appointed Collectors of the said Tolls, to demand, collect, and receive the Tolls hereby granted ; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Collector appointed as aforesaid, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful to and for such Collector to seize and distrain, or cause to be seized and distrained any Carriage,



Carriage, Horse or Horses, or other Beast or Cattle, chargeable with the said Tolls, or their respective Bridles, Saddles, Harness, or Accoutrements, or any Part or Parts thereof; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and detaining and keeping the same, shall not be paid within Five Days next after such Seizure and Distress made, the Collector so seizing and distraining shall and may sell, or cause to be sold, the Carriage or Carriages, Horse or Horses, Beasts or other Cattle, and their Bridles, Saddles, Harness, or Accoutrements so seized and distrained, or any Part or Parts thereof, at or near the Turnpike where the said Tolls ought to have been paid, rendering the Overplus (if any) upon Demand, to the Owner or Owners thereof, after such Tolls and all reasonable Charges attending the distraining, keeping, and selling the same, shall be deducted and paid.

For Recovery of Tolls,

XXIII. Provided always, and be it further enacted, That if any Dispute shall arise about the Quantity of the Tolls due, or respecting the Costs and Charges of distraining, keeping, or selling any Distress, it shall and may be lawful to and for the Collector or Person distraining, to detain the Distress, or the Money arising from the Sale thereof, until the Quantity of the Tolls, or the Charges of distraining, keeping, and selling the Distress, as the Case may be, shall be ascertained by some Justice of the Peace for the County, City, or Place where such Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the said Matter by Oath of the Parties or other Witness or Witnesses, and shall determine the Quantities of Tolls due, and shall also assess the Costs and Charges of such Distress and Sale, and all other reasonable Costs and Charges; all which Sum or Sums of Money, so determined and assessed, shall be paid to the Collector before he shall be obliged to return the said Distress, or the Overplus, after the Sale thereof, or of any Part thereof,

In case of a Dispute concerning Tolls, the Matter to be settled by a Justice.

XXIV. And be it further enacted, That the said Tolls shall be and they are hereby declared to be vested in the said Trustees and their Successors, for the Purposes of this Act; and so much of the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, as shall be settled and determined by the said Trustees at some Meeting to be holden for that Purpose, (of which Meeting, and of the Purpose thereof, Notice shall be given by the Secretary to the said Trustees, Fourteen Days at the least before the holding of such Meeting) shall in the first Place be paid and advanced out of any Monies received or collected, or to be received or collected, upon so much of the said Roads as leads from the said Town of *Atby* to the said Town of *Castlecomer*, and from thence to the Town of *Leighlin Bridge*; and the Remainder thereof shall be paid and advanced out of any Monies to be received or collected upon so much of the said Roads as leads from the said Town of *Carlow* to the said Town of *Castlecomer*; and the Remainder of the Monies received or collected, or to be received or collected, on so much of the said Roads as leads from the said Town of *Atby* to the said Town of *Castlecomer*, and from thence to the said Town of *Leighlin Bridge*, shall be applied and disposed of by the said Trustees in making, maintaining, repairing, and supporting so much of the said Roads, and in paying the several Sums due and owing on the Credit of the Tolls collected, on so much of the said Roads, and the Interest thereof, and in otherwise carrying this Act into Execution, so far as the same relates to so much of such Roads; and the Remainder of the Monies to be received

Tolls vested in Trustees, and their Application.



ceived or collected on so much of the said Roads as leads from the said Town of *Carlow* to the said Town of *Castlecomer*, shall be applied and disposed of by the said Trustees in making, maintaining, repairing, and supporting so much of such Roads, and in paying and discharging the several Sums of Money that may be borrowed on the Credit of the Tolls collected on so much of the said Roads, and the Interest thereof, and in otherwise carrying this Act into Execution, so far as the same relates to so much of the said Roads; and when and as soon as the whole Sum of Money due and owing on the Credit of the said respective Tolls shall be paid off and discharged, and the Interest due thereon respectively, then and in such Case the said respective Tolls shall be and be deemed to be and become One aggregate Fund, and shall be applied generally towards the several Purposes of this Act.

Turnpikes  
vested in  
Trustees.

XXV. And be it further enacted, That the Right and Property of the several Turnpikes, Toll-houses, and other Buildings erected, by virtue of the said recited Acts, or any of them, on the Roads to be made, amended, widened, and repaired, by virtue of this Act, and of all the Turnpikes, Toll-houses, and other Buildings to be erected by virtue of this Act, with the Ground, Fences, and Appurtenances thereto respectively belonging, and of all Mile-Stones, Tables of Tolls, and Posts erected, and to be erected, and also of all Materials, Tools, and Implements, which are or shall be provided for making and repairing the said Roads, or any Bridge, House, or Wall to the said Roads belonging, by virtue of the said recited Acts, or any of them, or of this Act, shall be vested in, and be the Property of, the Trustees appointed by virtue of this Act; and they are hereby empowered to bring, or cause any Action or Actions to be brought, and any Bill or Bills of Indictment to be preferred against any Person or Persons who shall steal, break down, take away, injure, or spoil any such Turnpikes, Toll-houses, or other Buildings, Fences, Mile-stones, Tables of Tolls, Posts, or any such Materials, Tools, or Implements; and in all such Actions and Bills of Indictment respectively, it shall be, and be deemed, and taken to be, sufficient to state generally, that the Article or Articles, Thing or Things, for or on Account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Trustees for repairing the Roads leading from *Athy* to *Castlecomer* and *Leighlin Bridge*, and from *Carlow* to *Castlecomer*, without particularly stating or specifying the Name or Names of all or any of the said Trustees.

No more than  
One Toll to be  
taken in One  
Day.

XXVI. Provided also, and be it further enacted, That nothing herein contained, shall extend or be construed to extend, so as to enable any Collector of the said Tolls to demand or take any more than One Toll in any One Day, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), from any Person or Persons for or in respect of the same Carriage, Horse, or other Beast or Cattle passing and repassing through the same, or any other Gate or Turnpike erected, or to be erected on the said Roads, all and every such Person and Persons producing a Ticket, denoting that such Toll hath been paid on such Part of the said Roads in that Day, for or in respect of such Carriage, Horse, Beast, or other Cattle; which Ticket every such Collector is hereby required to deliver *gratis*, on the Payment of such Toll: Provided nevertheless, that each and every hired Carriage



returning the same Day with a different Passenger or different Passengers, or any Cart or Car conveying fresh or other loading through any such Gate, shall be liable to the said Toll, notwithstanding such Toll hath been before paid for or in respect of the said Carriage, Cart, or Car, on that Day.

XXVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, or any of them, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be disqualified from giving Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their Appointment to collect such Tolls.

Collectors of  
Tolls to be  
competent  
Witnesses.

XXVIII. And, for preventing the Evasion of Payment of the said Tolls, be it further enacted, That if any Person or Persons shall give, offer, or dispose of to, or receive from any other Person or Persons any such Ticket as aforesaid; or shall counterfeit, or knowingly make use of any counterfeited Ticket, in Order to avoid the Payment of the said Tolls, or of any Part thereof; or if any Person or Persons owning, renting, or occupying any Lands adjoining to the said Road or any Part thereof, near unto any Turnpike Gate erected thereon, shall permit or suffer any Person or Persons to pass through or over any Part of his, her, or their said Lands, with any Carriage, Horse, Beast, or other Cattle, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall ride or drive any Horse, or other Beast or Cattle, through or over any Way or Passage, (not being a public Way or Passage), or through or over any Lands adjoining to any Part of the said Roads, or near to any of the said Turnpike Gates; or shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, or do any other Act whereby the Payment of any of the said Tolls, or of any Part thereof, is or shall be avoided, then, and in every such Case, every such Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Penalty on  
evading Tolls.

XXIX. And be it further enacted, That no Toll shall be demanded or taken for or in respect of any Horse or other Beast of Draught drawing any Waggon, Wain, Dray, or other such Carriage, having the Streaks or Shoeings of the Wheels thereof of the Breadth of Six Inches or more, and having all such Streaks or Shoeings set on or fastened with Nails, Bolts, or Screws, so countersunk and flat-headed that no Nail, Bolt, or Screw therein shall project above the Surface of such Streaks or Shoeings respectively; and the Wheels whereof revolve on fixed Axletrees; or for or in respect of any Carriage, Horse, or other Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Roads, or any Purposes relating thereto, or any of the Roads in any of the Parishes in which any Part of such Roads doth lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, or going to be sold or disposed of, but passing to be laid up or placed in the Out-houses or on

General Ex-  
emptions.

the



the Lands of the Owners thereof ; or for or in respect of any Carriage, Horse, or other Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying any Manure, Ploughs, Harrows, or Implements of Husbandry employed in the Management of any Farm or Lands in any of the Parishes in which the said Roads doth lie ; or laden with Turf only ; or for or in respect of any Horse, Beast, or Cattle going to or returning from Pasture or from a watering Place, or going to be or returning from being shod ; or for or in respect of any Carriage, Horse, or other Beast attending any Soldiers upon their March or on Duty, or carrying or conveying any of their Arms or Baggage ; or for or in respect of any Carriage, Horse, or other Beast carrying or conveying any Vagrant or Vagrants sent with legal Passes ; or for or in respect of any Carriage, Horse, or other Beast carrying or conveying any Person or Persons going to or returning from voting at any Election, on the Day or Days of Election, or on the Day before or Day after such Election shall begin or be concluded ; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay, for every such Offence, any Sum not exceeding Forty Shillings, to be applied to the Purposes of this Act, or to rewarding the Prosecutor, at the Discretion of the said Trustees.

Tolls may be let.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby enabled, at any Meeting, to set up by public Cant, and to let or farm, for any Term not more than Two Years, or less than One, the Tolls to be collected by virtue of this Act, or any Part thereof, to any Person or Persons whomsoever, at and for the largest Yearly Sum that can, on the said Cant, be reasonably gotten for the same, upon causing Notice of their Intention to let or farm such Tolls to be given by posting Notices on the several Toll-gates on the said Roads, Fourteen Days at least before such Meeting.

Lessees of Tolls invested with Powers to collect.

XXXI. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in farm, to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she, or they shall by Writing or Writings under his, her, or their Hand or Hands, authorise or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees is hereby authorized and empowered to demand, take, and recover the same ; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls, appointed by the said Trustees, is subject or liable to.

Tolls may be compounded for.

XXXII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound, from Time to Time, with any Person or Persons, for any Period of Time not exceeding One Year for any Carriages, Horses, Beasts, or Cattle, passing on the said Roads, or on any Part or Parts thereof, for all or any of the Tolls to be paid in respect of such Carriages



Carriages, Horses, Beasts, or other Cattle; and all such Composition Money shall be paid in Advance, or otherwise, as the said Trustees shall appoint; and in Default thereof, every such Composition shall be null and void to all Intents and Purposes whatsoever.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered to enter into any Contract or Contracts for the repairing and widening of the said Roads, or of any Part or Parts thereof, or for furnishing Materials, or for any Purpose or Purposes relative to the Execution of this Act; and every such Contract shall be signed by the Secretary to the said Trustees, and by the Person or Persons contracting to perform such Works respectively, which Contract and Contracts shall be kept by the Secretary to the said Trustees.

Trustees may enter into Contracts.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, from Time to Time, and at all Times hereafter, to compound and agree with any Person or Persons on Account of any Breach or Non-performance of such Contract or Contracts, for such Sum or Sums of Money as they shall think proper, so as the Sum so compounded and agreed for be not less than the Injury or Damage sustained by the Breach or Non-performance of such Contract or Contracts, and all Costs, Charges, and Expences which shall be occasioned thereby.

Trustees may compound for Breach of Contracts:

XXXV. Provided always, and be it further enacted, That all Contracts, Debentures, Bonds, Grants, Assignments, Conveyances, Leases, and other Securities made or granted to or by any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or any others whomsoever, acting by or under the Authority of the said Acts or any of them, shall be as good, valid, binding, and effectual, for and during the Continuance of the said Contract, as if such Acts had not been repealed; and all and every Sum and Sums of Money due by, and owing by or to the Trustees acting by virtue of the said Acts, or any of them, shall and may be recovered by or against the Trustees acting by virtue of this Act, by such Ways and Means, and in such and the like Manner, as any Sum or Sums due and owing, or to grow due or owing by or to the said Trustees acting by virtue of this Act, can or may be recovered.

Old Securities to be good.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered to carry into Execution, and perform any Agreement or Agreements entered into by the Trustees, nominated or appointed by virtue of the said recited Acts or either of them with any Person or Persons whomsoever, touching or concerning the Tolls of the said Roads, directed to be amended and repaired by the said recited Acts or either of them, or the Repairs thereof, subject nevertheless to such Variations and Alterations as to the said Trustees, acting in Execution of this Act, shall seem fit and proper; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Agreements entered into by Trustees under the former Acts, may be completed.

XXXVII. And, for the more speedy raising such further Money as may be necessary for the Purposes of this Act, be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered, from Time to Time, to borrow and take up at Interest such Sum

Trustees may borrow Money.

[Loc. & Per.]



or Sums of Money as they shall judge necessary for the Purposes of this Act. and by Writing under their Hands and Seals, to assign over the Tolls hereoy granted, or any Part thereof, and the several Turnpikes and Toll-houses erected, or to be erected, on the said Roads, (the Charges of such Assignments or Debentures, to be paid out of the said Tolls,) for any Term during the Continuance of this Act, as a Security for the Repayment of such Sum or Sums of Money, with Interest for the same, to the Person or Persons who shall advance and lend such Money, his, her, or their Executors, Administrators, and Assigns, such Interest to be paid and payable by yearly Payments, at the Dwelling-house of the Treasurer to the said Trustees for the Time being; all which Assignments or Debentures shall be in the Words, or to the Effect following:

Form of Assignment.

BY virtue of an Act of Parliament, made in the Forty-eighth Year of the Reign of King George the Third, intituled, [*set forth the Title of this Act,*] we whose Names are hereunto subscribed, and Seals affixed, (being Trustees acting in Execution of the said Act,) in Consideration of the Sum of \_\_\_\_\_ to the Treasurer of the said Roads in Hand paid by *A. B.* do hereby grant, bargain, sell, and demise unto the said *A. B.* \_\_\_\_\_ Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, on so much of the said Roads [*here specify the Roads*], and also of the Turnpikes and Toll-houses for collecting the same, as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum charged and advanced, or to be charged or advanced, on the Credit of the said Act, to be had and holden from this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ for and during the Continuance of the said Act, unless the said Sum of \_\_\_\_\_ with Interest, after the Rate of \_\_\_\_\_ *per Centum per Annum* shall be sooner repaid and satisfied. Given under our Hands and Seals, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

Copies of Mortgages to be entered.

And all such Assignments or Debentures respectively shall be numbered, commencing with Number One, and so proceeding in an arithmetical Progression ascending; and Copies of all such Assignments or Debentures respectively, and the Numbers thereof respectively, shall be entered in a Book or Books to be kept for that Purpose by the Secretary to the said Trustees; and such Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and all Assignments which shall be made in the Manner and Form aforesaid, shall be good, valid, and effectual to all Intents and Purposes whatsoever; and all Persons to whom any such Assignments respectively have been or shall be made as aforesaid, or who are or shall be entitled to the Money thereby respectively secured, may, from Time to Time, assign and transfer the same Security or Securities respectively, and all Benefit and Advantage thereof, and all their Right, Title, and Interest to the Principal and Interest Money thereby respectively secured, or any Part thereof, to any Person or Persons whomsoever, by Writing under their Hands and Seals, in the Words, or to the Effect following:

Assignments may be transferred.

Form of Transfer.

I *A. B.* being entitled to the Sum of \_\_\_\_\_ secured to \_\_\_\_\_ Executors, Administrators, and Assigns, by virtue of an Assignment bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_ under the Hands and \_\_\_\_\_ Seals



\* Seals of \_\_\_\_\_ of the Trustees,  
 \* acting in Execution of an Act of Parliament, made in the Forty-eighth  
 \* Year of the Reign of King George the Third, intituled, [*set forth the*  
 \* *Title of this Act,*] or made in the Twenty-fifth Year of the Reign of  
 \* King George the Second, or in the Fifteenth and Sixteenth Year of the  
 \* Reign of King George the Third, intituled, [*set forth the Titles of the*  
 \* *said recited Acts, as the Case may be,*] upon the Credit of the said Act,  
 \* do thereby transfer all my Right and Title in and to the same, and all the  
 \* Principal and Interest Money now due and owing thereon, unto G. D.  
 \* \_\_\_\_\_ Executors, Administrators, and Assigns. Dated this  
 \* Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

And every such Transfer shall be produced and notified to the Secretary  
 to the said Trustees, within Three Calendar Months next after the Date  
 thereof, who shall cause an Entry or Memorial to be made thereof, con-  
 taining the Date, Names of the Parties, and Sum of Money therein men-  
 tioned, to be transferred in the said Book or Books to be kept for enter-  
 ing the said original Assignments or Debentures, to be made by virtue of  
 this Act, and for which Entry the Secretary who shall enter the same shall  
 be paid Five Shillings, and no more; and after such Entry made, every  
 such Transfer shall entitle the Person or Persons to whom the same shall  
 be made, his, her, or their Executors, Administrators, and Assigns, to  
 the Benefit thereof, and Payment thereon; and after such Entry or Me-  
 morial made thereof as aforesaid, it shall not be in the Power of any Per-  
 son or Persons making such Transfer, to make void, release, or discharge  
 the same, or the Monies thereby due, or any Part thereof; and all Per-  
 sons to whom such Assignments or Transfers shall be made as aforesaid,  
 (as well such Assignments or Debentures made by virtue of the said Acts.)  
 shall be, in Proportion to the Sums therein respectively mentioned, Cre-  
 ditors on such Tolls, Turnpikes, and Toll-Houses, so granted, bargained,  
 sold or demised, in equal Degree one with another, and shall have no pre-  
 ference in respect of the Priority of advancing any such Monies, or of the  
 Dates of such Mortgages or Assignments: Provided nevertheless, that be-  
 fore any Sum or Sums of Money shall be taken up or borrowed Twenty-  
 one Days Notice at the least shall be given of the Intention of borrowing  
 such Money, by posting Notices on the several Gates erected on the  
 said Roads.

Notice of  
 Transfer to be  
 given to the  
 Secretary.

Notice to be  
 given pre-  
 viously to  
 borrowing  
 Money.

XXXVII. And, in order that no Preference may be given to any Person  
 or Persons who shall advance and lend any Money upon the Credit of the  
 said Tolls, be it further enacted, That the said Trustees shall, when and as  
 often as there shall be an Overplus of Money received by virtue of this Act  
 on the said Division of Road leading from the said Town of *Athy*, to the  
 said Town of *Castlecomer*, and from thence to the said Town of *Leigh-  
 lin Bridge*, or on the said Division of Road leading from the said Town  
 of *Carlow* to the said Town of *Castlecomer*, equal to the Sum of Two hun-  
 dred Pounds after Payment of the Interest of the Money borrowed by  
 virtue of the said recited Acts, or either of them, or of this Act, and of the  
 several Charges and Expences of carrying this Act into Execution, (if  
 there shall be more Creditors than one) cause Twenty-one Days Notice to  
 be given of the same, in some Newspaper circulated within the said  
 Counties of *Kilkenny*, *Carlow*, *Kildare*, and *Queen's County*, and shall,  
 upon the Day appointed in the said Notice, cause the Numbers of all  
 Assignments granted, on the Credit of the particular Tolls from which  
 the

Creditors to  
 be paid by  
 Ballot.



the said Sum shall have arisen and then in force for securing the principal Monies lent and advanced upon the Credit of the said Tolls, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form as near as may be, and be put into a Box or Wheel, and the Number or Numbers of the said Assignments or Securities shall be drawn separately out of the said Box or Wheel by the Secretary to the said Trustees; and after every such Ballot the said Trustees shall cause Notice, signed by their Secretary, to be given to or left at the last or usual Place or Places of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and where there is only One Creditor, a Notice shall be given One Calendar Month to such Creditor, of the Intention of the said Trustees to pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same will be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than One Calendar Month after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money to be so paid off shall, from and after the Day to be so specified, cease, and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice, and not paid; but the principal Money, in respect whereof such Notice shall be given, and also the Interest thereof to the Day to be so specified, shall nevertheless be payable on Demand.

Trustees may  
turn or alter  
the Course of  
any Part of  
the Roads;

and may con-  
tract for the  
Purchase of  
Lands for  
that Purpose.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby fully empowered, from Time to Time, as they shall think proper, to divert, widen, turn, shorten, vary, or alter the Course, or Path of any Part or Parts of the Roads comprised in this Act; and that any Variation of Road may be made of any Width not exceeding Sixty Feet through any Common or Waste Ground, without making any Satisfaction for the same, and through any Private or Inclosed Lands, Grounds, or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall and may be lawful to and for the said Trustees, or for their Secretary, or any other Person or Persons by them duly authorized and deputed for that Purpose, by Order of a Meeting of the said Trustees, to treat, contract, and agree with the Owners of and Persons interested in any Lands, Tenements, and Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads, through such Lands, Tenements, and Hereditaments; and the said Lands, Tenements, or Hereditaments so purchased, or any Part thereof, shall and may, by Order and Direction of the said Trustees, be laid into, and made Part of, the said Roads, in such Manner as the said Trustees shall think convenient; and shall, by such Person or Persons, as they shall order and appoint, be sufficiently drained, ditched, and fenced out for that Purpose, and after the said Lands or Grounds shall be so drained, ditched, and fenced out, the same shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a public and Common Highway, and to be Part of the Roads, to be amended, widened, and kept in Repair by virtue of this Act, and shall be repaired and kept in Repair by such Ways and Means, and in such Manner, as the

On



Old Road was and ought to have been kept in Repair; -and after any such Lands shall be made Part of the said Roads as afore said, the Lands and Grounds comprised in or constituting the former Road, in lieu whereof such Lands or Grounds shall be purchased as aforesaid, shall be so sold by the said Trustees to such Person or Persons as shall be willing to become a Purchaser or Purchasers thereof, for the best Price that can be reasonably had or gotten for the same; and the Conveyance thereof being executed by the said Trustees, and inrolled with the Clerk of the Peace for the said Counties of *Carlow, Kilkenny, Kildare*, and the *Queen's County*, according to the Jurisdiction in which such Lands or Grounds shall lie shall be good, valid, and effectual to all Intents and Purposes whatsoever.

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

Corporations,  
&c. empow-  
ered to treat.

XLI. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Person or Persons interested in any Lands, Tenements, or Hereditaments, which the said Trustees shall judge necessary or proper to be purchased, taken, or used for the Purposes of this Act, or any such Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Husbands, Committees, or other Trustees, upon Notice to him, her, or them, given or left in Writing, at the Dwelling-house or Place of Abode of such Person or Persons; or of the Clerk or Head Officer of any such Body Politic, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Premises, signed by the Clerk to the said Trustees, shall, for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise shall be prevented from treating, then and in every such case, it shall and may be lawful to and for the said Trustees, to cause it to be inquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the said Counties of *Carlow, Kilkenny, Kildare*, and the *Queen's County*,

In case of  
Persons refus-  
ing to treat,  
or not agree-  
ing, a Jury to  
settle the Re-  
compence.

[Loc. & Per.]

12 C

according



according to the Jurisdictions in which such Premises in question shall lie or be situate, (which Oaths the said Trustees, or any Five or more of them, are hereby empowered to administer,) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested, for or upon Account of the taking or using of such Lands, Tenements, or Hereditaments, for the Purposes of this Act; and in order thereto, the said Trustees or any Five or more of them are hereby empowered and required, from Time to Time, to summon and call before them all and every Person and Persons who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath, (which Oath the said Trustees or any Five or more of them are hereby empowered and required to administer); and they shall order and cause the said Jury to view the Place in Question, and use all other lawful Ways and Means, as well for their own, as for the said Jury's Information in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the Owners, Proprietors, or Occupiers of the said Lands, Tenements, or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict, or Inquisition and Judgment, Order or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever, against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and every such Owner, Proprietor, Occupier, and Person anywise interested in such Lands, Tenements, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest or Property, of, in, to, or out of the same; and upon Payment of the Money so assessed, to the respective Persons entitled thereto, or their Agents, or upon paying the same into the Bank of *Ireland*, in Manner by this Act directed, it shall and may be lawful to and for the said Trustees to cause the Premises, in respect whereof such Money shall be assessed, to be disposed of, and such Acts to be done thereto as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and for summoning and returning any such Jury, the said Trustees are hereby empowered to issue out a Warrant or Warrants, signed by any Five or more of them, to the Sheriffs of the said Counties of *Carlow*, *Kilkenny*, *Kildare*, and the *Queen's County*, in their respective Jurisdictions, thereby commanding and requiring such Sheriffs respectively to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees, at such Time and Place as in such Warrant shall be appointed; and such Sheriffs, or their respective Deputies, is and are hereby required thereupon to impanel, summon, and return such Twenty-four Persons accordingly; and out of the Persons so impanelled, summoned and returned, or out of such of them as shall appear according to, or upon such Summons, the said Trustees shall swear, or cause to be sworn, Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriffs, or their respective Deputies, shall return other honest and indifferent Men of the Standers-

by,

Verdict of  
the Jury to  
be final.

Trustees to  
issue Warrant  
for Sheriff to  
summon Jury.



by, or that can be speedily procured or summoned to attend that Service, to the Number of Twelve : Provided always, that all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party, in any Action depending in any of His Majesty's Courts of Record at *Dublin*, is or shall be by Law entitled to ; and the said Trustees are hereby empowered to impose any reasonable Fine or Fines on such Sheriffs respectively, or their respective Deputies, who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or, after having appeared, shall refuse to be sworn, on the said Jury, or having been sworn, shall refuse to give or shall not give his or their Verdict on the Matter in Question, or shall in any other Manner wilfully neglect his or their Duty therein, and on any of the Persons who being summoned or required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear, or refuse to be sworn or be examined, or give Evidence touching the same, but no such Fine shall exceed Ten Pounds upon any one Person for One Offence.

Sheriffs, &c.  
may be fined  
for neglect of  
Duty.

XLII. Provided always, and be it further enacted, That wherever the Course of any Part of the said Roads shall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road shall be first made to the Owner of such adjoining Land, which shall be cut and used for the Purpose of making such new Road ; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then, and in such Case, the Value thereof shall be settled and ascertained by a Jury, in such and the like Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act, and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by a Jury to be the Value thereof ; and in case such Owner shall refuse to pay such Money, upon Demand made thereof by the Treasurer or Secretary to the said Trustees, and Tender of the Conveyance of such old Road, the same shall and may be recovered by the said Trustees by Action of Debt, in any of His Majesty's Courts of Record in *Dublin* ; and in case any such Owner shall not agree, or shall refuse to purchase any such old Road, it shall and may be lawful to and for any Person or Persons not interested in the Premises, to make an Affidavit to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, City, or Place where such old Road shall lie, stating that such Offer has been made by or on Behalf of the said Trustees, and that such Owner has not agreed, or has refused to purchase such old Road, as the Case may be ; and such Affidavit shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner : Provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road as aforesaid, each and every such Owner shall be entitled to the First Offer of so much of the old Road as is lying immediately adjoining to his, her, or their Land respectively, in manner aforesaid : Provided also, that if such Owner, or Owners respectively shall be willing and consent to take such  
old

Owners of  
Land used in  
making a  
new Road to  
have the first  
Offer of the  
old Road.



old Road in Exchange for such new Road, it shall and may be lawful to and for the said Trustees, and they are hereby required to assure the same to such Person or Persons, by entering the same in their Books, and delivering to him or them a Copy of the Entry thereof, signed by any Five or more of the said Trustees, which Copy shall be a good and valid Title to the same, and be available in any Suit in Law or Equity.

By whom the  
Expences of  
the Jury to  
be paid.

XLIII. And be it further enacted, That in case any such Jury shall give in and deliver a Verdict or Assessment for more Money than shall, by or on Behalf of the said Trustees, have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for less Money than shall have been offered, to be accepted or taken by or on Behalf of the said Trustees, as the Purchase Money for any such old Road as aforesaid, then, and in every such Case, the Costs and Charges of summoning and maintaining the Jury and Witnesses, shall be borne and paid by the said Trustees, out of the Money arising by virtue of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall, by or on Behalf of the said Trustees, have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage, as aforesaid, or for the same, or any more Money than shall have been offered to be accepted or taken as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Charges of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences shall be ascertained and settled by some Justice of the Peace, not interested in the Matter in question, and within whose Jurisdiction such Controversy or Dispute shall arise, (who is hereby authorized and required to examine and settle the same), and shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Secretary of the said Trustees, by such Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall, by Reason of Absence, have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Trustees to  
pay Expences  
when Persons  
from Absence  
are prevented  
from treat-  
ing.

Houses, &c.  
not to be in-  
jured.

XLIV. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable the said Trustees to take, use, injure or damage any slated Dwelling-House, or other Building built of Stone and Mortar, or Brick and Mortar, of two Stories high at least, or any Garden walled in, Orchard, Yard, Deer Park, or any planted Walk or Avenue to a House, without the Consent of the Owners or Proprietors thereof.



XLV. 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 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 Trustee, 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 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 mean Time 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 mean Time, 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, and Hereditaments, so hereby directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Application  
of Compensation,  
if  
amounting to  
200l.

XLVI. 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

Application  
of Compensation,  
if less  
than 200l.  
and ex-  
ceeding 20l.

[*Loc. & Per.*]

12 D

Guardian



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 any Seven or more of the said Trustees for executing 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 any Manner herein-before directed, so far as the case be applicable, without obtaining, or being required to obtain, the Direction and Approbation of the Court of Chancery.

Application of Compensation if less than 20l.

XLVII. 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 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 this Act, in such Manner as the said Trustees 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, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery on Motion or Petition.

XLVIII. 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 this Act, 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 Trustees; 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 Trustees, 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 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, Controul, 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 same 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



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.

XLIX. 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 General of the Court of Chancery, in pursuance 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 this Act, 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 shewn, to the Satisfaction of the said Court of Chancery, and the Dividends and Interest of such Government Securities, and also the Capital 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.

Where any Question shall arise, touching the Title to Money to be paid, the Persons who shall be in Possession of the Land, &c. at the Time of such Purchase, shall be deemed entitled there- to according to such Possession, unless, &c.

L. 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 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 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 this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money, for such Purposes as the said Court shall direct.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

LI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, Surveyor or Surveyors of the said Roads, and to and for all such Persons as they respectively shall appoint, to search for, cut, dig for, get, gather, and take away any Furze, Heath, Beach, Stones, Gravel, Sand, or other Materials for making or repairing the said Roads, or for building or repairing any Bridges, Walls, or Toll-houses belonging thereto, out of or from any Common or Waste Grounds, River, or Brook, in any Parish, Township, Hamlet, Division, District, or Place, in or near which any Part of the Road, hereby directed to be made, amended, altered, or repaired, shall lie; or in any neighbouring Parish, Township, Hamlet, Division, District, or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where  
such

For getting Materials to repair the Road.



such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or other Persons as aforesaid, may search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, (such Lands, Fields, or Grounds, not being a Garden walled-in, Orchard, Yard, Deer Park, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction to the Owner and Occupiers of such Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same, or any other Materials for making and repairing the said Roads shall be carried, for Damage done to the Soil only, unless the Quarries and Gravel Pits shall have been demised to the Occupier thereof, with Liberty to sell or dispose of the same, according to their respective Rights and Interests in such Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Damages, it shall and may be lawful to and for each Party to nominate a Referee; and in case they agree as to the Sum that should be paid for the said Damage their Decision shall be final between the Parties; but if the said Referees shall not agree, then any Justice of the Peace of the County, City, or Place, (at the Desire of either Party), shall nominate a Householder of the Neighbourhood where such Damage was committed as an Umpire; and said Justice is hereby authorized and directed to swear the said Umpire to do impartial Justice, and his Decision on the Difference between the Parties shall be final and conclusive,

Notice to be given to the Occupiers of inclosed Lands before Materials are to be taken.

LII Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing such Roads, Bridge, Wall, or Toll Houses belonging thereto, or any Part or Parts thereof respectively, out of or from any inclosed Lands or Grounds, if the Occupier or Occupiers shall object thereto, until Three Days Notice in Writing, signed by the Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two of the said Trustees, or One or more Justices of the Peace acting for the County, City, or Place, where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then, and in such Case, the said Trustees, or such Justices, shall and may authorize such Surveyor, or other Person or Persons, to dig, get, gather, take and carry away such Materials, at such Time or Times as to the said Trustees or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent pursuant to such Notice, the said Trustees or Justices shall and may make such Order therein as they respectively shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended; and after a Copy of the said Order shall have been given to or left at the usual Place of Abode of such Occupier or Occupiers, if



any Person shall obstruct, hinder, or molest the said Surveyor, or any Persons acting under the Authority of this Act, to dig for, gather, get, take, or carry away any such Materials as aforesaid, every Person so offending shall forfeit and pay, for every such Offence, any Sum not less than Five Pounds nor more than Ten Pounds.

LIII. And be it further enacted, That if any Person or Persons who-  
 Penalty on  
 taking away  
 Materials.  
 foever shall remove or take away any Stones or Gravel, or other Mate-  
 rials, laid upon the said Roads for the Repair thereof, or the Purposes  
 aforesaid, without the Order of the said Trustees, or of their Surveyor  
 or Surveyors for that Purpose, or if any Person or Persons whosoever  
 shall take away any Stones or Gravel, or Materials, which shall have been  
 dug or gathered by, or by the Order of the said Trustees, or their Sur-  
 veyor or Surveyors, in any Lands, Fields, Grounds, River, or Brook,  
 for the Purpose of amending the said Roads, or any Part or Parts thereof,  
 or shall get or take away any Stones or Gravel, or Materials out of any  
 Pit or Quarry, which shall have been made for the Purpose, before the  
 said Surveyor or Surveyors, or his or their Workmen, shall have discon-  
 tinued working therein for the Space of Three Months, (except the  
 Owner or Occupier of any private Ground, and Persons authorized by  
 such Owner or Occupier to get Materials therein for his or her own private  
 Use only, and not for Sale), every Person so offending shall forfeit, for  
 every such Offence, any Sum not exceeding Forty Shillings.

LIV. And be it further enacted, That it shall and may be lawful to and  
 Surveyor to  
 make Drains,  
 &c.  
 for the said Surveyor, and to and for any Person or Persons whom he shall  
 appoint, by Order of the said Trustees, to cut and make any Drains or  
 Ditches through or into any Lands or Grounds, adjoining or lying con-  
 tiguous to any Part of the said Roads in such Manner as such Surveyor  
 or Surveyors shall deem and judge necessary and proper for amending or  
 keeping in Repair any Part of the said Roads, and also to make a Way  
 or Ways through the Lands and Grounds adjoining to any narrow or rui-  
 nous Part or Parts of the said Roads (not being a Garden walled in,  
 Orchard, Yard, Deer Park, planted Walk, or Avenue to any House,) to  
 be made use of as a public Highway, whilst the narrow or ruinous  
 Part of the said Roads are widening or repairing, and until the same shall  
 be convenient and safe for the Passage of Travellers and Carriages, making  
 such reasonable Satisfaction to the Owners and Occupiers of such Lands  
 respectively, through and into which any such Drain shall be cut, or on  
 or over which any such temporary Roads shall be made, for the Damages  
 which such Owners or Occupiers respectively shall or may thereby sus-  
 tain, as shall be adjudged reasonable by the said Trustees; and in case  
 any Difference shall happen between such Owners or Occupiers and such  
 Trustees or Surveyor, touching such Damage, then, and in every such  
 Case, the said Difference shall be settled and determined as in case of pro-  
 curing Materials for the Purposes of the said Roads herein-before described  
 and enacted.  
 making rea-  
 sonable Satis-  
 faction.

LV. And be it further enacted, That it shall and may be lawful to and  
 Surveyor may  
 remove An-  
 noyances.  
 for the said Trustees, or any of them, their Surveyor or Surveyors, and  
 such Person or Persons as he or they shall appoint, from Time to Time,  
 to remove and prevent all Annoyances or Nuisances on any Part or Parts  
 of the said Roads by Walls, Rails, Steps, Sign Posts, or other Posts,  
 and

[Loc. & Per.]

12 E



and also by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains running into, along, or out of any Part of the said Roads to the Prejudice thereof, and to make the same as large and deep as he or they shall think proper, and to make or cleanse any Ditch or Watercourse next adjoining to any Part of the said Roads, and to cut down, lop, or top any Trees or Bushes growing in any Part of the said Roads; or in the Hedges or Banks adjacent thereto, in case the Person or Persons occasioning such Annoyances, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop, or top such Trees or Bushes, shall refuse or neglect to do so for the Space of Three Days next after Notice in Writing given for that Purpose, signed by any One or more of the said Trustees, or by their Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Trustee or Trustees, Surveyor or Surveyors, or other such Person or Persons as he or they shall appoint, by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person shall not, upon Demand, pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person, in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if, after the Removal of any of the said Annoyances, any Person shall again offend in the like Manner, every Person so offending shall, for every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Forty Shillings, and shall be applied to the Purposes of this Act, or to reward the Prosecutor, at the Discretion of the said Trustees.

Penalty on drawing Timber or Stone on the Roads otherwise than upon a Wheel Carriage.

LVI. And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheel Carriage, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon any Wheel Carriage, to drag upon any Part of such Roads to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Roads to be measured, and Milestones to be set up.

LVII. And be it further enacted, That the said Trustees shall and may cause the said Roads to be measured, and Milestones to be set up at or near the Sides thereof, at the Distance of One Mile from each other, and Posts to be erected to denote the Distance of every such Post from any Town or Place, as the said Trustees shall think fit, and also cause to be erected Guide-posts upon such Parts of the said Roads where the same are crossed or joined by other Roads, and also Tables of the Tolls at each Turnpike-Gate, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate, or deface any Mile-stone, Table of Tolls, or Post erected, or to be erected, on any Part of the said Roads, or any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully break, throw down, or injure any Stone or Stones, or Parapet Wall or Walls on the Side or Sides of any Bridge or Bridges, Arch or Arches, on any Part or Parts of the said Roads, every such Person shall forfeit and pay any Sum not exceeding Five Pounds for each Stone, Table of Tolls, Post, or Parapet-Wall so broken; thrown down, injured, or destroyed, or on which any Letters,

Penalty on damaging Milestones.



ters, Figures, or Marks shall be so obliterated or defaced; One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

LVIII. And be it further enacted, That if any Person shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on, or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any Foot-path or Causeway made or to be made on the Side or Sides of any Part of the said Roads, or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Foot-paths or Causeways; or if any Person shall plough over, or drag any Plough upon any Part of the said Roads, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Roads, to the Prejudice thereof; or if any Person shall keep, or have in his Possession, any Cur Dog, Bull Dog, or Mastiff, at any House within Fifty Yards of the Road, without a Block of Wood, of Five Pounds Weight at least, fastened to the Neck of such Dog; or if any Person shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads; or shall burn Lime, Buck's Weeds, or other Vegetables within One hundred Yards of the said Roads, or of any Part thereof, without the Consent of the said Trustees, or of their Surveyor or Surveyors; or if any Person shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, (without some reasonable Cause, to be allowed by the Justice before whom the Person so offending shall be summoned or conveyed, in order to his Conviction, or except with regard to such Waggon, Wain, Cart, or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near the Side of the said Roads as conveniently may be; in, upon, or on the Side of the said Roads, or any Part thereof, either with or without any Horse or Beast harnessed or yoked thereto, or shall spread any Skins or Linen, or Cloaths to dry, or shall winnow any Corn within One hundred Feet of the Center of any Part of such Roads, or shall lay any Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyance, whatsoever, upon any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or Annoyance of any Person or Persons travelling thereon, every Person so offending shall for every such Offence, forfeit and pay any Sum not less than Forty Shilings or more than Five Pounds, and shall be applied for the Purposes of this Act, or to reward the Prosecutor, at the Discretion of the said Trustees.

LIX. And be it further enacted, That all Dirt, Dung, Turf, Straw, Rubbish, or Scouring, and all Clay, Stones, Bricks, Sand, or Lime, which shall be laid on any Part of the said Roads, within Thirty Feet of the Center thereof, without the Consent of the said Trustees expressed in Writing for that Purpose, shall be, and is hereby declared to be forfeited; and it shall be lawful for any Person whatsoever to take, carry away, and convert the same to his or her Use; as also all Corn which shall be laid on any public Road for the Purpose of being winnowed, or shall be winnowing thereon, together with the Sacks and winnowing Cloths whereon the same may happen to be; and all Flax which shall be beating on any public Road,

or

For prevent-  
ing Annoy-  
ances, &c.



or be laid there for the Purpose of being beaten; and any May-pole or May-bush which shall be erected on the said Roads, or in any Part thereof, without the Let, Suit, Trouble, or Hindrance of any Person whatsoever.

No House to  
be built with-  
in 30 Feet  
of Center of  
Road.

LX. And be it further enacted, That no House, or Part of a House, shall be built within Thirty Feet of the Center of any Road, or within Fifteen Feet of the Side thereof, (except in the Streets of Corporate or Market Towns), and that if any Person shall build, or begin to build, or proceed in building, any House or Part of a House, within such Distance, every such Person shall forfeit the Sum of Ten Pounds, and the further Sum of Twenty Shillings for every Week afterwards until the same shall be pulled down or removed.

Drivers of  
Carriages  
punishable for  
wilful Neglect.

LXI. And whereas bad Accidents may happen, and great Mischiefs done upon the said Roads, by the Negligence or wilful Misbehaviour of Persons riding Horses and driving Carriages thereon: Be it therefore further enacted, That if any Person shall ride any Horse or other Beast, or shall lead or drive any Carriage on the said Roads, or on any Part thereof, save and except on that Side of the Road situate on his or her Left Hand, when meeting any other Carriage; or if the Driver of any Cart, Car, Dray, Wain, or Waggon, or other such Carriage, shall ride upon any such Carriage on the said Road, not having some other Person on Foot or on Horseback to guide the same, (save and except all such Carriages as are conducted by some Person holding the Reins of the Horse or Horses, or other Beast or Beasts drawing the same); or if the Driver of any Carriage whatsoever, on any Part of the said Roads, shall, by Negligence or wilful Misbehaviour, cause any Hurt or Damage to any Person or Carriage passing along such Roads, or shall quit the said Road, and go on the other Side of the Hedge or Fence inclosing the same, or wilfully be at such a Distance from such Carriage, while it shall be passing on such Roads, or on any Part thereof, that such Driver cannot have the Direction or Government of the Horse or Horses, or other Beast or Beasts drawing the same, or shall, by Negligence or wilful Misbehaviour, prevent, hinder, or interrupt the free Passage of any other Carriage, or of any of His Majesty's Subjects on the said Roads, or on any Part thereof, or if any Person driving or acting as the Driver of any Coach, Post Chaise, or other Carriage let for Hire, or of any Cart, Car, Dray, Wain, or Waggon, or other such Carriages, and committing any Offence or Offences against this Act, shall refuse to discover (on being thereunto required by any Person or Persons whomsoever) the true Christian Name or Names, and Surname or Surnames of the Owner or Owners, Proprietor or Proprietors of such Coach, Post-chaise, Cart, Car, Dray, Wain, Waggon, or other Carriage respectively, then and in every such Case every such Driver so offending shall for every such Offence, on being convicted thereof, either by his own Confession or by the View of a Justice of the Peace, or by the Oath of any credible Witness or Witnesses, forfeit and pay any Sum not exceeding Forty Shillings in case such Driver shall not be the Owner or Proprietor of such Coach, Post-chaise, Cart, Car, Dray, Wain, Waggon, or other Carriage, and in case such Driver shall be the Owner or Proprietor of such Coach, Post-chaise, Cart, Car, Dray, Wain, Waggon, or other Carriage, such Driver shall forfeit and pay the Sum of Five Pounds; and it shall and may be lawful to and for any Person or Persons whomsoever, who shall



ſee any ſuch Offence committed, to ſeize and apprehend, and alſo to and for any other Perſon or Perſons whomſoever, to aſſiſt in ſeizing and apprehending every ſuch Driver ſo offending, and by the Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them, into the Cuſtody of a Conſtable or other Peace Officer; in order to be ſecured and conveyed before ſome Juſtice of the Peace for the County, City, or Place where the Offence ſhall be committed, to be dealt with according to Law.

LXII. And whereas it would greatly relieve the Baronies of *Faſſaghdi-neen* and *Slievemarigue* if ſuch Parts of this Act as relate to the ſaid Road from *Carlow* to *Caſtlecomer* were immediately carried into Effect; be it therefore enacted, That it ſhall and may be lawful to and for the Grand Juries of the County of *Kilkenny* and the *Queen's County*, and they are hereby empowered to grant ſuch Sum or Sums of Money to be levied off the ſaid Baronies as they ſhall judge neceſſary for that Purpoſe; any Law, Uſage, Cuſtom, Matter, or Thing to the contrary thereof in anywiſe notwithstanding.

Empowering  
Grand Juries  
to grant Sums  
for New  
Road.

LXIII. And be it further enacted, That if any Perſon ſhall obſtruct, hinder, or moleſt any of the ſaid Trustees, or any Collector of Tolls, Treasuſer, Secretary, Surveyor, Workman, or other Perſon or Perſons whomſoever, who is or are employed in carrying this Act into Execution, in the Performance or Execution of his, her, or their Duty, or of any of the Matters or Things to be done by virtue or in purſuance thereof, every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not leſs than Forty Shillings or more than Ten Pounds,

Penalty on  
obſtructing  
Execution of  
the Act.

LXIV. And be it further enacted, That if any Perſon or Perſons, upon any Examination on Oath or Affirmation before the ſaid Trustees, or any of them, or any Juſtice of the Peace acting in Execution of this Act, ſhall wilfully and corruptly give falſe Evidence touching any Matter or Thing relating to this Act, or ſhall wilfully and corruptly ſwear or affirm any Matter or Thing which ſhall be falſe or untrue, every ſuch Perſon ſo offending, and being duly convicted thereof, ſhall be, and is hereby declared to be, ſubject and liable to ſuch Pains and Penalties as, by any Law in Force and Effect, Perſons guilty of wilful and corrupt Perjury are ſubject and liable to.

Penalty on  
Perſons guilty  
of Perjury.

LXV. And whereas Perſons guilty of Offences againſt this Act may be tranſient Perſons unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore further enacted, That it ſhall and may be lawful to and for any of the ſaid Collectors, Surveyors, or other Officers reſpectively, to ſeize and detain any ſuch unknown Perſon or Perſons guilty of any Offence againſt this Act, and forthwith convey him, her, or them, before One or more Juſtice or Juſtices of the Peace for the County, City, or Place, where any ſuch Offence or Offences ſhall be committed, without any other Warrant or Authority than this Act for ſo doing.

Power to  
Collectors,  
etc. to detain  
unknown  
Perſons guilty  
of Offences.

LXVI. And be it further enacted, That all Penalties or Forfeitures, by virtue of this Act impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender

Recovery and  
Application of  
Penalties.



or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for any County, Town, or Place, where the Offence shall happen, or by Warrant under the Hands and Seals of any Three or more of the said Trustees, (which Warrant such Justice and Trustees is and are hereby empowered to grant, upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath), and the Overplus, if any, of the Money arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures, when recovered, (if not herein-before directed to be otherwise applied), shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice or such Trustees, or any Three or more of them, and he and they is and are hereby authorized and required, by Warrant under his Hand and Seal, or their Hands and Seals, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, City, or Place where the Offence shall have been committed, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor less than Twenty-one Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

LXVII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, the Form of Conviction shall be in the Words, or to the Effect following; that is to say,

Form of Conviction.

‘ **B**E it remembered, That on this                      Day of                      in the  
 ‘                      Year of the Reign of                      A. B. is  
 ‘ convicted before                      of His Majesty’s Justices of the Peace for the  
 ‘                      or before                      or more of the Trustees appointed for ex-  
 ‘ ecuting an Act passed in the Forty-eighth Year of His present Majesty’s  
 ‘ Reign, intituled, &c. [*Here set forth the Title,*] of having [*as the*  
 ‘ *Offence shall be*], and I [*or, we*] the said                      do adjudge him  
 ‘ [*her, or them*] to forfeit and pay for the same the Sum of                      .  
 ‘ Given under my Hand and Seal [*or, our Hands and Seals*], the Day  
 ‘ and Year aforesaid.’

Actions to be brought in the Name of the Treasurer or Secretary, or one of the Trustees; but neither of them to be liable to the Payment of Costs.

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

Allowing an Appeal to the Quarter Sessions.

LXIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing, done in pursuance of this Act, such Person or Persons may appeal to the                      Justices



Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the County or Place within which the Matter of Appeal shall arise, next after the Expiration of Six Calendar Months, from the Time such Matter of Appeal shall have arisen; the Person or Persons appealing having first given Twenty Days Notice at least, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Secretary to the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices, at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein; and to award such Costs to either of the Parties, or otherwise, as they shall judge proper; and all such Determinations shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

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

Distress not to be unlawful for want of Form.

LXXI. And be it further enacted, That no Order, Verdict, Assessment, Judgment or other Proceedings made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Dublin*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings not to be quashed for want of Form, or be removable by *Certiorari*.

LXXII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty Days before such Action 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 any 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 the Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings,

Plaintiffs not to recover without Notice, or after Tender of Amends.



ceedings, Order, and Judgment shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

**Limitation of  
Actions.**

LXXIII. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall arise, and not elsewhere; and if any such Action or Suit shall be brought before Twenty Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in any other Cases by Law.

**Public Act.**

LXXIV. 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.

**Continuance  
of this Act.**

LXXV. And be it further enacted, That this Act shall commence and take place on the Third *Monday* after the passing thereof, and shall be in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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