ANNO TERTIO

GEORGII IV. REGIS.

Cap. cviii.

An Act for more effectually repairing the Road leading from the City of *Cork* to the Town of *Skibbereen* in the County of *Cork*, and a Branch therefrom communicating with the Town of *Kinsale* in the said County. [22d *July* 1822.]

WHEREAS a public Road has been made, leading from the City of *Cork* to the Town of *Skibbereen*, having a Branch therefrom of about Seven Miles in Length leading to the Town of *Kinsale*: And whereas such Roads were formed and have been heretofore maintained by the Application of Money presented by the Grand Jury of the County of *Cork*, and raised on the said County: And whereas in consequence of the making of such Roads there has been established between the City of *Cork* and the said Towns of *Skibbereen* and *Kinsale*, and other Towns in the Line of the said Roads, a considerable Intercourse, which has occasioned a constant wearing of the said Roads, and has rendered it necessary that continual Attention should be paid to the State of such Roads, and that Money should be constantly expended for keeping them in repair: And whereas it is reasonable and expedient that the Funds for the Repairs of such Roads should in future be raised as herein-after mentioned: 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

Trustees.

the Authority of the same, That all His Majesty's Justices of the Peace acting for the County of *Cork*, or for the County of the City of *Cork*, together with *Edward Hale Adderley*, *James C. Allman*, *George Allman*, *Thomas Alleyn*, *Richard Adams*, *Maskeline Alcock*, *James Adams*, the Right Honourable the Earl of *Bantry*, the Right Honourable Lord Viscount *Bernard*, the Right Honourable *William Smyth Bernard*, *William Wrixon Becher*, *Jemmet Browne*, *John Smith Barry*, *Thomas Biggs*, *Arthur Beamish Bernard*, *Samuel Bennett*, *John Beamish* of *Cashell*, *Henry Becher*, *Richard Becher* junior, *Jacob Biggs*, the Reverend *John Beamish*, *John Balwin*, *Thomas Baldwin*, *John Beamish* of *Ballyva*, *James Redman Barry*, the Reverend *William Lewis Beauford*, the Right Honourable Lord Baron *Carbery*, Sir *Nicholas Conway Colthurst* Baronet, *William S Curry*, *Chambre Corker*, *John Collis*, Lieutenant General *John Croker*, *William Conner*, *Robert Courtenay*, *Gerard Callaghan*, *Jonathan Clerke*, *Thomas Cuthbert*, *John Clarke* M.D., *John Cuthbert*, *Charles Clarke*, *Daniel Coghlan*, *Thomas Clarke*, *John Thomas Cramer*, *Rickard Deasy*, *Jeremiah Donovan*, *Richard Dunscombe*, the Right Honourable Lord Viscount *Ennismore*, *Robert Hedges Eyre*, *Nathaniel Evanson*, *J R Elmore*, *Thomas Evans*, *Savage French*, *William Fortune*, *Henry Franks*, *John Sadleir Forster*, *John French*, *Thomas Gibbins*, *Michael Galway*, *Henry Galway*, *Gerald H Gibbons*, *James Gibbons*, the Honourable *Christopher Hely Hutchinson*, *John Hyde*, *William Henry Herrick*, *Thomas Hornibrook*, *John Heard*, *Richard Hungerford* of the Island, *Richard Hungerford* of *Carrigeen*, *Edward Herrick*, *John Hinkston*, *Thomas Hungerford* of *Ross*, *Edward Hunt*, *Richard E Hull*, *William Hull*, *John Isaac Heard*, *Thomas Hewitt*, *Isaac Hewitt*, the Reverend *Joseph Jervois*, *Samuel Jervois*, the Right Honourable Lord Viscount *Kingsborough*, the Right Honourable Lord Baron *Kinsale*, the Reverend *Edward Herbert Kenny*, *Charles Henry Leslie*, *John Leslie*, Colonel *William Somerville Limerick*, *Richard Lane*, *George Waters Mellefour*, the Reverend *John Meade*, *Peter Mc Carthy*, *William Morris*, the Reverend *Robert Morritt*, *James Molony*, *John Molony*, *Charles Mc Carthy*, *Thomas Marmion*, the Reverend *Horatio Townsend Newman*, *John Nash*, Major General *O'Donovan*, *Murtogh O'Sullivan*, *William Orr*, *Edward O'Brien*, *Alexander O'Driscoll*, *Michael O'Driscoll*, *Timothy O'Driscoll*, Sir *David Perrier*, Sir *Anthony Perrier*, *Thomas Poole*, *Benjamin Popham*, *Samuel Perrott*, *Thomas Quin*, *Richard Quin*, *Thomas Rochford*, *George Rye*, *Parker Roche*, *John Ranclaud*, *Jonas Stawell*, *James Stawell*, *Charles Stawell*, the Reverend *William Stewart*, *Richard Smith* junior, *Robert Starkey* junior, *Richard Somerville*, *Francis Sealy*, *Jonas Morris Sealy*, the Reverend *Henry Stewart*, *Richard Smith* senior, *Robert Starkey* senior, *Robert Smyth*, *George Sandes*, *John Swetnam*, *William Starkey*, *Richard Boyle Townsend*, *Samuel Townsend*, *James Badham Thornhill*, *Robert Travers*, *John Moore Travers*, *Jonas Morris Townsend*, the Reverend *Fitzgerald Townsend*, Major *John Townsend*, the Reverend *Chambré Townsend*, *John Townsend*, *John Tucker*, *Richard Townsend*, *Winspear Toy*, *Richard Townsend* M.D., the Reverend *Richard Townsend*, Sir *Augustus Warren* Baronet, *Simon White*, the Reverend *Nicholas Wrixon*, the Reverend *John Wright*, *John Wheeler*, *Ekins Waring*, the Reverend *David Walsh*, and their Successors to be elected as herein-after mentioned, shall be and they are hereby appointed Trustees for repairing, widening, altering, diverting, turning, and from Time to Time improving and keeping in repair the said Roads herein-before mentioned and described leading to *Skibbereen*, and the aforesaid Branch thereof leading

to *Kinsale*, and for otherwise carrying this Act into full and complete Execution.

Power to appoint additional Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered at any Time or Times, to elect any Number of additional Trustees, not exceeding Twenty in the Whole, who shall have the same Power and Authority for executing this Act as if they had been hereby nominated and appointed.

Election of new Trustees on Vacancies arising.

III. And be it further enacted, That upon the Death, Refusal, or Disability of any of the said Trustees hereby appointed, or 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, and they are hereby authorized 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 being incapable of acting, and Notice of the Time and Place of the Meeting for every such Election, shall, by the Clerk of the said Trustees for the Time being, be inserted in one Newspaper published in the City of *Cork* Fourteen 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 said Trustee in whose Room or Stead he shall have been so elected.

Qualifications of Trustees.

IV. 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 alone, or Real and Personal Estate together, of the Value of One thousand Pounds, or shall be the Son of a Peer, or Heir Apparent of some Person possessed of any Estate in Lands of the clear yearly Value of One hundred Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed before any Two or more of the said Trustees an Oath, or being a Quaker made and subscribed an Affirmation in the following Form of Words, and which Oath or Affirmation the said Trustees, or either of them, at any of their Meetings to be holden in pursuance of this Act, are or is hereby authorized to administer:

Oath.

'I do swear [*or, being one of the People called* Quakers, do solemnly affirm], That I truly and *bonâ fide* am in my own Right '[*or*, in the Right of my Wife, *as the Case may be*] entitled to and in 'the actual Possession of Lands, Tenements, or Hereditaments of the 'clear yearly Value of Fifty Pounds [*or*, possessed of or entitled to a 'Personal Estate alone, or Real and Personal Estate together, of the 'Amount or Value of One thousand Pounds] [*or*, am Heir Apparent 'of *A. B.* who, to the best of my Knowledge and Belief, is possessed of 'such an Estate of the clear yearly Value of One hundred Pounds]; 'and that I will truly, faithfully, and impartially act in the Execution of 'the Trusts and Powers reposed in me by virtue of an Act passed in the

'Third

'Third Year of the Reign of King *George* the Fourth, intituled *An Act* '[*here set forth the Title of this Act*]. So help me GOD.'

Penalty on Persons acting without being qualified.

And if any Person not being so qualified, or not having taken and subscribed such Oath, or being a Quaker made and subcribed such Affirmation in manner aforesaid, 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, to be recovered, together with full Costs of Suit, 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 and 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 had 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 previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual, as if such Person or Persons had been qualified according to the Directions of this Act.

Act of Trustees not qualified valid if done before Conviction.

Person holding Place of Profit not to act as a Trustee.

V. And be it further enacted, That no Person appointed or to be appointed a Trustee for putting this Act into Execution, who shall have or accept any Place of Profit under this Act, shall during his Continuance in such Office be capable of acting as a Trustee in the Execution of this Act.

Victuallers, &c. incapable of acting.

VI. 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 any Wine, Cider, 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 or they shall keep such Victualling House, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cider, 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 or they do employ a Person or Persons to collect such Tolls who shall not be under any such Incapacity.

Trustees may act as Justices except where personally interested.

VII. 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 Cases where he or they shall be personally interested; and that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest for the same, shall on that Account be deemed disqualified to act as a Trustee.

VIII. And

First Meeting of the Trustees.

VIII. And be it further enacted, That they the said Trustees shall meet at the County Court House of *Cork* on the Second *Monday* and at the Market House of *Skibbereen* on the Fourth *Monday* after the passing of this Act; and in case there shall be no Meeting of the said Trustees on either of those Days, then and in such Case there shall be a Meeting of the said Trustees holden at the said respective Places on the *Monday* following each of those Days, and so *toties quoties* until there shall be a Meeting of the said Trustees between the Hours of Eleven in the Forenoon and Two 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 in the Towns of *Kinsale*, *Bandon*, *Clonakilty*, and *Ross Carbery*, or at any other Place near to the said Roads as to the Trustees shall seem convenient, 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 Clerk of the said Trustees, shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day within Fourteen Days then following, to be holden at the same Place; and the said Clerk shall cause Notice thereof to be inserted in one Newspaper, to be published in the City of *Cork*, 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.

Trustees to make Orders and appoint a Chairman.

IX. And be it further enacted, That all Acts, Orders, and Proceedings relating to this Act, which are authorized or directed to be had, made, done, or exercised by or before the said Trustees, shall and may be had, made, done, and exercised by or before the major Part of the said Trustees who shall be present at the respective Meetings, the whole Number present not being less than Five (except in such Cases where any other is herein mentioned); and all Orders and Proceedings had, made, or done by or before such Five Trustees, shall have the same Force and Effect, and be as binding on all Persons to all Intents and Purposes as if the same were had, made, done, or exercised by or before all the said Trustees: Provided always, that no Order or Proceeding 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), unless there shall be present at such Meeting Five Trustees at the least, nor unless the Majority of the Trustees present shall concur thereon; and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman), then and in such Case it shall and may be lawful to and for the Chairman to give the decisive and casting Vote.

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

X. 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 to be holden for that express Purpose, nor unless Notice, specifying the Revocation or Alteration intended to be made, be inserted by

Two-thirds of the Trustees present concur.

by the Clerk to the said Trustees in one Newspaper published in the City of *Cork*, at least Fourteen Days before such subsequent Meeting, or unless a Majority of Two-thirds 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.

Meetings on Emergencies.

XI. And be it further enacted, That if after any Adjournment of any Meeting aforesaid it shall at any Time or Times be thought necessary that a Meeting of the Trustees shall be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case any Two or more of the said Trustees, or the Clerk to the said Trustees (on an Order in Writing, signed by Two or more of the said Trustees, although not assembled at a Meeting), shall forthwith give Notice of such earlier Meeting, mentioning the Time, Place, and Purpose of such earlier Meeting, by inserting the same in some Newspaper published in the City of *Cork* (such Time not being less than Six Days after such Notice), and such earlier Meeting shall and may be held accordingly, and all the Proceedings of the said Trustees thereat shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment, provided that no other Business be done at such Meeting than such Business as shall be mentioned in the Notice calling for the same.

Proceedings to be entered in a Book.

XII. And be it further enacted, That the said Trustees shall cause to be kept and provided 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 such Trustees as shall be present at their several Meetings, and all Entries in such Book or Books being signed by the Chairman and Clerk then present, or either of them, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, Actions, Informations, Prosecutions, and legal Proceedings, touching or concerning any thing done in pursuance of this Act; and that such Book or Books shall at all Meetings of the said Trustees be kept open and liable to the Inspection of all and every 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 to be Evidence.

XIII. 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 maintained, amended, repaired, and improved by virtue of this Act, shall be and be deemed to be good and sufficient Evidence of such Proceedings in any Court whatsoever.

Accounts to be kept of Receipts and Disbursements.

XIV. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to direct a Book or Books to be provided and kept by their Clerk or Clerks for the Time being, in which Book or Books

such Clerk or Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or of any Creditor on the Tolls hereby granted without Fee or Reward, and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books without paying any thing for the same; and in case the said Clerk or Clerks shall not permit the said Trustees or Creditors to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or Clerks shall forfeit any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

Trustees to appoint and remove Officers, and allow Salaries.

XV. And be it further enacted, That the said Trustees may and they are hereby empowered, by Writing under their Hands, to appoint a Treasurer or Treasurers, Clerk or Clerks, and a Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and all 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, Clerk, Collector, Surveyor, and all such other Officers and Persons, and from Time to Time to remove such Officers and Persons respectively, as they the said Trustees shall see Occasion, and appoint others in the Room of such of them as shall be removed, or shall die or resign, or refuse or neglect to perform or become incapable of performing their Duty; and the said Trustees shall and may, out of the Monies to be received by virtue of this Act, allow and pay such Salaries and Allowances to the said Officers and other Persons as they the said Trustees shall think reasonable.

Trustees to take Security from Treasurers, Clerks, &c.

XVI. Provided always, and be it further enacted, That the said Trustees shall take such Security from their Treasurers, Clerks, Collectors, and other Officers for the due Execution of their respective Offices, and accounting for the Money received by them respectively, as to the said Trustees shall seem meet.

Officers to account.

XVII. And be it further enacted, That every Officer and Person who shall be appointed as aforesaid, shall from Time to Time, when thereunto required by the said Trustees, by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account, in Writing under his or her Hand, of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by him or her had, collected, or received by virtue of this Act, and how and to whom and for what Purpose the same and every Part thereof hath or have been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and he or she is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her 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 *Saturday* in the Month

Month of *June* yearly, or at a 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 of, and all the said Officers so accounting as aforesaid shall verify their said Accounts; and if any such Officer or Person shall refuse or neglect to render and deliver such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in Manner 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 Fourteen Days next after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his or her 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 a Complaint being made thereof 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, Town, or Place where the Officer or Person so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath and Oaths of any credible Witness or Witnesses (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 be in the Hands of or owing from such Officer or Person, such Justice may and he is hereby authorized and required, upon Nonpayment 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 or Person respectively, and if no Goods and Chattels of such Officer or Person respectively can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, without some reasonable Excuse, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County, City, Town, or Place where he or she shall be or reside, there to remain without Bail or Mainprize, until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall happen to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any), as shall in that respect have been made, or until he or she shall have compounded with the said Trustees for such Money and Charges, and shall have paid the Composition Money to the said Trustees,

or

or to such Person or Persons as they shall appoint to receive the same (and 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 Person who shall be committed for want of sufficient Distress, shall by virtue of this Act be detained in Prison for a longer Space of Time than Six Months, but such Commitment to Prison shall not be deemed a Discharge for any Money due from such Officer, nor exonerate his Surety or Sureties.

Clerks not to be appointed Treasurer, and vice versâ.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint or continue the Person or Persons who has or have been or may be appointed to act as their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, the Treasurer for the Purposes of this Act, or to appoint or continue any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the said Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit 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, nor more than One Imparlance shall be allowed.

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

XIX. 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 of *Great Britain* and *Ireland* called *Ireland*, for altering, amending, making, or repairing public Roads are invested with.

On the Death of a Collector Trustees may nominate another until the next Meeting.

XX. And be it further enacted, That it shall and may be lawful to and for any Three or more of the said Trustees, and they are hereby required upon the Death, Neglect, Refusal, or Incapacity to act of any of the Collectors of the Tolls hereby granted, by Writing under their Hands, to nominate and appoint some other fit Person in his or their 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 or she shall be so nominated and appointed; and if any Collector of the said Tolls who shall be discharged from his or their 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 Fourteen 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

If discharged Collector shall refuse to deliver Possession, any Justice may cause him to be removed.

or more of them, or if the Wife or Family of any such Collector who shall die as aforesaid, or any other who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such House, Building, and Appurtenances, within Fourteen Days after such Notice of a 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, Town, or Place where such Toll House shall stand or be, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistants 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 the Goods and Chattels, out of the Toll House and other Premises, and to put the new appointed Collector in Possession thereof.

Trustees empowered to erect Turnpikes and Toll Houses, and receive Tolls.

XXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at any Meeting of not less than Seven Trustees, by any Resolution in which not less than Two-thirds shall concur, to erect or cause to be erected any Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Roads respectively, except as herein-after is excepted, and upon or near the Sides thereof, or in or near unto or across any Lanes or Ways leading or that may hereafter lead into or out of the same, and to erect or cause to be erected such and so many Toll Houses as they shall think proper, with suitable Out-buildings and Conveniences at or near each Toll Gate, and it shall and may be lawful to and for the said Trustees, and they are hereby empowered in manner herein directed for the Purchase or taking of Lands, for the turning, altering, making, or widening of the said Roads respectively, to purchase and take Land sufficient for such Toll House or Toll Houses, not exceeding One Quarter of an Acre for each, with necessary Accommodations thereto, and from Time to Time to remove, alter, or discontinue such Turnpikes, Toll Gates, Bars, Chains, and Toll House, or any of them, as they the said Trustees shall from Time to Time think needful and expedient.

No Turnpike to be erected nearer to Cork than that Part of the Road branching off from the old Bandon Road.

XXII. Provided nevertheless, and be it further enacted, That no Turnpike or Turnpikes, Toll Gate or Toll Gates, Bar or Bars, Chain or Chains, shall be erected on any Part of the said Roads, or upon the Sides thereof, across any Lane or Way leading into or out of the same, which shall lie nearer to the City of *Cork* than that Part of the said Roads which branches off from the old *Bandon* Road, being One Mile and an Half, or thereabouts from *Cork:* And provided also, that it shall not be lawful for the said Trustees to expend any Sum or Sums raised or levied under or by virtue of this Act, in the repairing, improving, or amending any Part of the said Roads lying between the City of *Cork* and that Part of the said Roads so branching off from the old *Bandon* Road; but such Portion of the said Roads as lies between the City of *Cork* and the Part so branching off, shall be from Time to Time repaired, improved, and amended as may be found necessary under Presentments to be made by the Grand Jury of the County of the City of *Cork*, in like Manner as the same has been heretofore done.

XXIII. And

Turnpikes vested in the Trustees.

XXIII. And be it further enacted, That the Right and Property of and in the several Turnpikes, Toll Gates, and Toll Houses, and the several Conveniences and Appurtenances thereunto belonging, erected or made or to be erected or made upon or on the Sides of the said Roads, or any of them, or any Part thereof; and all Materials for building and repairing the same, and for repairing the said Roads, or any Part thereof, and all Fences and Rails to be erected and set up by the said Trustees upon or on the Sides of the said Roads respectively; and all Milestones, Direction Posts, Tables of Tolls, and Posts to be erected by the said Trustees; and also all Materials, Tools and Implements, Articles and Things, which shall be purchased, collected, or provided for the Purposes 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 sell or dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, and to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall steal, break down, damage, take away, injure, or spoil any such Turnpikes, Toll Gates, Toll Houses, Fences, Rails, Milestones, Tables of Tolls, Posts, Conveniences, Appurtenances, Materials or Articles, or disturb them the said Trustees or their Agent or Servant in the Possession thereof, in all which Actions or Bills of Indictment respectively it shall be deemed and taken sufficient to state generally that such Turnpikes, Toll Gates, Toll Houses, Fences, Rails, Articles, Thing or Things for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment be preferred, is or are the Property of "The Trustees for repairing the Roads leading from the City of *Cork* to the Towns of *Skibbereen* and *Kinsale*," without particularly stating or specifying the Name or Names of all or any of the said Trustees.

Trustees may receive Tolls.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take, or cause to be demanded and taken at the said respective 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,

Tolls.

For every Coach, Berlin, Landau, Vis-a-vis, Chariot, Chaise, Phaeton, Curricle, Cabriolet, Calash, Chair, Gig, Dog Cart, 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 the like Description drawn by Four or Five Horses, or other Beasts of Draught, the Sum of Two Shillings and Sixpence:

For every Carriage of the same or 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 like Description drawn by One Horse, or other Beast of Draught (if a covered Carriage), the Sum of Ten-pence:

For every Carriage of the same or like Description drawn by One Horse, or other Beast of Draught (if an open Carriage), the Sum of Sixpence Halfpenny:

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

For every Horse and other Beast of Draught drawing any Waggon, Wain, Dray, or such other 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 and Shoeings so set on or fastened, the Sum of Three-pence:

For every Horse and other Beast of Draught drawing any Waggon, Wain, Dray, or other such Carriage with a fixed Axletree (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, the Sum of Four-pence:

For every Horse and other Beast of Draught drawing any Waggon, Wain, Dray, or other such Carriage with a fixed Axletree (not being a Cart or Car), having any Streak or Streaks, Shoeing or Shoeings of any 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, the Sum of Sixpence Halfpenny:

For every Horse and other Beast of Draught drawing any Cart or Car with a fixed Axletree, having the Streaks or Shoeings of all the Wheels thereof respectively of the Breadth of Three Inches 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 above One-fourth of an Inch beyond the Surface of such Streaks or Shoeings respectively, the Sum of Three-pence, or if with Two Horses, Five-pence:

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

For every Horse and other Beast of Draught drawing any Cart or Car with a fixed Axletree, 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 Four-pence, or if with a rolling Axletree the Sum of Five-pence:

For every Horse, Mule, or Ass, laden or unladen, the Sum of One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Twenty-pence *per* Score; and so in proportion for any greater or less Number:

For every Drove of Hogs, the Sum of Ten-pence *per* Score; and so in proportion for any greater or less Number: And,

For every Drove of Calves, Sheep, or Lambs, the Sum of Five-pence *per* Score; and so in proportion for any greater or less Number.

Table of Tolls.

XXV. And be it further enacted, That a Table of Tolls payable under this Act shall be affixed on all the Toll Houses erected or to be erected on the said Roads, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Collectors may measure the Dimensions of Wheels.

XXVI. 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.

Tolls vested in the Trustees.

XXVII. And be it further enacted, That the said Tolls shall and they are hereby declared to be vested in the said Trustees, and a Table thereof 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 or distrained, any Carriage, Horse or Horses, or other Beasts or Cattle chargeable with the said Tolls, or their respective Bridles, Saddles, Harness, or Accoutrements, or any Part or Parts thereof; but no such Bridle shall be seized or distrained without the Horse or Beast; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and detaining and keeping the same, shall not be paid within Three 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 a sufficient 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.

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

XXVIII. 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, such Dispute shall be settled and determined by some Justice of the Peace for the County, City, or Place near 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 Distress, or the Overplus after the Sale thereof, or any Part thereof.

Only One Toll to be demanded in One Day on such Part of the Road as lies between the Old Bandon Road and Glauncummam Bridge.

XXIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Collectors of the said Tolls to demand any more than One Toll in 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 such Part of the said Road as is situated between that Part of the Road branching off from the old *Bandon* Road, being One Mile and a Half, or thereabouts, from *Cork* and *Glauncummam* Bridge; all and every such Person and Persons producing a Ticket denoting that such Toll hath been paid on such Part of the said Road on 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 Payment of such Toll.

Only One Toll to be demanded in One Day on such Part of the Road as lies between Glauncummam Bridge and Bandon.

XXX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Collectors of the said Tolls to demand or take any more than One Toll in One Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on 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 such Part of the said Road as is situate between *Glauncummam* Bridge and *Bandon;* and all and every such Person and Persons producing a Ticket denoting that such Toll hath been paid on such Part of the said Road on 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.

Only One Toll to be demanded in One Day on such Part of the Road as lies between Bandon and Clonakilty.

XXXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Collectors of the said Tolls to demand or take any more than One Toll in One Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on 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 such Part of the Road as is situate between *Bandon* and *Clonakilty*, all and every such Person and Persons producing a Ticket denoting that such Toll hath been paid on such Part of the said Road on 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.

Only One Toll to be demanded in One Day on such Part of the Road as lies between Clonakilty and Rosscarbery.

XXXII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Collectors of the said Tolls to demand or take any more than One Toll in 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 such Part of the said Road

Road as is situate between *Clonakilty* and *Rosscarbery*, all and every such Person and Persons producing a Ticket denoting that such Toll hath been paid on such Part of the said Road on 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.

Only One Toll to be demanded in One Day on such Part of the Road as lies between Rosscarbery and Skibbereen.

XXXIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Collectors of the said Tolls to demand or take any more than One Toll in any One Day (such Day being 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 such Part of the said Road as is situate between *Rosscarbery* and *Skibbereen*, all and every such Person and Persons producing a Ticket denoting that such Toll hath been paid on such Part of the said Road on that Day for and in respect of such Carriage, Horse, Beast, or other Cattle; which Ticket every such Collector is hereby required to deliver *gratis* on Payment of such Toll.

Only One Toll to be demanded in One Day on such Part of the Road as is between Glauncummam Bridge and Kinsale.

XXXIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Collectors of the said Tolls to demand or take any more than One Toll in 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 such Part of the said Road as is situate between *Glauncummam* Bridge and *Kinsale*, all and every such Person and Persons producing a Ticket denoting that such Toll hath been paid on such Part of the said Road on 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.

Stage Coaches, &c. liable to Toll every Time of passing.

XXXV. Provided always, and be it further enacted, That the Tolls by this Act granted shall be paid, for and in respect of all Horses or other Cattle drawing any Stage Coach or other such like public Carriage, or any Caravan or Carriage travelling for Hire (except Post Chaises), every Time they shall pass along or upon any of the said Roads included in this Act, and for and in respect of all Post Horses or Mules drawing any Post Chaise or other such Carriage every Time they shall pass along or upon the said Roads, or any or either of them, in case of a fresh Hiring of such Post Chaise or other Carriage.

Exempting Return Chaises, &c. from Payment of Tolls for repassing.

XXXVI. Provided also, and be it further enacted, That all Horses drawing or having drawn any Post Chaise or other such like Carriage, for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Roads, shall, on returning before Nine o'Clock on the following Morning, unless in case of a fresh Hiring, be permitted to repass Toll-free, although such Horses, Chaise, or other Carriage shall not have passed through such Turnpike on the same Day.

XXXVII. Pro-

Exempting the Royal Family from Tolls.

XXXVII. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom.

General Exemptions from Toll.

XXXVIII. And be it further enacted, That no Toll shall be demanded or taken for any Horse or other Cattle employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stones, Gravel, Brick, Timber, Wood, or other Materials for the repairing of the said Roads, or any of the Highways or public Roads in the Parishes or Places in which the Roads hereby intended to be repaired and improved, or any Part thereof, do lie, or laden only with any Potatoes, Hay, Straw, Corn in the Straw, or Wood for the Owner's Fuel or Consumption (cut and taken from Lands in his own Occupation), unsold and not for Sale, but to be laid up in the Houses, Outhouses, Yards, or on the Premises of any Inhabitant of the respective Parishes in which the said Roads do lie, or with any Plough, Harrow, or other Implement of Husbandry, or for or in respect of any Horse or other Beast or Cattle going for the Purpose of or returning from ploughing, sowing, tilling, or cultivating any Land or Ground, or going to or returning from Water or Pasture, if within Two Miles, or going to be or returning from being shoed or farried; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying any of His Majesty's Mails; or for or in respect of any Carriage, Horse, or other Beast attending any Officers or Soldiers upon their March or on Duty, or carrying or conveying any of their Arms or Baggage, or any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for or in respect of any Carriage, Horse, or other Beast carrying or conveying any Vagrant or Vagrants sent with legal Passes; or any Prisoner or Prisoners in Custody under a legal Warrant; or for or in respect of any Horse furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have the Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; or for any Horses or other Beasts conveying or drawing any Person or Persons who shall attend the Funeral of any Person dying or to be buried in any of the said Parishes, or from any Clergyman going to or returning from visiting any sick Person, or upon any of his parochial or ministerial Duty on a *Sunday*, or on *Christmas Day* or *Good Friday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor shall any Toll be demanded or taken for or in respect of any Horse, Cattle, or Beast carrying any Passenger, or drawing any Coach, Landau, Landaulet, Chariot, Gig, or other Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Cork* on the Day or Days of such Election, or on the Day

Day before or the Day after such Election shall begin or be concluded; and that if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, or shall make use of any Fraud whatsoever whereby the Payment of the Tolls granted by this Act or any Part thereof shall be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, whereof one Moiety shall be applied towards repairing and amending the said Roads, and the other Moiety thereof shall be paid to the Use of the Informer.

Exempting certain Carriages laden with Lime.

XXXIX. And be it further enacted, That no Cart, Car, or other Carriage drawing Lime or Limestone, *bonâ fide* for Manure or the Improvement of Lands, shall be liable to pay Toll at any Gate to be erected on the said Roads, provided the same be carried in Carriages having fixed Axletrees; and that if any of the same be drawn by One Horse the Wheels of such Carriage shall be of the Breadth of Three Inches, or if by Two or more Horses with Wheels of the Breadth of Five Inches.

Owners of Carriages employed in conveying Ordnance Stores may add additional Number of Horses.

XL. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be stopped and detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Penalty on evading Tolls.

XLI. 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 counterfeit 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 Roads 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 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 Turnpikes or Gates, or shall take off or cause to be taken off any Horse or other Beast from any Carriage, 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 Twenty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

For preventing Toll Collectors from taking undue Tolls.

XLII. And be it further enacted, That all and every Toll Collector being Lessee of the Tolls authorized to be collected upon the said Roads, or appointed or continued either by the said Trustees respectively, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be erected by virtue of this Act, shall and he or she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately on his or her coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall be upon Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he or she shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his or her Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll when demanded (all which Tickets the Collectors of the Tolls are hereby required to deliver *gratis* on the Receipt of such Toll, and such Tickets shall name and specify the several Gates freed by the Payment of such Toll), or shall unnecessarily detain any Passenger or Passengers, or shall make use of abusive Language to any Traveller, Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Tickets to be delivered.

XLIII. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by virtue of this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Ticket denoting such Payment, and which Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several or respective Gates which such Ticket shall free, or which ought under the Provisions of this Act to be passed free for one Payment of Toll.

Collectors of Tolls to be competent Witnesses.

XLIV. 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 so 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 in giving Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their Appointment to collect such Tolls.

Tolls may be compounded for.

XLV. 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 Carriage or Carriages, Horse or Horses, Beasts or Cattle, passing on the said Roads, or any Part or Parts thereof, for all or any of the Tolls to be paid in respect of such Carriage or Carriages, Horse or Horses, Beasts or other Cattle, and all such Composition shall be paid in advance quarterly, or otherwise, as the said Trustees or Surveyors shall appoint, and in default thereof every such Composition shall be null and void to all Intents and Purposes whatsoever.

Tolls may be let.

XLVI. 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 lease and demise the Tolls to be collected by virtue of this Act, or any Part thereof, to any Person or Persons whomsoever, for any Term not exceeding the Term of Three Years, at and for the largest yearly Sum that can be reasonably gotten for the same, upon causing Fourteen Days Notice of their Intention to let or farm such Tolls to be inserted in one Newspaper published in the City of *Cork*, Fourteen Days at least before such Meeting, provided that the Leases, Contracts, or Agreements of or for the same be in Writing, and be duly executed by the Lessee or Lessees, Farmer or Farmers of such Tolls, and also by any Five or more of the said Trustees, and the Rent which shall be agreed to be paid for the said Tolls shall be made payable and shall be paid to the Treasurer of the said Trustees quarterly in advance; and sufficient Security shall be given for the Payment or such Rent to the Satisfaction of the said Trustees, or in default thereof every such Lease, Contract, or Agreement shall be null and void to all Intents and Purposes whatsoever.

Lessees of Tolls invested with Power to collect.

XLVII. And be it further enacted, That during such Time as the said Tolls, or any Part of Parts thereof, shall be leased, demised, or let 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, authorize 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 as aforesaid is by this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and 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 as aforesaid is subject or liable to.

Penalty on Lessees, Farmers, Renters, or Collectors taking Tolls not authorized.

XLVIII. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls shall demand and take, or cause to be demanded and taken, from any Person or Persons any Toll not authorized by this Act to be taken, or a greater or less Toll than authorized to be taken by or under this Act, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and also his Contract for renting the Tolls shall be declared to

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be vacated, if the said Trustees shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Enabling Trustees to take Possession of Toll Houses in case of Non-performance of the Terms of the Lease.

XLIX. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear for the Space of Fourteen Days next after any of the Days on which the same ought to be paid pursuant to the Agreement for demising or letting thereof; or in case such Lease or Agreement shall in any other Manner become void, then and in either of such Cases it shall and may be lawful for any Justice of the Peace for the County or Place where the Toll Gate or Toll House shall be situate, and he is hereby required, upon Application made to him by the said Trustees, or their Clerk or Clerks, Treasurer or Treasurers, or any other Person authorized, by Writing under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any or every such Toll House or Toll Houses, Toll Gate, Bar or Chain, and the Buildings, Gates, and Appurtenances thereunto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls, and also any other Person or Persons residing thereat respectively from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or any Person acting by or under their Authority, Possession thereof; and that thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Demise of the said Tolls, or the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part), as if such Demise or Agreement had never been made; and in that Case, or in case the Lease and Agreement shall otherwise become void, it shall and may be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner, as if no former Demise, Contract, or Agreement had been made relative thereto.

Trustees may enter into Contracts.

L. 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, altering, widening, and amending 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, but no such Contract or Contracts shall be entered into save and except Fourteen Days Notice at the least shall be given previous to the entering into the same in one Newspaper published in the said City of *Cork*, expressing the Purpose or Purposes of such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered to the said Trustees at a certain Time

Time and Place in such Notice to be mentioned; and the said Trustees shall and they are hereby required to take Security from every such Contractor for the due Performance of his or her Contract, and every such Contract shall be signed by Five of the said Trustees, and by the Person or Persons contracting to perform such Works respectively, which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees.

Contracts not to be made for more than Three Years.

LI. And be it further enacted, That no such Contract or Contracts shall be deemed good, valid, or effectual, if the same shall have been made for a longer Space or Term than Three Years from the Time of entering into such Contract or Contracts.

Trustees may compound for Breach of Contracts.

LII. 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 Nonperformance 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 Nonperformance of such Contract or Contracts, and all Costs, Charges, and Expences which shall be occasioned thereby.

Trustees may borrow Money.

LIII. 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, at any Meeting of not less than Thirteen Trustees, in which not less than Two-thirds present shall concur, to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary for the Purposes of this Act, not exceeding the Sum of Five thousand Pounds, and by Writing under the Hands and Seals of the said Number of Trustees at least to assign over the Tolls hereby 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 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 Assignees; such Interest to be paid and payable by equal quarterly Payments at the Dwelling House of the Treasurer to the said Trustees for the Time being, all which Assignments shall be in the Words or to the Effect following;

Form of Mortgage.

‘ BY virtue of an Act of Parliament made in the Third Year of the Reign of His present Majesty King *George* the Fourth, 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, let, and demise unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, 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 and advanced on the

'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 inserted, and Assignments may be transferred.

And all such Assignments shall be numbered, commencing with Number One, and so proceeding in an arithmetical Progression ascending; and Copies of all such Assignments, and the Numbers thereof respectively, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks 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 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;

Form of Transfer.

'I *A. B.* being entitled to the Sum of secured to 'Executors, Administrators, and Assigns, by virtue of an Assign- 'ment bearing Date the Day of under the Hands and 'Seals of the Trustees acting in Execution of an Act of Par- 'liament made in the Third Year of the Reign of His Majesty King 'George the Fourth, intituled [*set forth the Title of this Act*], upon the 'Credit of the said Act, do hereby transfer all my Right and Title in 'and to the same, and all Principal and Interest Money now due and 'arising thereon, unto *C. D.*, Executors, Administrators, and Assigns. 'Dated this Day of in the Year of our Lord .'

Notice of Transfer to be given to the Clerk.

And every such Transfer shall be produced and notified to the Clerk to the said Trustees within Two Calendar Months next after the Date thereof, who shall cause an Entry or Memorandum to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred in the said Book or Books to be kept for entering the said original Assignments to be made by virtue of this Act, and for which Entry the Clerk who shall enter the same shall be paid One Shilling, 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 Memorandum made thereof as aforesaid, it shall not be in the Power of the Person or Persons making such Transfer to make void, discharge, or release the same, or the Monies thereby due, or any Part thereof; and all Persons to whom such Assignments or Transfer shall be made as aforesaid shall be, in proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of the said Priority of advancing any such Monies, or of the Dates of such Mort-

gage or Assignment: Provided nevertheless, that before any Sum or Sums of Money shall be taken up or borrowed, Fourteen Days Notice at the least shall be given of the Intention of borrowing such Money, by inserting the same in one Newspaper published in the City of *Cork*.

Notice to be given previously to borrowing Money.

LIV. And in order that no Preference may be given to any Person or Persons who shall advance or 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 equal to the Sum of Fifty Pounds after Payment of the Interest of the Money borrowed by virtue 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 the Numbers of all Assignments granted 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 Clerk of the said Trustees; and after every such Ballot the said Trustees shall cause Notice, signed by their Clerk, 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 Three Calendar Months Notice shall be given 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 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 Three Calendar Months after the Day of giving or leaving such Notice as aforesaid, and the Interest of the Principal Money to be paid off shall from and after the Day to be 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.

Creditors to be paid by Ballot.

LV. And 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, 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 respectively comprized 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 Clerk, 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 Purpose thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting,

Trustees may turn or alter the Course of any Part of the Road, and may contract for the Purchase of Lands for that Purpose.

diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads respectively 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 a 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 be 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 old Road Way ought to have been kept in repair; and after any such Lands shall be made Part of the said Roads as aforesaid, the Lands and Grounds comprized in or constituting the former Roads in lieu whereof such Lands or Grounds shall be purchased as aforesaid, shall be 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 enrolled with the Clerk of the Peace for the said County of *Cork*, or Town Clerk of the said City of *Cork*, according to the Jurisdiction in which such Lands or Grounds shall lie, shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Deviation not to exceed certain Limits.

LVI. Provided always, and be it further enacted, That the said Trustees in improving, diverting, or altering the said Roads, or either of them, shall not deviate more than One hundred Yards of Three Feet each from the present Lines thereof respectively, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviations shall be made.

Trustees may purchase for making Roads.

LVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which it may be necessary to purchase for widening, diverting, altering, and improving the said Roads respectively, and also for making all necessary Fences on the Side of the said Roads, and for the Erection of Toll Houses with necessary Accommodations thereto for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful to and for all Bodies Politic or Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, or any Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every other Person

Person and Persons whomsoever who are or shall be possessed of or interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or who shall sustain any Damage as aforesaid, to sell and convey, by Conveyance, Lease and Release, or Bargain and Sale enrolled, unto the said Trustees, all or any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof for the Purposes aforesaid, and all Contracts, Sales, and Conveyances which shall be so made, shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Title, Trusts, and Interests whatsoever, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

If Persons refuse to treat Trustees may cause a Jury to be summoned, who shall assess Damages.

LVIII. And be it further enacted, That if any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, General or Special, or for Years determinable on any Life or Lives, or any Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or sustaining any Damage as aforesaid, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of any of such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, shall, for the Space of Twenty 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 shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value, or Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County or Place wherein any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie; and in order thereto the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath the said Trustees, any or either of them, are and is hereby empowered to administer); and such Trustees shall, by ordering a View or otherwise, use all 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 enquired of and assessed such Damages and Recompence, they the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested, according to the Verdict or Inquisition of such Jury; and such Verdict or Inquisition, and Judgment, Order, and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or

otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, General or Special, or for Years determinable on any Life or Lives, as well as all and every Persons and Person whomsoever.

Trustees to issue Warrants to impannel a Jury

LIX. And be it further enacted, That for summoning and returning such Juries the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriffs or Sheriff of the County of the City or County wherein such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie, commanding him to empannel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriffs or Sheriff, or their or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriffs or Sheriff, or their or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriffs or Sheriff, or their or his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who without sufficient Excuse shall not appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, shall, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient Excuse, refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no one Fine be more than Ten Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person for one Offence.

How the Expences of the Jury and Witnesses are to be borne.

LX. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning and returning

the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, after having been ascertained and settled by some Justice of the Peace for the County or Place where the Cause of Dispute shall arise, not interested in the Matter in question (who is hereby authorized to examine and settle the same), shall be borne and paid by the Treasurer or Treasurers to the said Trustees out of any Money which shall then be in his or their Hands, or out of any Monies to be received by virtue of this Act; and in case the same be not paid on Demand, shall and may be recovered from the said Treasurer or Treasurers in manner hereby directed for the Recovery of Penalties or Forfeitures; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne or paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question (who is hereby required to examine and settle the same), 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 to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand after being so ascertained and settled as aforesaid, may be recovered by the Treasurer or Treasurers, Clerk or Clerks to the said Trustees, by the Ways and Means herein-after 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.

Money allowed for Lands how to be charged and tendered.

LXI. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid out of any Monies in the Hands of the said Trustees, or out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties, or Person or Persons respectively entitled thereto, or to their Agents; and upon Payment thereof, or depositing the same in the Bank of *Ireland* in manner by this Act directed (as the Case may be), and after Twenty Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises respectively, shall and may be taken and used for the Purposes of this Act; and such

Lands,

Lands, and the Scite of such Houses, Buildings, Tenements, Hereditaments, and Premises shall be laid into and made Part of the said Roads, in such Manner as the said Trustees shall direct, and shall be by them, or such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes become and be deemed and taken to be a common Highway, and be from thenceforth Part of the said Roads for ever thereafter, and shall be repaired and kept in repair by the said Trustees, and by the same Ways and Means as any other Highway is or ought by Law to be kept in repair, and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands or Hereditaments; and after such new Roads shall be completed, the Lands constituting any former Road or Roads which may thereby become useless or unnecessary shall or may be stopped up or discontinued, unless leading over some Moor, Common, uncultivated Land or Waste Ground, or to some Village, Town, or Place to which such new Road or Roads doth not or do not lead, and shall be vested in, and shall and may be sold and conveyed by the said Trustees, in the Manner herein-after mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances, being executed by the said Trustees, and enrolled in the Office of the Clerk of the Peace for the County wherein such Roads shall be situate, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Houses, &c. not to be pulled down without Consent.

LXII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the said Trustees in constructing, making, diverting, or altering the Line of the said Roads, to take or pull down, injure or damage, any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground, planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

When Pieces of Land are to be sold, the first Offer to be made to the original Proprietors.

LXIII. Provided always, and be it further enacted, That the said Trustees before they shall sell and dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act as aforesaid shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or in case such Ground shall be a Piece or Pieces of old Road, to the Person or Persons whose Land shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, City, or Place where such Ground is situate (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts be sufficient Evidence and Proof that such Offer was made and was refused, or not agreed to by the Person or Persons to whom such Offer was made

(as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act, and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by the Jury to be the Value thereof; and the Expences of hearing and determining such Difference shall be borne and paid in Manner herein-before directed with respect to such Purchases made by the said Trustees *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the Trustees to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money, and the Conveyance of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Road herein-before directed to be sold.

Application of Compensation Money, if amounting to 200l.

LXIV. 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, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, or Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any other Person or Persons whose Lands, Houses, Buildings, Tenements, Hereditaments, and Premises are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery in *Ireland*, to be placed to his Account thereof, *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 signed 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, Houses, Buildings, Tenements, Hereditaments, and Premises, in or towards the 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, Houses, Buildings, Tenements, Hereditaments, and Premises, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or to the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises 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 or Settlement shall be existing undetermined or capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the High Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Government Securities; and in the meantime, and until the said Government Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said 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, Houses, Buildings, Tenements, Hereditaments, and Premises so to be purchased, in case such Purchase or Settlement were made.

Where less than 200l. and amounting to 20l.

LXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount 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, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, 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, 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 Three Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the 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 and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under 20l.

LXVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid, as next herein-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 who would for the Time being have been entitled to the Rents and Profits of the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises 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, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

LXVII. And

In case of not making a good Title, Purchase Money to be paid into the Bank.

LXVII. 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, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used under or by virtue of the Powers 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 the 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 any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises (describing them), subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Courts shall appear 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 therein for what and for whose Use the same is are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank of *Ireland* as aforesaid.

Persons in Possession to be deemed entitled.

LXVIII. 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 High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or of any Estate, Right, Title, or Interest in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Government Securities to be purchased with any such Money, or the Dividends or Interest of any such Government Securities, the Person or Persons who shall have been in Possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises 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, Houses, Buildings, Tenements, Hereditaments, and Premises according to such Possession until the contrary shall be shewn to the Satisfaction of the High Court of Chancery; and the Dividends or Interest of the Government Securities to be purchased with such Money, and also the Capital of such Government Securities, shall be paid, applied, and disposed

posed 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, Houses, Buildings, Tenements, and Hereditaments and Premises, or some Estate or Interest therein.

Court may order reasonable Expences to be paid by Trustees.

LXIX. 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, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and be applied in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid to 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 Court shall direct.

For getting Materials for repairing the Roads.

LXX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, their Surveyor or Surveyors of the said Roads, and to and for all such Persons as they shall respectively appoint to search for, cut, dig, get, gather, and take away any Furze, Heath, Beach, Stones (provided the Quarry from whence such Stones shall be taken be open at the Time when such Stones shall be so taken), Gravel, Sand, or other Materials for constructing, altering, amending, improving, or repairing the said Roads, or for other the Purposes of this Act, out of any Common or Waste Ground, River or Brook, in any Parish, Township, Hamlet, Division, District, or Place in or near which any Part of the Roads hereby directed to be made, amended, altered, or repaired shall lie, or in any adjoining 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 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 Person as aforesaid, may, by Order of Two or more Justices for the County of *Cork*, or County of the City of *Cork*, as the Case may be (such Order to be made in manner herein-after directed, and a Copy thereof to be given to such Surveyor or Surveyors, attested and signed by the Clerk of the said Trustees), 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, or Paddock, or Field enclosed with a Wall made of Lime, Mortar, Stone, or Brick of the Height of Five Feet at the least, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set a part as a Nursery for Trees in any Parish, Township, Hamlet, Division, District, or Place in which

any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, Hamlet, Division, District, or Place, making or tendering such Satisfaction for the Damages done thereby to the Owners 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 respectively shall be carried, for Damage done to the Soil only, unless the Quarries and Gravel Pits shall have been before the passing of this Act demised to the Occupier thereof, with Liberty to sell and 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 and Occupiers, or any of them, concerning such Damages, it shall and may be lawful to and for any Two or more Justices of the Peace for the County, City, or Place where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away or over, on Application made to them for that Purpose, and Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payment and Damages; and the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

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

LXXI. 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 altering and repairing such Roads, out of or from any inclosed Lands or Grounds until Two 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 any Two or more Justices of the Peace acting for the County, City, Town, 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 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 Justices shall seem proper; and if such Occupier shall neglect or refuse to appear, without sufficient Excuse by himself or his Agent pursuant to such Notice, the said 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.

Penalty on taking away Materials.

LXXII. And be it further enacted, That if any Person or Persons whomsoever shall remove or take away any Stones or Gravel, or other Materials laid upon the said Roads for the Repair thereof, without the Order of the said respective Trustees, or their Surveyor or Surveyors for that Purpose; or if any Person or Persons whomsoever shall take away any Stones or Gravel, or other Materials which shall have been dug or gathered by or by the Order of the said Trustees, or their Surveyor or Surveyors, in any Lands, Fields, Grounds, River or Brook, for the Purpose of altering or amending the said Roads, or any Part or Parts thereof,

thereof, or shall get or take away any Stone or Gravel, or Materials, out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for altering or amending the said Roads, or any Part thereof, before the said Surveyor or Surveyors, or his or their Workmen shall have discontinued working therein for the Space of Six Weeks, except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his, her, or their own private Use only, and not for Sale, every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Surveyor to make Drains, &c. making reasonable Satisfaction.

LXXIII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and to and for any Person or Persons whom he or they shall appoint, by Order of the said respective Trustees, to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Roads, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for altering, 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 ruinous Part or Parts of the said Roads (not being a Garden walled in, Orchard, Yard, Paddock, planted Walk or Avenue to any House), to be made use of as a public Highway whilst the narrow or ruinous Parts 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 sustain, as shall be adjudged reasonable by the said Trustees; and in case any Difference shall happen between such Owners or Occupiers and such Trustees, Surveyor or Surveyors respectively, touching such Damage, then and in every such Case the Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the said County of *Cork* or County of the City of *Cork*, according to the Jurisdiction in which the Land shall lie, next after the Expiration of Ten Days from the Time of doing such Damage, shall and they are hereby authorized and required to hear, settle, and determine the same, and their Determination therein shall be final and conclusive.

Surveyor may remove Annoyances.

LXXIV. And be it further enacted, That it shall and may be lawful to and for the said respective Trustees, or any of them, their respective Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (by Direction and under the Hands of any Two or more of the said Trustees or Surveyors), 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, Side Posts, or other Posts, 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, at proper Seasons of the Year, 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 Annoyance, 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 Five Days next after Notice in Writing given for that Purpose, signed by any Two or more of the said Trustees, or by their respective Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said respective 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 Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

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

LXXV. And be it further enacted, That if any Person shall haul or draw, or cause to be hauled 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 either of such Roads, to the Prejudice thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

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

LXXVI. 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 End of One Mile from each other, and Posts to be erected to denote the Distance of every such Posts 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 the other Roads, and also Tables of 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 Milestone, Table of Tolls, or Post erected or to be erected on any Part of either 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, or any Part or Parts of either 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, 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.

Gates not to open into the Roads.

LXXVII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards

towards any Part of either of the said Roads, or be suffered to continue so open, except the Hanging Posts thereof shall be so far removed that no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and if the Occupier of any Land in which any Gate is or shall be so constructed, so as to open or swing towards the said Roads contrary to the true Meaning of this Act, shall not, within Ten Days after Notice to him or her given in Writing from the Surveyor of the said Roads, cause such Gate to be hung so that no Part of such Gate shall, when open, project over any Part of the said Roads, or any Footpath belonging thereto, then and in every such Case the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Direction of this Act; and the Person or Persons guilty of such Neglect or Default, upon Complaint made to any Justice of the Peace acting for the said County of *Cork* or County of the City of *Cork* (as the Case may be), shall, upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum of Money as the said Justices shall direct to defray the Expence of making the Alteration and hanging such Gate in a proper Manner, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Direction of the Justice before whom such Conviction shall be made.

For preventing Annoyances.

LXXVIII. And be it further enacted, That if any Person shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on, drive, or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Part of the 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 Footpaths 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 scrape off any Mud, Soil, or other Matter or Thing which shall lie or be upon any Part of the said Roads, or in any Gripe or Gripes that may be on the Side or Sides of the said Roads, with any Instrument so as to damage the said Roads, or 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 on the said Roads, or either of them, 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 respectively as conveniently may be, in, upon, or on the Side of the said Roads respectively (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, or plant Timber, Trees, or keep a Dog or Dogs without a Five Pound Log hanging from his or their Neck or Necks, within One hundred Feet of the Centre of any Part of either of such Roads; or shall lay any Turf, Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyance whatsoever,

soever, upon any Part of either of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof or Annoyance of any Person or Persons travelling thereon; or shall play at Bullets or at Football on either of the said Roads, or at any other Game or Games, to the Annoyance of any Passenger or Passengers; or shall set fire to or let off or throw any Squib, Rocket, or Firework whatsoever, or make any Bonfire or Bonfires on any Part of either of the said Roads, or within Eighty Feet of the Centre thereof, or shall ride or run Races on either of the said Roads, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Drivers of Carriages punishable for wilful Neglect.

LXXIX. And whereas many Accidents may happen, and great Mischiefs be done upon the said Roads by the Negligence or wilful Misbehaviour of Persons riding Horses and driving Carriages thereon; be it therefore enacted, That if any Person shall ride any Horse or other Beast, or shall lead or drive any Carriage on either of the said Roads, save and except on that Side of the said Road situate on his or her Left Hand, when meeting any other Carriage, or shall prevent any other Carriage from passing him on the said Roads; 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 Roads, 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 drive or ride furiously thereon, or on passing in the same Direction any Carriage, shall not drive and pass on the Right Hand Side thereof, or in meeting any Carriage shall not drive on the Left Hand Side thereof, leaving such other Carriage on the Right, or shall quit the said Road and go on the other Side of the Hedge or Fence inclosing the same, or shall wilfully be at such Distance from such Carriage while it shall be passing on such Roads 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 if any Person, after having blocked or stopped any Waggon, Cart, or other Carriage in the going up a Hill or rising Ground, shall not immediately remove from the said Roads the Stone or other Thing with which such Waggon, Cart, or other Carriage shall have been so blocked or stopped; or if any Person driving or acting as the Driver of any Coach, Post Chaise, or other Carriage let for Hire, or of any Car, Cart, Dray, Wain, or Waggon, or other such Carriage, 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, and also his or her Place of Abode, then and in every such Case 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 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, Waggon, or other Carriage, and in case such Driver shall be the Owner or Proprietor of such Coach he shall forfeit and pay any Sum not exceeding Five Pounds; and it shall and may be lawful to and for any Person and Persons whomsoever who shall see any such Offence committed, to seize and apprehend, and also to and for any 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, Town, or Place where the Offence shall be committed, to be dealt with according to Law.

Penalty on obstructing the Execution of this Act.

LXXX. And be it further enacted, That if any Person shall obstruct, hinder, or molest any of the said Trustees, or any Collectors of the Tolls, Clerk, Surveyor, Workmen, or other Person or Persons whomsoever, who is or are employed in carrying this Act into Execution, in the Performance 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 exceeding Five Pounds.

No House to be built within Thirty Feet of Centre of Road.

LXXXI. And be it further enacted, That no House or Part of a House shall be built within Thirty Feet of the Centre of either of the said Roads, 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 or proceed in building any House or Part of a House within such Distance, every such Person shall forfeit the Sum of Five Pounds, and the further Sum of Five Shillings for every Week afterwards until the same shall be pulled down or removed.

Power to Collectors, &c. to detain unknown Persons guilty of Offences.

LXXXII. 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 further enacted, That it shall and may be lawful to and for any of the said Collectors, Surveyors, or other Officers respectively, or their Assistants, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to 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.

Application of Tolls and other Monies.

LXXXIII. And be it further enacted, That all the Tolls and other Monies to arise by virtue of this Act shall be applied in the first Place, and in preference to all other Payments whatsoever, in paying and defraying the Charges and Expences incident to or in anywise relating to obtaining and passing this Act, and the Sum or Sums of Money which shall be advanced by any Person or Persons whatsoever for that Purpose, together with legal Interest for the same, to be computed from the Time or respective Times of paying or advancing such Sum or Sums of Money, up to the Periods of the Payment thereof respectively, and afterwards in the

Payment of Interest upon the Money to be borrowed in pursuance of this Act; and in erecting and supporting the several Toll Gates, Bars, Turnpikes, and Toll Houses to be erected and supported by virtue of this Act; in paying the Salaries, and Allowances to the Clerk, Treasurer, Collector, Surveyor, Contractors, and other Persons to be employed under this Act; in repairing and maintaining, widening, varying, altering, turning, and improving, and rendering commodious the said Toll Houses, Toll Gates, and Roads; in reducing and paying off the Principal Sums due to such Mortgagees as aforesaid, and in paying and defraying all other Charges and Expences to be incurred or occasioned in or relating to the Execution of this Act, and to and for no other Use or Purpose whatsoever.

Recovery and Application of Penalties.

LXXXIV. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed), shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County, Town, or Place where the Offence shall happen; which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath, and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, 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 reward the Prosecutor, or to be applied towards the Purposes of this Act; and in case such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, or until the Offender or Offenders shall find sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, 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, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

LXXXV. 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 and Conviction shall be in the Words or to the Effect following; (that is to say),

‘ BE

Form of Conviction.

'BE it remembered, That on this Day of in the
'Year of the Reign of King *A. B.* is convicted before
'One of His Majesty's Justices of the Peace for the
'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.'

Trustees may sue and be sued in the Name of their Clerk.

LXXXVI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of this Act, in the Name of their Clerk for the Time being, or in the Name of any one of the said Trustees, and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of any such Clerk or Trustee, or by the Act of any such Clerk or Trustee, without the Consent of the said Trustees; but that the Clerk or the Trustee in whose Name such Action or Suit shall have been so brought, shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in any such Action or Suit (as the Case may be): Provided always, that every such Clerk or Trustee in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings, he shall pay, bear, sustain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to by reason of being so made Plaintiff, Prosecutor, Defendant, Informant, Appellant, or Respondent, and shall not be disqualified from being a Witness by reason of his so being Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent as aforesaid.

Allowing an Appeal to Quarter Sessions.

LXXXVII. 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 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 Three Calendar Months from the Time such Matter of Appeal shall have arisen; the Person or Persons appealing having first given Twenty-one 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 within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Securities conditioned to try such Appeal, and abide the Order and Award of the said Court thereupon; 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.

LXXXVIII. And

Distress not unlawful for Want of Form.

LXXXVIII. 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.

Proceedings not to be removed by Certiorari.

LXXXIX. 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 in *Dublin;* any Law or Statute to the contrary thereof in anywise notwithstanding.

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

XC. 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-one Days before such Action be commenced, of such intended Action, signed by the Attorney of 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 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, 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.

XCI. 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 and Suit shall be brought and tried in the County where such Cause of Action shall arise, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one 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 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, of if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the

Treble Costs. 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. XCII. 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. XCIII. And be it further enacted, That this Act shall commence and take place from 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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