ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 138.

An Act for maintaining the Road leading from the City of *Cork* to the Town of *Tralee*, in the County of *Kerry*. [9th *June* 1812.]

WHEREAS the Highways or Roads leading from the City of *Cork*, in *Ireland*, to the Town of *Tralee*, in the County of *Kerry*, were become ſo ruinous and bad that many Parts thereof are and were ſcarcely paſſable for Waggons, Carrs, Carts, and Carriages, and very dangerous for Travellers, and cannot by the ordinary Courſe appointed by the Laws and Statutes of this Realm, be effectually amended and kept in good Repair: And whereas the ſaid Roads have been amended and put in good Repair from the City of *Cork* to the Town of *Killarney*, in the County of *Kerry*, by the Expenditure of divers conſiderable Sums of Money that have been from Time to Time raiſed in the Counties of *Cork* and *Kerry* by Preſentments of the Grand Juries thereof: And whereas the Road from *Killarney* to the Town of *Tralee* is not yet put in Repair, but is at this Time by the Expenditure of Money to be raiſed by the Preſentments of the Grand Jury of the County of *Kerry* expected ſhortly to be put in ſuch Repair as to allow the Continuance of the Conveyance of His Majeſty's Mail in a Wheel Carriage from the Town of *Killarney* to the Town of *Tralee*, in like Manner as now from the City of *Cork* to *Killarney*: Wherefore to the End that the ſaid Highways and Roads may be hereafter kept in good Repair, and it being reaſonable and expedient after the ſaid Roads have been put in ſufficient

ficient Repair at the Expence of the Counties above-mentioned, that those who make Use of the said Road should contribute to the Expence of keeping it in Repair, so that all Persons may travel through the same with Safety: May it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That for the surveying, altering, widening, ordering, amending and keeping in Repair the said Highways or Roads, the following Trustees. Persons, *(videlicet)* The Right Honourable *Maurice Fitzgerald*, Knight of *Kerry*, *Henry Arthur Herbert Mountiford Longfield*, Lord *Castle Ross*, Lord *Bernard*, The Honourable *George Ponsonby*, The Honourable *Frederick Mullins*, The Honourable *Christopher Hely Hutchinson*, The Honourable Mr. Justice *Day*, The Honourable *Thomas Browne*, Sir *Augustus Warren* Baronet, Sir *Broderick Chinnery* Baronet, Sir *Rowland Blenner Hassett*, Sir *Edward Denny* Baronet, Sir *William Godfry* Baronet, *Richard Newman*, *James Crosbie*, *Pierce Crosbie*, *John Collis*, *Samuel Penrose*, The Mayor of *Cork*, *Charles Spread*, *John Bayley*, *Robin Hickson* of *Dingle*, *John Hickson* Junior, of *Dingle*, *Thomas Quill*, *Anthony O'Connor*, *Richard Orpin* of *Artully*, *Charles H. Leslie*, *Justin M'Carty*, *George Bruce*, *Michael R. Westropp*, *George Cronin* of *Park*, *Daniel Mahony* of *Dunlow*, *Arthur Blenner Hassett*, *John Bateman*, *Charles Herbert*, *Richard F. Herbert*, the Reverend *Arthur Herbert*, *Edmund D. Freeman*, *Joseph D. Freeman*, *Robert Hodges Eyre*, *Daniel Cronin* of *Park*, *Daniel Cronin* of *Park*, *John Cronin* of *Park*, *Henry Wallis*, *George Wallis*, *Robert Huluir* of *Tralee*, *Robert Huluir* Junior, of *Tralee*, *John Anderson*, *Charles S. Oliver*, *Robert Oliver*, *Silver Oliver*, *George Rye*, *Richard Rye*, the Reverend *Thomas Gibbons*, *James Lawlor*, *Simon White*, *Thomas Harding*, *W. W. Beecher*, *Robert Harding* M.D., *W. Kellock*, *Townsend Gun*, *Barry Gun*, *Richard Yielding*, *M'Gillicuddy Thomas M. Browne*, the Reverend *Simon Davis*, the Reverend *W. Mansell*, *Denis M'Carty* of *Denis M'Carty* of *George Carleton*, *William Leader George Rye*, *John O'Connell*, *William Meredith*, *Richard Rye*, the Reverend *Maynard Denny*, the Reverend *Barry Denny*, *Thomas Denny*, *William Hartnet*, *Samuel Morris*, *John Rowan*, *George Rowan*, *William Ponsonby*, *Thomas Walker*, *Wallice Adams*, *John Hawkes*, *John Hyde*, *W. Lapp*, *W. Maxwell Nicholas Nelan*, the Provost of *Tralee*, *William Allen*, *Samuel Hawks*, *Horace Townsend*, *Richard D. Freeman*, *Robert Warren*, the Reverend *H. Sandiford*, *Thomas Cuthbert*, *I. M. Travers*, *Jonas Morris*, *Robert R. Aldworth*, *Richard Newman*, *Robert Delacour*, *T. B. Roberts*, *Christopher Galway*, *Thomas Galway*, *Stephen Galway*, *Richard Chute* of *Chute Hall*, *Michael G. Adams*, *M. Pym*, *Somers Payne*, *Rowland Bateman*, *James Cronin* of *Park*, *Dominic Cronin* of *Park*, *F. Christopher Bland*, *Jeremiah Engine M'Carthy*, *Owen M'Carthy*, *Denis M'Carthy* of *Rathroe*, *Daniel Duggan*, *Daniel Duggan* Junior, *Dennis Duggan*, *Humphry Sullivan*, Colonel *F. Bland*, the Reverend *J. Talbot*, *Nicholas Hickson*, *Caleb Chute*, *Edward Henrick Dominick Sarsefield*, *Henry Leader* of *Mount Leader*, *John Coppinger*, *William Hawkes*, *Henry Lindsay*, *Daniel Leaky*, *William Beamish Beaumont*, *W. Crawford*, *Lake Lands*, the Reverend *Robert Bury*, *Barry Cotter*, *Augustus Warren* Junior, *John Browne Coulcower*, *Charles M'Carty*, *Bartholomew Gibbins*, *Arthur Gibbins*, *Thomas Pope*, *John N. Wrixon*, *Thomas Perrott*, *William Hare* of *Cork*, *W. Galway Nadrid*, *Epetætus Crook*, *Thomas Alleyne*, the Reverend *M'Kerchoper*, *Thomas H. Horton*, *Thomas W. Sandes*, *John Godfry*, *Daniel Duggan* Junior, *H. Sullivan*, *Dennis Sheni*, *Robert Blenner Hassett*

Haſſett of *Churchtown*, *John Travers* of *Garryclough*, *E. John Murphy*, *Denis Shine*, and their Succeſſors, to be elected in Manner hereinafter directed, ſhall be and they are hereby declared to be Truſtees for maintaining, repairing, amending, and improving the Road leading from the City of *Cork* to the Town of *Tralee*, and for otherwiſe carrying this Act into Execution.

Appointing additional Truſtees.

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

No Act valid unleſs at a Meeting. Majority preſent may act.

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

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

Election of new Truſtees.

IV. 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 hereafter mentioned, to act in 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 required 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 Two Newſpapers, publiſhed in the City of *Cork* and Town of *Tralee*, in the County of *Kerry*, 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.

V. 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 Three hundred Pounds, or be poſſeſſed of

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

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

Victuailers, &c. incapable of acting, &c.

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

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 they ſhall be perſonally intereſted.

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 in the County Court Houſe of *Tralee* 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 *Macromp*, *Mill-*

Mill-Street, or *Killarney*, or at any other Place near to the ſaid Road, as to the ſaid 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 Two Newſpapers publiſhed in the City of *Cork* and Town of *Tralee* Ten Days at leaſt before the Day to which ſuch Meeting ſhall be ſo adjourned; and the ſaid Truſtees ſhall, at their ſeveral Meetings, defray their own Expences; and no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act during ſuch Time as he ſhall hold any Place of Profit under this Act.

Truſtees to defray their own Expences.

IX. And be it further enacted, That if after any Adjournment of any Meeting as aforeſaid it ſhall at any Time or Times be thought neceſſary that a Meeting of the Truſtees ſhall be holden on an earlier Day than the Day to which ſuch Meeting ſhall have been adjourned, then and in every ſuch Caſe, the Clerk to the ſaid Truſtees (on an Order in Writing ſigned by Three or more of the ſaid Truſtees, mentioning the Time, and Place, and Purpoſe of ſuch earlier Meeting being given to him, or left at his laſt or uſual Place of Abode) ſhall forthwith give Notice of ſuch earlier Meeting, by inſerting the ſame in Two Newſpapers publiſhed in the City of *Cork* and Town of *Tralee*, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees, (ſuch Time not being leſs than Six Days after ſuch Notice); and all Proceedings of the ſaid Truſtees at ſuch earlier Meeting ſhall be as good and valid as they would have been in caſe ſuch Truſtees had met in purſuance of any Adjournment.

Meetings on Emergencies.

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 the Clerk to the ſaid Truſtees in Two Newſpapers publiſhed in the City of *Cork* and Town of *Tralee*, 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.

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

XI. And be it further enacted, That the ſaid Truſtees ſhall cauſe to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all ſuch Truſtees as ſhall be preſent at their ſeveral Meetings; and all Entries in ſuch Book or Books, being ſigned by the Chairman and Clerk then preſent, or either of them, ſhall be deemed Originals, and ſhall be allowed to be read as Evidence in all Caſes, Suits, and Actions touching or concerning any Thing done in purſuance of this Act; and that ſuch Book or Books ſhall, at all of the Meetings of the ſaid Truſtees, be kept open and liable to the

Proceedings to be entered.

Inſpection of all and every of the ſaid Truſtees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the ſaid Truſtees and Creditors ſhall and may have and take Copies thereof, paying for every Copy not exceeding One hundred Words, the Sum of One Shilling, and ſo in proportion for any greater or leſs Number of Words.

Entries of Proceedings good Evidence.

XII. Provided always, and be it further enacted, That all and every Book or Books, in which any Entry or Entries of any Proceeding or Proceedings relating or in anywiſe appertaining to the Road 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, any Thing herein contained to the contrary thereof notwithſtanding.

Truſtees to appoint Officers;

XIII. 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 Road, and alſo ſuch other Officers and Perſons for the Execution of this Act as they the ſaid Truſtees ſhall think proper, not exceeding One Treaſurer and Two Surveyors, and One Secretary for each County, and from Time to Time to make ſuch

and remove them;

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 out

and allow Salaries.

of the Monies to be received by virtue of this Act, to allow and pay ſuch Salaries and Allowances to the ſaid Officers and other Perſons as they the ſaid Truſtees ſhall think reaſonable, not exceeding the yearly Sum of Fifty Pounds to any One of them; and the ſaid Truſtees ſhall, and they are hereby required, to take ſuch ſufficient Security from every ſuch Treaſurer and other Officers for the due Execution of his Office, as they

Truſtees to take Security from the Treaſurer, &c.

ſhall think proper; and all ſuch Officers ſo to be appointed ſhall, under their Hands, at ſuch Time and Times and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all

Officers to account.

Matters and Things committed to their Charge by virtue of this Act, and alſo of all the Monies which ſhall have been by ſuch Officers reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been expended and diſburſed, and for what Purpoſe, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain due from them reſpectively to the ſaid Truſtees, or to ſuch

Treaſurer to account Yearly on Oath.

Perſon or Perſons as they ſhall appoint to receive the ſame; and every ſuch Treaſurer ſhall, on the Firſt *Saturday* in the Month of *June* Yearly, or at the Meeting of the ſaid Truſtees then next following, (although not thereunto required by the ſaid Truſtees,) lay his Accounts before the ſaid Truſtees, in order that the ſame may be audited, paſſed, and allowed by them, if approved; and all the ſaid Officers ſo accounting as aforeſaid ſhall upon Oath (which Oath any of the ſaid Truſtees are hereby empowered to adminiſter) verify their ſaid Accounts; and if any ſuch Officer ſhall refuſe or neglect to make and render, or to verify upon Oath any ſuch Account, or to produce and deliver up the Vouchers relating to the ſame, or to make Payments as aforeſaid, or ſhall refuſe or wilfully

neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Fourteen Days next after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same; then and in every such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid to any Justice of the Peace for the County, City, Town, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may, and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so refusing or neglecting to appear before him; and upon his appearing, or having been summoned, and not appearing or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer, and if no Goods and Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justices that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce Vouchers relating thereto, or that any Books, Papers, and Writings relating to the Execution of this Act, shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case, such Justice shall commit such Offender to the Common Gaol or House of Correction of the County, City, Town, or Place where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees for such Money, and shall have paid such Composition as 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 so committed for Want of sufficient Distress, shall by virtue of this Act be detained in Prison for a longer Space of Time than Six Calendar 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.

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

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

XV. And

On the Death of a Gate-keeper, Truſtees may nominate another until the next Meeting.

XV. 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 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 Road, 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 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 deliverup ſuch Houſe, Buildings, 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 their Goods and Chattels, out of ſuch Toll-Houſe and other Premiſes, and to put the new-appointed Collector in Poſſeſſion thereof.

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

Any Juſtice may cauſe him to be removed.

Truſtees empowered to erect Turnpikes and Toll-houſes, and receive Tolls.

XVI. 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 Thirteen Truſtees, by any Reſolution in which not leſs than Two-thirds preſent ſhall concur, to order to be erected ſuch and ſo many Turnpikes, to ſecure the Tolls hereby granted, upon or acroſs the ſaid Road, and on or near the Sides thereof, or in, near unto, or acroſs any Lanes or Ways leading or that may hereafter lead out of the ſame, and to erect or cauſe to be erected ſuch and ſo many Toll-Houſes as they ſhall think proper; and it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered in Manner herein directed, for the purchaſing or taking of Lands for the turning, altering, making, or widening of the ſaid Road, to purchaſe and take Land ſufficient for ſuch Toll-Houſe or Toll-Houſes, not exceeding One Quarter of an Acre, with neceſſary Accommodations thereto, and from Time to Time remove, alter, or diſcontinue ſuch Turnpikes and Toll-Houſes, or any of them, as they the ſaid Truſtees ſhall from Time to Time think needful and expedient; and it ſhall and may be lawful to and for the ſaid Truſtees to demand and take, or cauſe to be demanded and taken at the ſaid Turnpikes the Tolls following before any Carriage, Horſe, or other Beaſt or Cattle ſhall be permitted to paſs through the ſame; that is to ſay,

Tolls.

For every Coach, Berlin, Landau, Vis-à vis, Chariot, Chaiſe, Phaeton, Curricle, Cabriolet, Calaſh, Chair, Gig, Dog-cart, Caravan, Hearſe, and Litter,

Litter, drawn by Six or more Horſes, or other Beaſts of Draught, the Sum of Three Shillings and Three Pence:

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

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

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

For every Horſe and other Beaſt of Draught drawing any Waggon, Wain, Dray, or other ſuch Carriage (not being a Cart or Car), having the Streaks or Shoeings of all the Wheels thereof reſpectively of the Breadth of Five Inches or more, and having all ſuch Streaks or Shoeings ſet on or faſtened with Nails, Bolts, or Screws ſo counterſunk and flat-headed that no Nail, Bolt, or Screw therein ſhall project above One Fourth 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 other ſuch Carriage (not being a Cart or Car), having the Streaks or Shoeings of all the Wheels thereof reſpectively of the Breadth of Four Inches and leſs than Five Inches, and having all ſuch Streaks or Shoeings ſo ſet on or faſtened, 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 Axle-tree (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 Axle-tree (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 Six Pence Halfpenny:

For every Horſe and other Beaſt of Draught drawing any Cart or Car with a fixed Axle-tree, 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 Axle-tree, 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 Shoeing ſo ſet on or faſtened as aforeſaid, the Sum of Three Pence, or if with a rolling Axle-tree Three Pence Halfpenny:

For every Horſe and other Beaſt of Draught drawing any Cart or Car with a fixed Axle-tree, 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 Axle-tree, after

the First Day of *January* One thousand eight hundred and thirteen, the Sum of Five Pence:

For every Horse, Mare, Gelding, 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.

No Turnpike to be erected between Tralee and Killarney till Road repaired.

XVII. Provided always, and be it enacted, That it shall not be lawful for the said Trustees to erect, or cause to be erected any Turnpike or Toll-gate on the Road between *Tralee* and *Killarney* until such Time as the said Road shall be declared by the Grand Jury of the County of *Kerry*, assembled at any Assizes for the said County, or a Committee thereof, to be in a fit and proper State for the Passage of Horses and Carriages.

Collectors may measure the Dimensions of Wheels.

XVIII. 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 Road.

Tolls vested in the Trustees.

XIX. And be it further enacted, That the said Tolls shall be 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 Road; and it shall and may be lawful to and for the several Persons, who shall by virtue of this Act be appointed Collectors of the said Tolls, to demand, collect, and receive the Tolls hereby granted; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Collector appointed as aforesaid, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful to and for such Collector to seize and distrain, or cause to be seized and

For recovery of Tolls.

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, Harnesses, or Accoutrements, so seized and distrained, or any Part or Parts thereof, at or near the Turnpike where the said Tolls ought to have been paid, rendering the Overplus (if any), upon Demand, to the Owner or Owners thereof, after such Tolls, and all reasonable Charges attending the distraining, keeping, and selling the same shall be deducted and paid.

XX. Pro-

XX. Provided always, and be it further enacted, That if any Diſpute ſhall ariſe about the Quantity of the Tolls due, or reſpecting the Coſts and Charges of diſtraining, keeping, or ſelling any Diſtreſs, it ſhall and may be lawful to and for the Collector or Perſons diſtraining to detain the Diſtreſs, or the Money ariſing from the Sale thereof, until the Quantity of the Tolls, or the Charges of diſtraining, keeping, and ſelling the Diſtreſs (as the Caſe may be) ſhall be aſcertained by ſome Juſtice of the Peace for the County, City, or Place 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 ſaid Diſtreſs, or the Overplus, after the Sale thereof, or of any Part thereof.

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

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

Turnpikes veſted in the Truſtees.

XXII. 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 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 Road as is ſituate between *Glaſshien Bridge*, near *Cork*, and *Currahally Croſs*, 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: Provided nevertheleſs, that each and every hired Carriage returning the ſame Day with different

No more than one Toll to be demanded in one Day on ſuch Part of the Road as lies between Glaſshien Bridge, near Cork and Currahally Croſs.

different Paſſenger or Paſſengers through any ſuch Gate ſhall be liable to the ſaid Toll, notwithſtanding ſuch Toll hath been paid before for or in reſpect of the ſaid Carriage on that Day.

No more than one Toll to be taken in one Day on ſuch Part of the Road as lies between Currahally Croſs and the Town of Macromp.

XXIII. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to enable any Collector of the ſaid Tolls to demand or take any more than one Toll in any one Day, (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock 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 on ſuch Part of the ſaid Road as is ſituate between *Currahally Croſs* or the Town of *Macromp*, all and every ſuch Perſon or Perſons producing a Ticket, denoting that ſuch Toll hath been paid on ſuch Part of the ſaid Road in that Day for or in reſpect of ſuch Carriage, Horſe, Beaſt, or other Cattle, which Ticket every ſuch Collector is hereby to deliver *gratis* on the Payment of ſuch Toll: Provided nevertheleſs, that each and every hired Carriage returning the ſame Day with a different Paſſenger or Paſſengers through any ſuch Gate ſhall be liable to the ſaid Toll, notwithſtanding ſuch Toll hath been before paid for or in reſpect of the ſaid Carriage on that Day.

No more than one Toll to be taken on one Day on ſuch Part of the Road as lies between the Town of Macromp and Liſcahane Bridge, near Mill-Street.

XXIV. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to enable any Collector of the ſaid Tolls to demand or take any more than one Toll in any one Day, (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night), from any Perſon or Perſons for or in reſpect of the ſame Carriage, Horſe, or other Beaſt or Cattle paſſing and repaſſing through the ſame, or any other Gate or Turnpike erected or to be erected on ſuch Part of the ſaid Road as is ſituate between the Town of *Macromp* and *Liſcahane Bridge* near *Mill-Street*, 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 in that Day for or in reſpect of ſuch Carriage, Horſe, Beaſt, or other Cattle, which Ticket every ſuch Collector is hereby required to deliver *gratis* on the Payment of ſuch Toll: Provided nevertheleſs, that each and every hired Carriage returning the ſame Day with a different Paſſenger or different Paſſengers through any ſuch Gate ſhall be liable to the ſaid Toll, notwithſtanding ſuch Toll hath been before paid for or in reſpect of the ſaid Carriage on that Day.

No more than one Toll to be taken on one Day on ſuch Part of the Road as lies between Liſcahane Bridge and Inchileagh Bridge.

XXV. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, ſo as to enable any Collector of the ſaid Tolls to demand or take any more than one Toll in any one Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night), from any Perſon or Perſons for or in reſpect of the ſame Carriage, Horſe, or other Beaſt or Cattle paſſing and repaſſing through the ſame, or any other Gate or Turnpike erected or to be erected on ſuch Part of the ſaid Road as is ſituate between *Liſcahane Bridge* and *Inchileagh Bridge*; 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 in that Day for or in reſpect of ſuch Carriage, Horſe, Beaſt, or other Cattle, which Ticket every

ſuch

ſuch Collector is hereby required to deliver *gratis* on the Payment of ſuch Toll: Provided nevertheleſs, that each and every hired Carriage returning the ſame Day with a different Paſſenger or different Paſſengers through any ſuch Gate ſhall be liable to the ſaid Toll, notwithſtanding ſuch Toll hath been before paid for or in reſpect of the ſaid Carriage on that Day.

No more than one Toll to be taken in one Day on ſuch Part of the Road as lies between Inchileagh Bridge and Killarney.

XXVI. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to enable any Collector of the ſaid Tolls to demand or take any more than one Toll in any one Day, (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night), from any Perſon or Perſons for or in reſpect of the ſame Carriage, Horſe, or other Beaſt, or Cattle paſſing and repaſſing through the ſame, or any other Gate or Turnpike erected or to be erected on ſuch Part of the ſaid Road as is ſituate between *Inchileagh Bridge* and *Killarney*, all and every ſuch Perſon or 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: Provided nevertheleſs, that each and every hired Carriage returning the ſame Day with a different Paſſenger or different Paſſengers through any ſuch Gate ſhall be liable to the ſaid Toll, notwithſtanding ſuch Toll hath been before paid for or in reſpect of the ſaid Carriage on that Day.

No more than one Toll to be taken in one Day on ſuch Part of the Road as lies between Killarney and Farrenfore Croſs.

XXVII. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to enable any Collector of the ſaid Tolls to demand or take any more than one Toll in any one Day, (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock the ſucceeding Night), from any Perſon or Perſons for or in reſpect of the ſame Carriage, Horſe, or other Beaſt, or Cattle paſſing or 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 *Killarney* and *Farrenfore Croſs*, all and every ſuch Perſon or Perſons producing a Ticket, denoting that ſuch Toll hath been paid on ſuch Part of the ſaid Road in that Day for or in reſpect of ſuch Carriage, Horſe, or other Beaſt, or Cattle, which Ticket every ſuch Collector is hereby required to deliver *gratis* on the Payment of ſuch Toll: Provided nevertheleſs, that each and every hired Carriage returning the ſame Day with a different Paſſenger or different Paſſengers through any ſuch Gate ſhall be liable to the ſaid Toll, notwithſtanding ſuch Toll hath been paid before for or in reſpect of the ſaid Carriage on that Day.

No more than one Toll to be taken in one Day on ſuch Part of the Road as lies between Farrenfore Croſs and Rathbridge, near the Town of Tralee.

XXVIII. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to enable any Collector of the ſaid Tolls to demand or take any more than one Toll in any one Day, (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock 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 ſad Road, as is ſituate between *Farrenfore Croſs* and the old Piers at *Ballymacthomas*, where the

the preſent *Caſtle Iſland* Road enters on the ſaid Road near the Town of *Tralee*, all and every ſuch Perſon or Perſons producing a Ticket, denoting that ſuch Toll hath been paid on ſuch Part of the ſaid Road in that Day for or in reſpect of ſuch Carriage, Horſe, or other Beaſt or Cattle, which Ticket every ſuch Collector is hereby required to deliver *gratis* on the Payment of ſuch Toll: Provided nevertheleſs, that each and every hired Carriage returning the ſame Day with a different Paſſenger or different Paſſengers, through any ſuch Gate, ſhall be liable to the ſaid Toll, notwithſtanding ſuch Toll hath been before paid for or in reſpect of the ſaid Carriage on that Day.

No Turnpike to be erected nearer Killarney than the Croſs Road to Kenmare.

XXIX. Provided always, and be it enacted, That no Turnpike ſhall be erected on the Road between the City of *Cork* and *Killarney*, nearer to the ſaid Town of *Killarney* than the Croſs-Road leading to the Town of *Kenmare* on or near the Lands of *Liſtvigeen*.

Collectors of Tolls to be competent Witneſſes.

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

Penalty on evading Tolls.

XXXI. 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 Road, near unto any Turnpike Gate erected thereon, ſhall permit or ſuffer any Perſon or Perſons to paſs through or over any Part of his, her, or their ſaid Lands, with any Carriage, Horſe, Beaſt, or other Cattle, whereby the Payment of any of the ſaid Tolls, or of any Part thereof ſhall be avoided, or if any Perſon or Perſons ſhall ride or drive any Horſe or other Beaſt or Cattle through or over any Way or Paſſage, (not being a Public Way or Paſſage) or through or over any Lands adjoining to any Part of the ſaid Road, 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.

Exemptions from Tolls.

XXXII. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe, Mare, Gelding, or other Cattle, drawing any Carriage going for or returning laden or unladen, having been laden only with Stones, Gravel, 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 any Dung, Mould,

Soil, or Compoſt of any Kind, for the manuring of any Garden, or other Land or Ground; nor ſhall any Toll be taken, demanded, or received for any Carriage or Cattle going for the Purpoſe of or returning from ploughing, ſowing, tilling, or cultivating any Land or Ground, or going for or returning unladen, or only laden with Hay, Straw, Corn in the Straw, or Wood for the Owners, 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, Out-houſes, Yards, or on the Premiſes of any Inhabitant of the reſpective Pariſhes in which the ſaid Roads do lie, or for any Plough, Harrow, Dray, or other Implement of Huſbandry, or for any Horſe or other Beaſt or Cattle drawing or carrying the ſame in order for the repairing thereof or uſing the ſame in Huſbandry; or for any Horſe or other Beaſt or Cattle 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 the Horſes of Soldiers on their March or on Duty, or Carriages, or Horſes or other Beaſts employed in carrying the Arms or Baggage of ſuch Soldiers, or returning back empty from carrying the ſame; 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, or Commiſſariat or other Public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or who ſhall attend the Funeral of any Perſon dying and 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 other his Parochial or Miniſterial Duty, on a *Sunday*, or on *Chriſtmas Day*, *Good Friday*, or 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*, or of a Burgeſs to ſerve in Parliament for the Borough of *Tralee* or of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Kerry*, or of a Citizen to ſerve in Parliament for the ſaid City of *Cork*, or either of them, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and 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 Forty Shillings, whereof one Moiety ſhall be applied towards repairing or amending the ſaid Roads, and the other Moiety thereof ſhall be paid to the Uſe of the Informer.

Stores.

XXXIII. 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 or 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

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.

Exempting certain Carriages laden with Lime.

XXXIV. And be it further enacted, That no Cart, Car, or other Carriage, with One Horſe, drawing Lime or Limeſtone, *bonâ fide* for Manure, or the Improvement of Land, ſhall be liable to pay Toll at any Gate to be erected on the ſaid Road, from the paſſing of this Act until the Year One thouſand eight hundred and fifteen, nor during the Continuance of this Act: Provided the ſame be carried in Carriages drawn by One Horſe, and fixed Axle-Trees, and the Wheels of ſuch Carriage of the Breadth of Three Inches, or if with Two or more Horſes, with Wheels of the Breadth of Five Inches; and if laden with Dung, with Wheels of the Breadth of Four Inches.

Tolls may be let.

XXXV. 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 let or farm 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 Seven 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 Two Newſpapers publiſhed in the City of *Cork*, and one Newſpaper publiſhed in the Town of *Tralee*, 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 Seven 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 to the ſaid Truſtees Quarterly in advance, and ſufficient Security ſhall be given for the Payment of 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 veſted with Powers to collect.

XXXVI. And be it further enacted, That during ſuch Time as the ſaid Tolls, or any Part or Parts thereof ſhall be leaſed, demiſed, or in farm to any Perſon or Perſons whomſoever, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he, ſhe, or they ſhall, by Writing or Writings under his, her, or their Hand or Hands, 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 is ſubject or liable to.

Tolls may be compounded for.

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

Carriages, Horſes, Beaſts, or other Cattle, and all ſuch Compoſition Money ſhall be paid in advance One Month 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.

Truſtees may enter into Contracts.

XXXVIII. 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, and widening of the ſaid Road, 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 Two Newſpapers publiſhed in the ſaid City of *Cork*, and one Newſpaper in the Town of *Tralee*, 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 and Place in ſuch Notice to be mentioned; and the ſaid Truſtees ſhall, and they are hereby required to take Security from every ſuch Contractors for the due Performance of his or her Contract, and every ſuch Contract ſhall be ſigned by Seven 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 Seven Years.

XXXIX. 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 Seven Years from the Time of entering into ſuch Contract or Contracts.

Truſtees may compound for Breach of Contracts.

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

Compenſation to John Murphy.

XLI. And whereas a conſiderable Part of the Road to be maintained under the Proviſions of this Act, was originally conſtructed by *John Murphy*, of the County of *Kerry*, at a very conſiderable Expence, under an Agreement made between the ſaid *John Murphy* and the Truſtees appointed to put in Execution an Act of the Parliament of *Ireland*, paſſed in the Twenty-firſt Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for repairing the Roads leading from the City of* Cork *through* Mill-Street *to* Shanah Mill, *in the County of* Kerry, *and from* Shanah Mill *through* Caſtle Iſland *to* Liſtowell, *in the ſaid County, and for laying an additional Toll at all Turnpikes in this Kingdom, on all Cars and Carriages making uſe of any Part of any Saplin or Trees, as or for a Bow or Backband, or making uſe of any Saplins twiſted into Gads for Backbands, Halters, Traces to draw by, or Gads, commonly called Long Gads:* And whereas the ſaid Act expired in the Year of our Lord One thouſand eight hundred and nine: And whereas there was at the Time of the Expiration

of the ſaid Act, due to the Eſtate of the ſaid *John Murphy* a large Sum of Money, amounting to the Sum of Fourteen thouſand ſix hundred and ſixty Pounds and upwards, for Money expended in ſuch Repair, and which Sum was chargeable and charged upon the Tolls allowed to be taken under the ſaid Act, and which the ſaid Tolls had not paid and ſatisfied: And whereas a Part of the Road, to the Extent of Eight Miles or thereabouts, on which ſuch Sums were expended, is adopted as Part of the Road mentioned in this Act: And whereas if the Grand Juries of the Counties of *Cork* and *Kerry* had not availed themſelves of ſuch Part of the ſaid Road, and applied it to its preſent public Uſe, they muſt have incurred a much greater Expence to make and conſtitute the ſaid Road; and it is therefore juſt and reaſonable that a Proportion of the Sum ſo due ſhould be charged upon the Tolls granted by this Act: Be it therefore enacted, That the Sum of One thouſand Pounds *Britiſh* Sterling, Part of the ſaid above-mentioned Sum ſo due for Money expended on the ſaid Roads as aforeſaid, ſhall be and the ſame is hereby made chargeable upon, and is hereby charged and ſecured upon the Tolls granted by this Act; and the Intereſt of ſuch Sum of One thouſand Pounds *Britiſh* Sterling, at Five Pounds *per Centum per Annum*, or of ſo much thereof as ſhall remain from Time to Time unpaid, ſhall be paid to the Repreſentative of the ſaid *John Murphy* deceaſed, by the Truſtees of the ſaid Roads for the Time being, out of the Tolls to be received under this Act, in preference to all other Payments, ſave and except as after mentioned; and as often as there ſhall be any Overplus of Money received by virtue of this Act, equal to the Sum of One hundred Pounds, after repairing the ſaid Road, and Payment of all Charges on the ſaid Tolls, and of the Expence of carrying this Act into Execution, Two Thirds of ſuch Sum ſhall from Time to Time be paid to the ſaid Repreſentative of the ſaid *John Murphy*, in diſcharge of the ſaid Principal Sum of One thouſand Pounds *Britiſh* Sterling, and Intereſt for the ſame until the ſame ſhall be wholly paid off and ſatisfied.

Truſtees may borrow Money.

XLII. 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 Four thouſand Pounds, and by Writing under the Hands and Seals of the ſaid Number of Truſtees at the 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 Road (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 Re-payment of ſuch Sum or Sums of Money, with Intereſt for the ſame, to the Perſon or Perſons who ſhall advance and lend, ſuch Money his, her, or their Executors, Adminiſtrators, and Aſſigns ſuch Intereſt to be paid and payable by 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 Aſſignment.

'BY virtue of an Act of Parliament made in the Fifty-ſecond Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of this Act*]

'*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 Road in Hand paid by *A. B.*, do hereby grant, bargain, ſell, 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 or advanced on the Credit of the ſaid Act, to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of , with Intereſt, after the Rate of *per Centum per Annum* ſhall be ſooner repaid and ſatisfied. Given under our Hands and Seals this Day of in the Year of our Lord .'

Copies of Mortgages to be inſerted.

And all ſuch Aſſignments ſhall be numbered, commencing with the 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 Aſſignment reſpectively have been, or ſhall be made as aforeſaid, or who are or ſhall be entitled to the Money thereby reſpectively ſecured, may from Time to Time aſſign and transfer the ſame Security or Securities reſpectively, and all Benefit and Advantage thereof, and all their Right, Title, and Intereſt to the Principal and Intereſt Money thereby reſpectively ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by Writing under their Hands and Seals, in the Words or to the Effect following:

Aſſignments may be tranſferred.

Form of Transfer.

'I, *A. B.* being entitled to the Sum of ſecured to Executors, Adminiſtrators, and Aſſigns, by virtue of an Aſſignment bearing Date the Day of under the Hands and Seals of the Truſtees acting in Execution of an Act of Parliament made in the Fifty-ſecond Year of the Reign of King *George* the Third, 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 owing 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.

XLIII. 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

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 Memorial 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 Assignment 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 Mortgages or Assignments: 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 Two Newspapers published in the City of *Cork* and Town of *Tralee*, in the County of *Kerry*.

Notice to be given previously to borrowing Money.

Creditors to be paid by Ballot.

XLIV. 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 to 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, a Notice shall be given Three Calendar Months to such Creditor, of the Intention of the said Trustees, to pay him or her as aforesaid, and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same will be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Three Calendar Months after the Day of giving or leaving such Notice as aforesaid, and the Interest of the Principal Money to be so paid off, shall from and after the Day to be so specified, cease and be no longer paid or payable, unless such Money shall be demanded, pursuant to such Notice, and not paid, but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day to be so specified, shall nevertheless be payable on demand.

Trustees may turn or alter the Course of

XLV. 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

they shall think proper, to divert, widen, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the Road 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 Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting, turning or altering the Course or Path of any Part or Parts of the said Road 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 Road, 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 taken to be a public and common Highway, and to be Part of the Road 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 Road as aforesaid, the Lands and Grounds comprised in or constituting the former Road, in lieu whereof such Lands or Grounds shall be purchased as aforesaid, shall be sold by the said Trustees to such Person or Persons as shall be willing to become a Purchaser or Purchasers thereof for the best Price that can be reasonably had or gotten for the same; and the Conveyance thereof being executed by the said Trustees, and inrolled with the Clerk of the Peace for the said County of *Cork*, or Town Clerk of the said City of *Cork*, or Clerk of the Peace for the said County of *Kerry*, according to the Jurisdiction in which such Lands or Grounds shall lie, shall be good, valid, and effectual to all Intents and Purposes whatsoever.

any Part of the Road;

and may contract for the Purchase of Lands for that Purpose.

XLVI. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic 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, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots and Lunatics, and Husbands, and all other Trustees whomsoever for and on Behalf of any Infants, Femes Covert, or Cestuique Trusts, Idiots, Lunatics, or other Persons under any Disability of acting for themselves, and for all and every Person or Persons who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, to treat and agree with the said Trustees for the absolute Sale thereof, or of any Part thereof, or for their Interest therein, and to convey the same to the said Trustees for the Purposes aforesaid; and that all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid and effectual to all Intents and Purposes whatsoever, any Law, Usage, or other Matter or Thing to the contrary thereof in any wise notwithstanding; and that

Corporation, &c. empowered to treat;

that all such Tenants for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, Committees, Husbands, and Trustees, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate, or Sole, and other Persons, are and shall be indemnified for what they do by virtue or in pursuance of this Act.

In case of Persons refusing to treat or not agreeing, a Jury to settle the Recompence.

XLVII. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Person or Persons, interested in any Lands, Tenements, or Hereditaments, which the said Trustees shall judge necessary or proper to be purchased, taken or used for the Purposes of this Act, or any such Body Politic, Corporate, or Collegiate, Corporation, Aggregate or Sole, Feoffees, Guardians, Husbands, Committees or other Trustees, upon Notice to him, her, or them, given or left in Writing at the Dwelling-House or Place of Abode of such Person or Persons, or of the Clerk or Head-Officer of any such Body Politic, Corporate, or Collegiate, or at the House of the Tenant, in Possession of the Premises, signed by the Clerk to the said Trustees, shall for the Space of Ten Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise, shall be prevented from treating, then, and in every such Case, it shall and may be lawful to and for the said Trustees to cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Cork*, or of the said County of the City of *Cork*, or of the said County of *Kerry*, according to the Jurisdiction in which such Premises in Question shall lie or be situate, (which Oath the said Trustees, or any Two or more of them, are hereby empowered to administer) what Damage will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested for or upon account of the taking or using of such Lands, Tenements, or Hereditaments for the Purposes of this Act; and in order thereto, the said Trustees, or any Two or more of them, are hereby empowered and required from Time to Time to summon and call before them all and every Person and Persons who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath, (which Oath the said Trustees or any Two or more of them are hereby empowered to administer), and they shall order and cause the said Jury to view the Place in Question, and use all other lawful Ways and Means as well for their own as for the said Jurys' Information in the Premises; and after the said Jury shall have so ascertained and settled such Damage and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Owners, Proprietors, or Occupiers of the said Lands, Tenements, or Hereditaments, or other Person interested therein, according to the Verdict or Inquisition of the said Jury, which said Verdict or Inquisition, and Judgment, Order or Determination so had and made, shall be final, binding, and conclusive to all Intents and Purposes whatsoever against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and every such Owner, Proprietor, Occupier, and Person any wise interested in such Lands, Tenements, or Hereditaments, shall thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, or Property of, in, to, or out of the same; and upon Payment of the Money so assessed to the respective Persons entitled thereto, or their

Verdict of the Jury to be final.

Agents,

Agents, or upon paying the ſame into the Bank of *Ireland*, in Manner by this Act directed, it ſhall and may be lawful to and for the ſaid Truſtees to cauſe the Premiſes in reſpect whereof ſuch Money ſhall be aſſeſſed to be diſpoſed of and ſuch Acts to be done thereto as if the Purchaſe thereof had been agreed upon and compleated, and the ſaid reſpective Premiſes were untenanted, and the Purchaſe or Conſideration Money had been received by the Perſon or Perſons entitled thereto; and for the ſummoning and returning any ſuch Jury the ſaid Truſtees are hereby empowered to iſſue out their Warrant or Warrants, ſigned by any Five or more of them, to the Sheriff of the ſaid County of *Cork*, or Sheriffs of the ſaid City of *Cork*, or Sheriffs of the ſaid County of *Kerry*, in their reſpective Juriſdictions, thereby commanding and requiring ſuch Sheriffs reſpectively to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and ſuch Sheriffs or their reſpective Deputies is and are hereby required thereupon to impannel, ſummon, and return ſuch Twenty-four Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Truſtees ſhall ſwear or cauſe to be ſworn Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid, and in default of a ſufficient Number of Jurymen, the ſaid Sheriffs, or their reſpective Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured or ſummoned to attend that Service, to the Number of Twelve: Provided always, that all Perſons concerned ſhall have their lawful Challenges againſt any of the Jurymen to be ſummoned in purſuance of this Act, in ſuch and the like Manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Dublin*, is or ſhall be by Law entitled to; and the ſaid Truſtees are hereby empowered to impoſe any reaſonable Fine or Fines on ſuch Sheriffs reſpectively, or their reſpective Deputies, who ſhall make Default in the Premiſes; and all or any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury, and ſhall not appear without ſufficient Excuſe, or having appeared, ſhall refuſe to be ſworn on the ſaid Jury, or having been ſworn, ſhall refuſe to give or ſhall not give his or their Verdict on the Matter in Queſtion, or ſhall in any other Manner wilfully neglect his or their Duty therein; and on any of the Perſons who, being ſummoned or required to give Evidence before the ſaid Jury touching the Premiſes, ſhall neglect or refuſe to appear without ſufficient Excuſe, or refuſe to be ſworn or examined, or give Evidence touching the ſame; but no ſuch Fine ſhall exceed Five Pounds upon any one Perſon for one Offence.

Truſtees to iſſue Warrant for Sheriffs to ſummon Jury.

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

XLVIII. Provided always, and be it further enacted, That wherever the Courſe of any Part of the ſaid Road ſhall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchaſe of ſuch old Road ſhall be firſt made to the Owner of ſuch adjoining Land which ſhall be cut and uſed for the Purpoſe of making ſuch new Road; and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer of ſuch old Road, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Owner ſhall ſtill be deſirous of becoming the Purchaſer thereof, then and in ſuch Caſe the Value thereof ſhall be ſettled and aſcertained by a Jury in ſuch and the like Manner as the Price for any Land to be taken in purſuance of this Act is directed to be ſettled and aſcertained in and by this Act; and ſuch

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

such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by a Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money upon Demand made thereof by the Treasurer or Clerk to the said Trustees, and Tender of the Conveyance of such old Road, the same shall and may be recovered by the said Trustees by Action of Debt in any of His Majesty's Courts of Record in *Dublin*; and in case any such Owner shall not agree, or shall refuse to purchase any such old Road, it shall and may be lawful to and for any Person or Persons not interested in the Premises, to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, City, or Place where such old Road shall lie, stating that such Offer has been made by or on Behalf of the said Trustees, and that such Owner has not agreed, or has refused to purchase such old Road, as the Case may be; and such Affidavits shall in all Courts whatsoever be sufficient Proof and Evidence that such Offer was made, and not agreed to, or refused by such Owner: Provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road as is lying immediately adjoining to his, her, or their Lands respectively, in Manner aforesaid: Provided also, that if such Owner or Owners respectively shall be willing and consent to take such old Road in Exchange for such new Road, it shall and may be lawful to and for the said Trustees, and they are hereby required to issue the same to such Person or Persons, by entering the same in their Books, and delivering to him or them a Copy of the Entry thereof, signed by any Five or more of the said Trustees, which Copy shall be a good and valid Title to the same, and be available in any Suit in Law or Equity.

By whom the Expences of the Jury to be paid.

XLIX. And be it further enacted, That in case any such Jury shall give in and deliver a Verdict or Assessment for more Money than shall by or on Behalf of the said Trustees have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken by or on Behalf of the said Trustees as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Charges of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees out of the Money arising by virtue of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall by or on Behalf of the said Trustees have been offered before the summoning and returning such Jury as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for the same or any more Money than shall have been offered to be accepted or taken as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Charges of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversies or Disputes; which said Costs and Expences shall be ascertained and settled by some Justice of the Peace not interested in the Matter in question, and within whose Jurisdiction such Controversy or Dispute shall arise (who is hereby authorized and required to examine and settle the same), and shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person

or

or Perſons; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken to all Intents and Purpoſes whatſoever to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk to the ſaid Truſtees, by ſuch Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures: Provided always, that in caſe 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.

Truſtees to pay Expences when Perſons from Abſence are prevented from treating.

L. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to enable the ſaid Truſtees to take, uſe, injure, or damage any Dwelling Houſe, or other Building built of Stone and Mortar, or Bricks and Mortar, or any Garden, walled-in Orchard, Yard, Park, Paddock, or other Ground, ſo as that ſuch Wall be of the Height of Five Feet, and made with Lime, Mortar and Brick, or Stone, or any Planted Walk or Avenue to a Houſe or Nurſery for Trees, without the Conſent in Writing of the Owners or Proprietors thereof.

Houſes, &c. not to be injured.

Ll. And be it further enacted, That if any Money ſhall be paid or agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Truſt, Executors, Adminiſtrators, Huſband, Guardian, Committee, or other Truſtee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Ceſtuique Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to 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, to be placed to his Account there *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments in Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments which ſhould be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, and capable of taking Effect; and in the mean

Application of Compenſation if amounting to 200l.

Time, and until such Purchase shall be made, the said Money shall by Order of the said Court, upon Application thereto, be invested by the said Accountant-General, in his Name, in the Purchase of Government Securities, and in the mean Time and until the said Government Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of such Government Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Application of Compensation if less than 200l. and exceeding 20l.

LII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, to be paid into the Bank of *Ireland*, in the Name and with the Privity of the said Accountant-General of the High Court of Chancery in *Ireland*, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid at the like Option of Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by any Five or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

Application of Compensation if less than 20l.

LIII. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases, the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purpose of this Act, in such Manner as the said Trustees shall think fit; or in Cases of Infancy, Idiotcy, or Lunacy, then such Money shall be paid to his, her or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person and Persons so entitled respectively.

In case of not making out Titles.

Or if Persons cannot be found, Purchase Money

LIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled

to

to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant-General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the Lands, Tenements, or Hereditaments, (describing them); subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition shall be, and is hereby empowered in a summary Way of Proceeding or otherwise, as to the Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto; and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Ireland*, who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

to be paid into the Bank.

Subject to the Orders of the Court of Chancery on Motion or Petition.

LV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant-General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Government Securities to be purchased with any such Money, or the Dividends or Interest of any such Government Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends and Interest of such Government Securities, and also the Capital of such Government Securities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

LVI. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied to the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of

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

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

For getting Materials for repairing the Road.

LVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, Surveyor or Surveyors of the ſaid Road, and to and for all ſuch Perſons as they ſhall reſpectively appoint, to ſearch for Quarries, cut, dig for, get, gather, and take away any Furze, Heath, Beach, Stone, provided the Quarry from whence ſuch Stone ſhall be taken be opened at the Time when ſuch Stones ſhall be ſo taken and quarried for, Gravel, Sand, or other Materials for altering, amending, making, or repairing the ſaid Road out of or from 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 Road 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 Perſons as aforeſaid may, by Order of the ſaid Truſtees, (ſuch Order to be made at ſome Meeting of the ſaid Truſtees to be holden in purſuance of this Act, 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, Park, or Paddock, or Field incloſed with a Wall made of Lime, Mortar and 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 apart as a Nurſery for Trees,) 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 Road ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Grounds, as the ſaid Truſtees ſhall judge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons employed as aforeſaid, and the ſaid Owners or Occupiers, or any of them, concerning ſuch Damages, it ſhall and may be lawful to and for any Two or more Juſtices of the Peace of the County, City, or Place where ſuch Materials ſhall be ſo cut, dug, gotten, gathered, taken, and carried away or over, on 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 the Occupiers of incloſed Lands before

LVIII. 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 Road, out of or from any

Materials are to be taken.

ncloſed Lands or Grounds, until 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 the ſaid Truſtees or any Two or more Juſtices of the Peace, acting for the County, City, Town, or Place where ſuch Premiſes ſhall be, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend, purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch Caſe, the ſaid Truſtees or ſuch Juſtices, ſhall and may authorize ſuch Surveyor or other Perſon or Perſons, to dig, get, gather, take, and carry away ſuch Materials at ſuch Time or Times as to the ſaid Truſtees or Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear without ſufficient Excuſe by himſelf or his Agent, purſuant to ſuch Notice, the ſaid Truſtees or Juſtices ſhall and may make ſuch Order therein as they reſpectively ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Occupier or his Agent had attended.

Penalty on taking away Materials.

LIX. And be it further enacted, That if any Perſon or Perſons whoſoever ſhall remove or take any Stones or Gravel or other Materials laid upon the ſaid Road, for the Repair thereof, without the Order of the ſaid Truſtees, or their Surveyor or Surveyors for that Purpoſe, or if any Perſon or Perſons whoſoever, 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 Purpoſes of altering or amending the ſaid Road, or any Part or Parts 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 Purpoſes of getting ſuch Materials for altering and amending the ſaid Road, or any Part, 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 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.

LX. 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 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 Road, 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 Road, 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 Road, (not being a Garden walled-in, Orchard, Yard, Park, 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 Road ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively

Making reaſonable Satisfaction.

tively 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 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*, or County of *Kerry*, 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.

In case of Difference, Justices in Sessions to determine the same.

Surveyor may remove Annoyances.

LXI. And be it further enacted, That it shall and may be lawful to and for the said 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 Road, by Rails, Steps, Side Posts, or other Posts, and also by Filth, Dung, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains running into, along, or out of any Part of the said Road, to the Prejudice thereof, and to make the same as large and deep as he or they shall think proper, and to cleanse any Ditch or Watercourse next adjoining to any Part of the said Road, and to cut down, lop or top at proper Seasons of the Year, any Trees or Bushes growing in any Part of the said Road, 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 Three Days next after Notice in Writing given for that Purpose, signed by any Two or more of the said Trustees, or by their Surveyor or Surveyors, the Surveyor or Surveyors may cause the same to be removed, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors 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 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.

LXII. 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 Road, any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheel Carriage, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage, to drag upon any Part of such Road, 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 Mile Stones to be set up.

XLIII. And be it further enacted, That the said Trustees shall and may cause the said Road to be measured, and Mile Stones to be set up at or near the Sides thereof, at the End of One Mile from each other, and Posts to be

be erected to denote the Distance of every such Post from any Town or Place, as the said Trustees shall think fit, and also cause to be erected Guide Posts upon such Parts of the said Road where the same are crossed or joined by other Roads, and also Tables of the Tolls at each Turnpike Gate, as they shall judge proper; and if any Person or Persons wilfully break, throw down, injure, destroy, obliterate, or deface any Mile Stone, Table of Tolls, or Post erected, or to be erected, on any Part of the said Road, or any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully break, throw down, or injure any Stone or Stones, or Parapet Wall or Walls on the Side or Sides of any Bridge or Bridges, Arch or Arches, on any Part or Parts of the said Road, every such Person shall forfeit and pay any Sum not exceeding Five Pounds for each Stone, Tables 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. Penalty on damaging Mile Stones.

LXIV. And be it further enacted, That if any Person shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on, or drive, or lead any Horse, Beast, Cattle, or Carriage, over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Part of the said Road; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Foot-paths or Causeways; or if any Person shall plough over or drag any Plough upon any Part of the said Road, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Road, to the Prejudice thereof; or if any Person shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road with any Instrument, so as to damage the said Road, 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 (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 Road as conveniently may be) in, upon, or on the Side of the said Road, 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 Necks within Fifty Feet of the Centre of any Part of such Road; or shall lay any Turf, Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyance whatsoever, upon any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof or Annoyance of any Person or Persons travelling thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act. For preventing Annoyances, &c.

LXV. And whereas Accidents may happen, and great Mischiefs done upon the said Road by the Negligence or wilful Misbehaviour of Persons riding Drivers of Carriages punishable

for wilful Neglect.

riding Horſes and driving Carriages thereon, be it therefore further enacted, That if any Perſon ſhall ride any Horſe or other Beaſt, or ſhall lead or drive any Carriage on the ſaid Road, ſave and except on that Side of the Road ſituate on his or her Left Hand when meeting any other Carriage; or if the Driver of any Cart, Car, Dray, Wain, or Waggon, or other ſuch Carriage, ſhall ride upon any ſuch Carriage on the ſaid Road, not having ſome other Perſon on Foot or on Horſeback to guide the ſame, (ſave and except all ſuch Carriages as are conducted by ſome Perſon holding the Reins of the Horſe or Horſes, or other Beaſt or Beaſts drawing the ſame,) or if the Driver of any Carriage whatſoever on any Part of the ſaid Road ſhall, by Negligence or wilful Miſbehaviour, cauſe any Hurt or Damage to any Perſon or Carriage paſſing along ſuch Road, or ſhall quit the ſaid Road and go on the other Side of the Hedge or Fence incloſing the ſame, or wilfully be at ſuch a Diſtance from ſuch Carriage while it ſhall be paſſing on ſuch Road 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 Road, or of any Perſon driving or acting as the Driver of any Coach, Poſt Chaiſe, or other Carriage let for Hire, or of any Cart, Car, Dray, Wain, or Waggon, or other ſuch 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 Sirname or Sirnames 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 every ſuch Driver ſo offending ſhall, for every ſuch Offence, on being convicted thereof, either by his own Confeſſion, or by the View of a Juſtice of the Peace, or by 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 greater than Five Pounds; and it ſhall and may be lawful to and for any Perſon or Perſons whomſoever who ſhall ſee any ſuch Offence committed, to ſeize and apprehend, and alſo to and for any 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 Execution of this Act.

LXVI. And be it further enacted, That if any Perſon ſhall obſtruct, hinder or moleſt any of the ſaid Truſtees, or any Collectors of Tolls, Clerk, Surveyor, Workmen, or other Perſon or Perſons whomſoever, who is or are employed in carrying this Act into Execution, in the Performance or Execution of his, her, or their Duty, or of any of the Matters or Things to be done by virtue or in purſuance thereof, every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

LXVII. And

Punishing Persons swearing falsely.

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

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

LXVIII. 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, 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.

Expence of obtaining the Act, to be paid out of the Tolls.

LXIX. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest from the Time of advancing the same, to the Time of Payment shall, in the first Place, be paid and defrayed out of any Monies received and collected or borrowed by virtue of this Act.

Recovery and Application of Penalties.

LXX. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattles of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Cork*, or County of the City of *Cork*, or County of *Kerry*, 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 hereinbefore directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act, and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant 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, Town, or Place where the Offence shall be committed, there to remain without Bail or Mainprize, for any Time not exceeding Two Calendar Months, nor less than Ten Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

Form of Conviction.

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

'BE it remembered, that on this Day of , in the Year of the Reign of , 'A. B. is convicted before , of His Majesty's 'Justices of the Peace for the , of having (as 'the Offence shall be,) and I [*or we*] the said do 'adjudge him (her or them) to forfeit and pay for the same the Sum of ' . Given under my Hand and Seal (or our Hands and 'Seals) the Day and Year aforesaid.'

Actions to be brought in the Name of the Treasurer or Clerk, or one of the Trustees or Surveyor or Surveyors; but neither of them to be liable to the Payments of Costs.

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

Allowing an Appeal to the Quarter Sessions.

LXXIII. 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 shall 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 One Calendar Month from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Ten Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Trustees, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County, with sufficient Securities conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such 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.

Distress not to be unlawful for Want of Form.

LXXIV. 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 be afterwards so done by the Party or Parties so dis-

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 quaſhed for Want of Form, or be removable by Certiorari.

LXXV. 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 be removeable by *Certiorari*, or by any other Writ or Proceſs whatſoever into any of His Majeſty's Courts of Record at *Dublin*; any Law or Statute to the contrary there of in anywiſe notwithſtanding.

Plaintiff not to recover without Notice, or after tender of Amends.

LXXVI. 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 for the Plaintiff or Plaintiffs ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action if Tender of ſufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant or Defendants in any ſuch Action, by Leave of the Court after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings, 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.

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

Public Act.

LXXVIII. 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.

LXXIX. And

Continuance of this Act.

LXXIX. And be it further enacted, That this Act shall commence and take place on the Second *Monday* after the passing thereof, in the County of *Cork*, and County of the City of *Cork*; and on the Fourth *Monday* after the passing thereof in the County of *Kerry*; 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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