ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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C A P. LX.

An Act to make better Provision for the Management and Use of the *Curragh* of *Kildare*.

[16th *July* 1868.]

WHEREAS there is in the County of *Kildare* a Tract of Land known as the *Curragh* of *Kildare* (in this Act called the *Curragh*):

And whereas Part of the *Curragh* is occupied by an Encampment of some of Her Majesty's Forces:

And whereas, with a view to the better Management of the *Curragh*, and the more beneficial User thereof, and the ascertaining and settling the Rights of Common of Pasture (if any) and other Rights (if any) which legally exist, either by Grant, Charter, or User, over the *Curragh*, and the ascertaining of the Claims for Compensation to those (if any) whose Rights may be interfered with by the Provisions of this Act, and for preserving the Use of the *Curragh* for the Purpose of Horse Racing and the Training of Race Horses, it is expedient that such Provisions be made as are in this Act expressed:

And whereas for the Purposes of this Act a Map has been deposited with the Clerk of the Peace for the County of *Kildare*, on

which the *Curragh* is delineated (in this Act referred to as the deposited Map):

And whereas there are on the *Curragh* divers Closes or Parcels of Land and Buildings held under Grant or Lease or otherwise from the Crown, and divers Roads being public Highways (all which are described in the Second Schedule to this Act); and it is expedient that the same be exempted from the Operation of this Act:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows:

Preliminary.

Short Title.

1. This Act may be cited as The *Curragh* of *Kildare* Act, 1868.

Interpretation of Terms.

2. In this Act—

The Term "the Secretary of State for War" means such One of Her Majesty's Principal Secretaries of State for the Time being as Her Majesty thinks fit to intrust with the Seals of the War Department:

The Term "the Lord Lieutenant" means the Lord Lieutenant or other the Chief Governor or Governors of *Ireland* for the Time being:

The Term "Person" includes a Corporation Aggregate or Sole:

The Term "Justice" means a Justice of the Peace acting for the County of *Kildare*, not being interested in the Matter requiring the Cognizance of a Justice:

The Term "Two Justices" means Two Justices assembled and acting together, and includes any resident Magistrate, or any Magistrate or Justice having by Law Authority to act for any Purpose with the Powers of Two Justices.

General Management.

Management of Curragh by Ranger.

3. Subject to the Provisions of this Act, the Care, Management, and Preservation of the *Curragh* shall be vested in the Ranger of the *Curragh* from and after the passing of this Act.

Ranger.

Office of Ranger.

4. The Ranger of the *Curragh* shall be from Time to Time appointed by the Lord Lieutenant, and shall hold Office during the Pleasure of the Lord Lieutenant, and shall have such Powers and perform such Duties in relation to the Management and Preservation

tion of the *Curragh* as the Lord Lieutenant from Time to Time thinks fit to direct, but there shall not be any Salary, Fees, or other pecuniary Remuneration paid to or received by the Ranger.

Office of Deputy Ranger.

5. The Lord Lieutenant shall from Time to Time appoint a fit Person to be Deputy Ranger of the *Curragh*, who shall hold Office by the same Tenure as a Person serving in an established Capacity in the permanent Civil Service of the State, but shall be removable by the Lord Lieutenant; and the Deputy Ranger shall have such Powers and perform such Duties as the Lord Lieutenant, with the Advice of the Ranger, from Time to Time thinks fit to direct. The Ranger shall also from Time to Time appoint Two Bailiffs to assist the Deputy Ranger in the Discharge of his Duties, and such Bailiffs may be removed at any Time by the Ranger. The Deputy Ranger and Bailiffs shall receive such Salaries respectively as the Commissioners of Her Majesty's Treasury think fit, which, together with any other incidental Expenses incurred in the Execution of this Act, shall be defrayed out of any Money that may be provided by Parliament for the Purpose.

Abolition of Ranger's Fees.

6. The Fees stated in the First Schedule to this Act, Part I., heretofore received by the Ranger for his own Use, shall cease to be paid or demanded.

Three Divisions of Curragh, and their Use.

Division of Curragh into Three Parts.

7. From and after the passing of this Act, the *Curragh* shall, for the Purposes of the User thereof, be deemed to be divided into Three Parts, as follows:

1. A Part lying to the Eastward, coloured Brown on the deposited Map, occupied by or adjoining to the Encampment, which Part is in this Act referred to as the Site of the Camp:
2. A Part lying to the South and South-east of the Site of the Camp, coloured Blue on the deposited Map, used as a Ground for Rifle Practice, which Part is in this Act referred to as the Rifle Ground:
3. The Residue of the *Curragh*, coloured Green on the deposited Map, which Part is in this Act referred to as the Green Lands.

Control of Site of Camp by War Department.

8. The Secretary of State for War shall have the exclusive Use and Control of the Site of the Camp while the same shall be occupied by a Camp, and during such Time all Rights of Common of Pasture, Rights of Way, or other Rights (except the Rights of the Crown)

Crown) in, over, or affecting the Site of the Camp or any Part thereof shall be and the same are hereby suspended until the Site of the Camp shall be freed and discharged from such Rights of Common and other Rights as provided by this Act: provided that nothing herein shall authorize the Secretary of State to erect on the outer Boundary thereof any Wall of Brick or Stone or any other Erection for the Purpose of enclosing the Site of the Camp, or restrict the public Right of Way on, over, and along the Road crossing the Site of the Camp marked on the deposited Map and thereon distinguished by the Letters X, Y, save that the Officer in Command at the Camp may in any Case of Riot or Disturbance of the Peace, existing or apprehended, and on the Request or with the Consent of a Justice in Writing under his Hand, temporarily close that Road or any Part thereof against public Traffic.

Use of Rifle Ground.

9. The Secretary of State for War shall have the Use and Control of the Rifle Ground for Purposes of Rifle and Musketry Practice, and for Instruction in Field Works, with Power to erect and maintain Butts and other necessary or proper Works for such Practice, and to use such Rifle Ground for the Purposes of Drill, Exercise, and Recreation of Her Majesty's Troops, and for the Purposes of temporary Encampment thereon, when required in the Judgment of the Secretary of State.

Use of Green Lands.

10. The Secretary of State for War shall continue to have the Use of the Green Lands, subject to the Provisions herein-after contained, as to a Portion thereof, for Reviews, Drills, and other Military Purposes, and for the Exercise and Recreation of Her Majesty's Troops, and also, with the previous Assent in Writing of the Lord Lieutenant from Time to Time, the Use of a Portion thereof for the Purposes of temporary Encampment thereon in Cases of temporary Emergency.

Powers and Duties of War Department.

Power for War Department to add to Site of Camp.

11. The Secretary of State for War may at any Time and from Time to Time, by Certificate under his Hand with Map annexed deposited with the Clerk of the Peace for the County of *Kildare*, take in and add to the Site of the Camp any Portion of the Green Lands, not exceeding in the whole One hundred Acres, and the Land comprised in any such Certificate shall, from and after the Deposit thereof, be deemed to be Part of the Site of the Camp within the Meaning and for the Purposes of this Act; and every such Certificate shall be in Duplicate, and one Part of it shall be deposited in the Record and Writ Office, *Dublin*, within One Month after the Deposit of the other Part with the Clerk of the Peace.

12. The

Power for War Department to drain Camp.

12. The Secretary of State for War may from Time to Time cause to be made such Sewers and Drains as are necessary for the effectual sewering and draining of the Site of the Camp, and may carry such Sewers and Drains in, under, through, and across any Part of the *Curragh*, doing as little Damage as may be.

Actions and Suits by and against War Department.

13. The Secretary of State for War may bring and may defend any Action, Suit, Prosecution, or Proceeding relative to the Site of the Camp or to the Rifle Ground in respect of any Trespass or Encroachment committed thereon or Damage done thereto, or in respect of any other Matter connected therewith; and in every such Action, Suit, Prosecution, or Proceeding the Secretary of State for War may be so styled, without more; and any such Action, Suit, Prosecution, or Proceeding shall not be affected by any Change in the Person holding the Office of Secretary of State for War; and in any such Action, Suit, Prosecution, or Proceeding the Secretary of State for War shall be liable and entitled to pay or receive Costs according to the ordinary Rules observed in Actions, Suits, Prosecutions, or Proceedings between Subject and Subject; and the same Right of Appeal is hereby given to the Secretary of State for War to which a Party proceeded against is now entitled, and upon the same Terms and Conditions, save as to the Necessity of the Secretary of State for War being required to enter into a Recognizance.

When Site of Camp and Use of Rifle Ground no longer required for Military Purposes, same to become subject to Control of Ranger.

14. Whenever the Secretary of State for War shall no longer require the Use and Occupation of the Camp and the Use and Control of the Rifle Ground, and shall give Notice in Writing to the Under Secretary of the Lord Lieutenant of his Intention to withdraw from the Use and Occupation thereof, then One Month after such Notice the Site of the Camp shall become and be subject to the Power, Authority, and Control of the Ranger of the *Curragh*, acting under the Provisions of this Act.

Power for War Department to dig Gravel.

15. The Secretary of State for War may from Time to Time cause Gravel, Sand, or other Substances to be dug and raised on any Part of the *Curragh*, for the Purposes of the Maintenance and Repair of the Roads on the *Curragh* under his Control, and for other Purposes connected with the Encampment of Her Majesty's Troops on the *Curragh*; provided that no such Power shall be exercised in the Portion described as the Green Lands without the Consent of the Ranger for the Time being.

Diversion of Road from Ballysax to Athgarvan.

16. The Secretary of State for War may, if he thinks fit, make a new Road from the Point where the proposed new Road, shown on the deposited Map and coloured Red, diverges from the Road thereon

thereon shown and coloured Brown, and described as the present Road from *Ballysax* to *Athgarvan*, to the Point where the proposed new Road joins that present Road, as nearly as conveniently may be in the Line of the proposed new Road as shown on the deposited Map, and a Plan and Section of the said Road shall be deposited with the Surveyor for the County of *Kildare* previous to the Construction of same; and on the Completion of the new Road hereby authorized the Secretary of State may permanently stop up against Traffic and lay into the *Curragh* the Site of so much of the said present Road as lies between the Point where the proposed new Road diverges from that present Road and the Point where the proposed new Road joins that present Road; and on the Completion of the proposed new Road (whereof a Certificate under the Hands of Two Justices shall be conclusive Evidence) the same shall be deemed to be to all Intents a public Road in substitution for that Portion of the said present Road which is hereby authorized to be stopped up.

Use of Curragh for Racing Purposes.

17. Subject to the Provisions of this Act, it shall be lawful for Her Majesty, Her Heirs and Successors, with the Advice of the Commissioners of Her Majesty's Treasury, to grant and permit the Society known as the *Irish* Turf Club, or, failing the same, any other like Society or Person, for the Purpose of Horse Racing and Training of Horses only, to use that Portion of the Green Lands bounded on the South by the *Limerick* Road, and on the West by a Line drawn from the said *Limerick* Road through the Police Barrack, and terminating at the *Rathbride* Post, and on the North and East by so much of the outer Boundary of the *Curragh* as lies between the Entrance of the said *Limerick* Road on the *Curragh* and the *Rathbride* Post aforesaid, for such Time, at such Rent, and subject to such Conditions as Her Majesty, Her Heirs and Successors, may think proper; and also, with such Advice as aforesaid, by Warrant, under Seal or otherwise, to grant and demise to the said Society or other Person for any Term not exceeding Ninety-nine Years a Part of the said Portion of the Green Lands (not exceeding Ten Acres) for the Purpose of Buildings in connexion with and necessary for such Races, such Grant and Demise to be subject to such Rent and on such Terms and Conditions as may by Her Majesty, Her Heirs and Successors, be thought proper; and when any such Grant or Permission shall have been given, it shall not be lawful for the Secretary of State for War or the Commanding Officer of the Camp or any other Officer to use for Review, Drill, or Exercise of Her Majesty's Troops any Part of that Portion of the said Green Lands herein-before described without the Leave in Writing of the Lord Lieutenant.

Rights

Rights of Common, &c.

Continuance of Rights of Common.

18. Subject to the Provisions of this Act, all Rights of Common of Pasture, Rights of Way, and other Rights existing in, over, or affecting the *Curragh* at the passing of this Act shall continue and be as if this Act had not been passed.

The Curragh Commissioners.

Curragh Commissioners constituted.

19. There shall be Three Commissioners, who shall be called the *Curragh* Commissioners (and to whom the Term "the Commissioners," where used in this Act, refers).

Qualification and Appointment of Commissioners.

20. One of the Commissioners shall be a practising Barrister at Law of at least Ten Years standing who at the Time of his Appointment has actually practised Ten Years in Her Majesty's Superior Courts of Law at *Dublin*, and has not retired from Practice.

That Commissioner and One other of the Commissioners shall be appointed by the Lord Lieutenant. The remaining Commissioner shall be appointed by the Commissioners of Her Majesty's Treasury.

Vacancies among Commissioners.

21. Any Vacancy happening by Death, Resignation, or otherwise in the Office of any of the Commissioners (appointed either originally or on a Vacancy) shall be filled up by the Appointment of another qualified Person to be One of the Commissioners by the Authority by whom the vacating Commissioner was appointed.

Power of Two Commissioners.

22. The Three Commissioners shall sit and hear each Case, but the Acts and Decisions of Two of the Commissioners shall be deemed to be Acts and Decisions of the Commissioners.

Clerk to Commissioners.

23. The Commissioners shall from Time to Time appoint by Writing a Clerk, who shall hold his Office during their Pleasure.

Remuneration, &c. of Commissioners and Clerk.

24. Each of the Commissioners and their Clerk shall receive, as Remuneration for his Services, such Sum (not exceeding as to a Commissioner Six hundred Pounds) as the Commissioners of Her Majesty's Treasury think reasonable, and shall be allowed all Expenses properly incurred by him in executing this Act.

Power to employ Surveyors, &c.

25. The Commissioners may from Time to Time employ Land Surveyors and Valuers in such Manner as they think fit.

Expenses of Commissioners to be provided by Parliament.

26. The Remuneration of the Commissioners and of their Clerk, and all Expenses allowed to them, and the Expenses of the Employment of Land Surveyors and Valuers, shall be paid and defrayed

defrayed under the Direction of the Commissioners of Her Majesty's Treasury out of Money provided by Parliament.

Mode of Publication of Notices by Commissioners.

27. Notices by this Act required to be published by the Commissioners shall be published by Insertion in the *Dublin Gazette*, and in a Newspaper printed or usually circulating in the County of *Kildare*, and by Bills posted in conspicuous Places on or near the *Curragh*.

Signature of Notice, &c.

28. Notices, Summonses, and other Instruments issued by the Commissioners for Service or Delivery shall be under the Hand of their Clerk.

Forms in Third Schedule.

29. The Form given in the Third Schedule to this Act, or a Form to the like Effect, shall be used for the Purpose therein indicated, subject and according to the Directions therein contained, and with such Variations as Circumstances require, and every Instrument made under this Section may be in Writing or Print, or partly in Writing and partly in Print.

Power for Commissioners to make Rules.

30. The Commissioners may, from Time to Time, if they think fit, make and publish such Rules as seem fit (not being inconsistent with the Provisions of this Act) for regulating Proceedings by and before the Commissioners.

Protection of Commissioners.

31. The Commissioners shall have the like Protection and Privileges in respect of any Act done or omitted to be done in execution or intended Execution of their Duties under this Act as Justices of the Peace acting in execution of their Office have by Law.

Penalty for disturbing Commissioners.

32. If any Person wilfully disturbs or obstructs the Commissioners in the Execution of their Duties, he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding Five Pounds.

Constables, &c. to aid.

33. All Constables, Bailiffs, and other Officers shall give their Aid to the Commissioners in the Execution of their Duties.

Inquiries of Commissioners.

Commissioners to ascertain Rights of Common, &c.

34. The Commissioners shall ascertain and decide the following Things; namely,

What (if any) Rights of Common of Pasture, Rights of Way, or other Rights (except the Rights of the Crown and public Rights of Way) exist in, over, or affecting the *Curragh*, or any Part thereof, either by Grant, Charter, or Prescription:

To

To what Persons, and for what Terms, Estates, or Interests, the Rights aforesaid respectively belong:

What (if any) are the Lands in respect of which the Rights aforesaid respectively are exerciseable:

What (if any) Compensation should be given to any Party whose Rights are or may be injuriously affected by this Act.

Commissioners to ascertain public Rights of Way.

35. The Commissioners shall also ascertain and decide what (if any) public Right of Way exists in, over, or affecting the *Curragh*, or any Part thereof.

Proceedings by and before Commissioners.

Commissioners to publish Notice of Act, Time for Claims, &c.

36. The Commissioners shall, within One Month after their Appointment, publish a Notice appointing a Time and Place within and at which all Persons desiring to claim under this Act, on their own respective Behalf, any Right of Common of Pasture, Right of Way, or other Right in, over, or affecting the *Curragh*, or any Part thereof, and all Persons desiring to claim under this Act, on behalf of the Public, any Right of Way or other Right in, over, or affecting the *Curragh* or any Part thereof, are to lodge their respective Claims, the Time not being less than One Month or more than Three Months after the Insertion of the Notice in the *Dublin Gazette*, and the Place being some convenient Place on or near the *Curragh*; and the Commissioners shall hold their Meetings at such Place and at such Times as they may consider most convenient for the Accommodation of Claimants and Suitors, and shall hold such a Number of Meetings in the Neighbourhood of the *Curragh* as shall be sufficient for hearing local Claimants.

Claims to be made within Time fixed.

37. All Persons desiring to claim as aforesaid shall lodge their Claims within and at the Time and Place aforesaid.

Form of Claim.

38. Every Claim shall be signed by the Claimant or his Attorney or Agent authorized in that Behalf.

Power to enlarge Time.

39. A Claim shall not be received after the Expiration of the Time aforesaid, save that the Commissioners, on good Cause shown, may give Leave to any Person to lodge a Claim within such Time after the Expiration of the Time aforesaid as they think fit, but not in any Case after the Expiration of Six Months from the Insertion of the Notice aforesaid in the *Dublin Gazette*.

Claimant under Disability.

40. Where any Person entitled to make a Claim is under the Disability of Infancy, Lunacy, or Coverture, or other legal Disability, his or her Guardian, Trustee, Committee of the Estate, Husband, or

Attorney (as the Case requires) may in his or her Stead sign, lodge, and prosecute the Claim.

Amendment of Claim.

41. The Commissioners may, if they think fit, from Time to Time authorize or require the Amendment of a Claim.

Hearing of Claims.

42. As soon as conveniently may be after the Expiration of the Time appointed as aforesaid for the lodging of Claims, but not less than One Month thereafter, the Commissioners shall consider the Claims lodged, and hear the Claimants appearing by themselves, their Counsel, Attorneys, or Agents, and take Evidence, and hear any Objector to any Claim appearing by himself, his Counsel, Attorney, or Agent, and being in the Opinion of the Commissioners entitled to be heard (with Power nevertheless to the Commissioners to refuse to hear any Objector unless his Objection is put in Writing, or unless he complies with such other Conditions as the Commissioners think reasonable).

Decision on Claims.

43. The Commissioners shall decide on each Claim, allowing or disallowing the same in whole or in part, and make and sign a Memorandum stating their Decision thereon, a certified Copy whereof shall, if required, be delivered to the Claimant.

Power to send for Persons and Papers.

44. The Commissioners, on the Application of any Claimant, or of any Objector admitted to be heard, shall by Summons require the Attendance before the Commissioners of any Claimant, or of any Person to be examined as a Witness before them, and shall, on the like Application, by Summons require any Claimant or other Person to bring before the Commissioners all Books, Papers, and Writings in his Possession, Custody, or Control relating to any Matter to be inquired into by them.

Person summoned bound to attend.

45. Every Claimant or other Person so summoned shall attend the Commissioners, and answer all Questions touching the Matter to be inquired into, and bring and produce all Papers, Books, and Writings required, according to the Tenour of the Summons; provided that any Person so summoned, other than a Claimant in his own Case, shall not be bound to obey the Summons unless a reasonable Sum is first paid or tendered to him for his Expenses.

Penalty for Non-attendance or refusing to give Evidence.

46. If any Claimant or other Person on whom a Summons of the Commissioners is served, either personally or by Delivery at his last known or usual Place of Abode or Business, fails to appear before the Commissioners at the Time and Place therein specified without reasonable Excuse, or if any Claimant or other Person appearing

appearing before the Commissioners refuses to be sworn or to make Affirmation (as the Case may be), or to make Answer to any Question put to him touching any Matter being inquired into by the Commissioners, or if any Claimant or other Person fails to produce and show to the Commissioners any Book, Paper, or Writing in his Possession, Custody, or Control which the Commissioners require to be produced, every such Claimant or other Person shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding Twenty Pounds, without Prejudice to any other Remedy against him.

Power for Commissioners to examine on Oath, &c.

47. The Commissioners, or any One of them, may administer an Oath or an Affirmation (where an Affirmation in lieu of an Oath would be admitted in a Court of Justice) to any Claimant or other Person examined before them, and may take the Affidavit or Declaration of any Claimant or other Person.

Penalty for false Evidence.

48. If any Claimant or other Person on Examination on Oath or Affirmation before the Commissioners, or in any Affidavit or Declaration used before the Commissioners, wilfully gives false Evidence, he shall be deemed guilty of Perjury.

Appeal.

Appeal on Points of Law to Court of Common Pleas.

49. If any Claimant or any Objector admitted to be heard (including the Ranger and the Commissioners of Woods and Forests on behalf of the Crown) thinks himself aggrieved by any Decision of the Commissioners as being erroneous in point of Law, he may appeal against the Decision, as follows:

(1.) The Appeal shall be to Her Majesty's Court of Common Pleas in *Dublin:*

(2.) The Appeal shall be by Special Case, stating the Facts and the Grounds of the Decision:

(3.) The Special Case shall be settled by the Commissioners, on the Application of the Appellant made in Writing within Fourteen Days after the Delivery of the Decision, and not afterwards; and if the Appellant is dissatisfied with the Special Case as settled by the Commissioners, he shall be entitled to have it settled by a Judge of the Court of Common Pleas in *Dublin*, on Summons, in Chambers.

Special Case to be signed, &c.

50. A Special Case (except when settled by a Judge in Chambers) shall be signed by the Commissioners, and shall be delivered by them to the Appellant.

51. Before

Curragh of Kildare.

Recognizance by Appellant.

51. Before the Delivery of a Special Case to an Appellant (other than the Ranger and the Commissioners of Woods and Forests) he shall enter into a Recognizance before the Commissioners (with or without Sureties, and in such Sum as to the Commissioners seems fit) conditioned to prosecute without Delay the Appeal, and to submit to the Judgment of the Appellate Court, and to pay any Costs awarded by that Court.

Transmission of Special Case.

52. On Receipt of a Special Case the Appellant shall, within Fourteen Days, transmit the original Case, by Post or otherwise, to the proper Officer of the Appellate Court.

Hearing and Determination of Appeal.

53. The Appellate Court shall hear and determine the Question or Questions of Law arising on a Special Case, and may thereupon reverse, affirm, or amend the Decision in respect of which the Special Case is stated, or remit the Matter to the Commissioners, with the Opinion of the Appellate Court thereon, or may make such other Order in relation to the Matter, and may make such Order as to Costs, as to the Court seem fit; and all such Orders shall be final and conclusive on all Parties, and shall be adopted and acted on by the Commissioners.

Amendment of Case.

54. The Appellate Court may, if they think fit, before delivering Judgment, cause a Special Case to be amended.

Forfeiture of Appellant's Recognizance.

55. If the Condition of the Recognizance entered into by an Appellant is not complied with, a Justice shall certify on the Back thereof the Fact and Nature of the Non-compliance, and shall transmit the Recognizance to the Clerk of the Peace for the County of *Kildare*, and the same shall be proceeded on in like Manner as a Recognizance forfeited at Quarter Sessions may for the Time being by Law be proceeded on; and the Certificate of the Justice shall be Evidence of the Recognizance having been forfeited.

Award.

Time for Award.

56. The Commissioners shall make their Award (hereafter in this Act referred to as the Award) not later than the Thirty-first Day of *December* One thousand eight hundred and sixty-nine, or such further Time as the Lord Lieutenant in Council shall direct, unless prevented from so doing by the Pendency of any Appeal, and in that Case as soon after that Day as the Determination of the Appeal permits.

Contents of Award.

57. The Award shall state the Substance of every Claim lodged, the Amount of Compensation claimed, if any, and the Commissioners Decision, allowing or disallowing the same in whole or in part.

58. The

Setting out of private Ways and stopping up of unnecessary Ways.

58. The Award shall prescribe and shall make Provision for the setting out of specific Ways in respect of Rights of Way (other than public Rights of Way) in, over, or affecting the *Curragh*, or any Part thereof, in such Directions and Lines as the Commissioners determine to be necessary or proper for the Convenience of the Owners and Occupiers of Lands in respect of which those Rights respectively are exerciseable; and all Rights of Way (other than public Rights of Way) in, over, or affecting the *Curragh* shall, after the Award, be exerciseable only in, along, or across the specific Ways in the Award prescribed; and the Award shall prescribe and shall make Provision for the stopping up of all Ways (other than public Ways) in, over, or affecting the *Curragh*, except the specific Ways in the Award prescribed.

Commissioners to ascertain and state in Award Amount of Compensation (if any) to be awarded in respect of Rights of Common, &c.

59. The Commissioners shall inquire into, ascertain, and state in their Award the Amount of Compensation (if any) to which, in their Opinion, any Person shall be entitled in respect of any Right of Common of Pasture, Right of Way, or other Right on, over, or affecting the *Curragh*, or any Part thereof, which is in any way whatsoever injuriously affected, varied, or altered by any of the Provisions of this Act other than those relating to Horse Racing and the Training of Horses, and the Amount of such Compensation (if any) shall be ascertained and stated separately with respect to the Site of the Camp and the Rifle Ground.

Form, Deposit, &c. of Award.

60. The Award shall be in Duplicate, one Part of it shall be presented to the Chief Secretary to the Lord Lieutenant, and the other Part shall be deposited with the Clerk of the Peace for the County of *Kildare*, and the Copy of the said Award shall be published once in each of Three consecutive Weeks next after the making thereof in some Newspaper circulating in the County of *Kildare* and in the *Dublin Gazette*.

Chief Secretary to obtain Confirmation of Award.

61. The Chief Secretary to the Lord Lieutenant shall, as soon as conveniently may be after the Publication of the said Award, take all necessary Steps for the Confirmation of the same by Act of Parliament, but previously to such Confirmation the said Award shall not be of any Validity whatever, and the Act of Parliament confirming the said Award shall be deemed a Public General Act. In case any Petition shall be presented to either House of Parliament against the said Award, or any Part thereof, in the Progress through Parliament of the Bill confirming the same, the Bill may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in the Case of Private Bills.

Pasture.

Regulation of Rights of Pasture over Curragh.

62. Subject to the Provisions of this Act, the *Curragh* may be stocked and depastured in common by the Persons to whom Rights of Common of Pasture in, over, or affecting the same, or any Part thereof, are allowed by the Award, according to their respective Rights so awarded, and subject and according to such Regulations as the Ranger, with the Approval of the Lord Lieutenant, from Time to Time thinks fit to make.

Byelaws for Regulation of Curragh.

Power to make Byelaws.

63. The Lord Lieutenant, by and with the Advice and Consent of Her Majesty's Privy Council in *Ireland*, may from Time to Time (subject to the Provisions of this Act) make Byelaws for all or any of the following Purposes; namely,

For preventing unauthorized Persons from turning out or knowingly permitting Sheep, Pigs, or other Animals to graze or feed or remain on the *Curragh;*

For preventing unauthorized Persons from taking from the *Curragh* any Gravel, Sand, Stone, Earth, Turf, Sods, or other Substance, or digging for the same on or in or otherwise disturbing the Surface or Soil of the *Curragh;*

For prohibiting Persons from placing Heaps of Manure or Rubbish on any Part of the *Curragh;*

For prohibiting or restricting unauthorized Persons from passing over the *Curragh*, or any specified Part thereof, with Vehicles;

For prohibiting Persons from removing from the *Curragh* the Dung of Sheep or other Animals;

For prohibiting Persons from injuring, defacing, or removing Notices put up on the *Curragh*, or the Posts, Railings, Chains, or Fences placed thereon; and

Generally for preventing Encroachments or Trespasses on, or Injuries to, or Nuisances on the *Curragh*, or any unauthorized User thereof, or any Interference with or Obstruction to the authorized User thereof.

Penalties in Byelaws.

64. Any such Byelaws may impose reasonable Penalties for Offences against the same, not exceeding Five Pounds for each Offence, with or without further Penalties for continuing Offences, not exceeding for any continuing Offence Forty Shillings for every Day during which the Offence continues; but all Byelaws shall be so framed as to allow in every Case Part only of the maximum Penalty being ordered to be paid.

65. Penalties

Recovery of Penalties.

65. Penalties under any such Byelaws shall be recovered by summary Proceedings before a Justice or Justices.

Previous Publication of proposed Byelaws.

66. Where the Lord Lieutenant proposes to make any such Byelaws, the Chief Secretary to the Lord Lieutenant shall publish the same by the Insertion thereof as an Advertisement in a Newspaper printed or usually circulating in the County of *Kildare*, and by Notices posted in conspicuous Places on or near the *Curragh;* and the said Chief Secretary shall, during One Month at least after the Publication thereof, afford to all Persons the Opportunity of making, in Writing or otherwise, as in the Advertisement stated, Objections to or Representations respecting the proposed Byelaws, and he shall submit all such Objections and Representations to the Lord Lieutenant for his Consideration, and, if the Lord Lieutenant thinks fit, he may abstain from making or may alter or add to the proposed Byelaws.

Sale of Copies of Byelaws.

67. All Byelaws under this Act shall be printed, and the Ranger shall cause a printed Copy thereof to be delivered to every Person applying for the same at the Place mentioned in that Behalf in the Byelaws, on Payment of such reasonable Price as he from Time to Time directs, and the Commissioners of Her Majesty's Treasury approve, not exceeding Sixpence for each Copy.

Proof of Byelaws.

68. A printed Copy of Byelaws under this Act, purporting to be signed by the Chief Secretary to the Lord Lieutenant, shall be conclusive Evidence of the Existence and due making of those Byelaws, without Proof of the Signature.

Miscellaneous.

Fees to be received by Irish Turf Club.

69. The Fees stated in the First Schedule to this Act, Part II., shall be paid to the Society known as the *Irish* Turf Club, or any Person authorized to collect the same on their Behalf, and the Amount so received shall be expended by the Society in or about the Preservation and Improvement of the Racecourses and Training Grounds on the *Curragh*, and otherwise for the Encouragement of Horse Racing there; and such Receipt and Expenditure shall be from Time to Time accounted for as the Commissioners of Her Majesty's Treasury direct.

Rents of Lands in Schedule.

70. All Rents receivable in respect of the Holdings described in the Second Schedule to this Act, and any other Revenue from Time to Time to accrue to the Crown from the *Curragh*, shall be received and accounted for by such Person and in such Manner as the Commissioners of Her Majesty's Treasury may appoint and direct, and

and be carried to the Consolidated Fund of the United Kingdom in such Manner as the Commissioners of Her Majesty's Treasury from Time to Time direct, and after the Decease of Her Majesty shall be paid to Her Majesty's Heirs and Successors.

Power for County Surveyor to take Gravel.

71. The County Surveyor for the County of *Kildare*, or any Contractor authorized by the County Surveyor for the Time being, may from Time to Time dig up and take Gravel from the Green Lands, at such Places as the Ranger shall approve, without Payment, for the Purposes of the Maintenance and Repair of the County Roads immediately leading to, on, from, or across the *Curragh*, subject to such Byelaws and Regulations as herein-before are authorized to be made.

Custody of Map, Award, &c.

Clerk of Peace to retain Map, Award, &c.

72. The Clerk of the Peace for the County of *Kildare* shall retain the Map deposited for the Purposes of this Act, and the Award, and any other Document deposited with him under this Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom or thereof, in the like Manner, and on the like Terms, and under the like Penalty for Default, as are provided in relation to certain Plans and Sections by an Act passed in the First Year of Her Majesty's Reign, intituled *An Act to compel the Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

7 W. 4. & 1 Vict. c. 83.

Copy of a deposited Map to be deposited at the Record and Writ Office.

73. A Duplicate or Copy of the deposited Map shall, as soon as conveniently may be after the passing of this Act, be deposited at the Record and Writ Office, *Dublin*, such Duplicate or Copy being certified to be correct by the Clerk of the Peace for the County of *Kildare*, and the said Duplicate or Copy so deposited, or any certified Copy thereof, shall be admissible as Evidence in all Courts of Justice.

Deputy Ranger to have Power to bring and defend Actions in respect of Green Lands.

74. It shall be lawful for the Deputy Ranger for the Time being in his own Name to bring or defend any Action, Suit, Prosecution, or Proceedings in respect of any Trespass, Injury, Encroachment, or Nuisance on the Green Lands, or any Part thereof, or in respect of any other Matter connected therewith. Any such Action, Suit, Prosecution, or Proceeding shall not be affected by any Change in the Person holding the Office of Deputy Ranger, and the Deputy Ranger shall have the same Right of Appeal as given by this Act to the Secretary of State for War.

Exceptions

Exceptions and Savings.

Exemption of Closes and Roads in Second Schedule.

75. Except as in this Act expressly otherwise provided, nothing in this Act shall in any Manner apply to or affect the Closes or Parcels of Land and Buildings or the Roads respectively described in the Second Schedule to this Act, and, except as aforesaid, the same respectively shall to all Intents remain and be as if this Act had not been passed.

Nothing in Act to confer Right, &c.

76. Nothing in this Act shall confer on or confirm to any Person any Estate, Right, or Interest in or over the *Curragh*, or any Part thereof.

Saving for Rights of Crown and Individuals.

77. Save as in this Act expressly provided, nothing in this Act shall take away or prejudicially affect any Estate, Right, or Interest of Her Majesty in right of Her Crown or otherwise, or of any Person, in, to, or over the *Curragh*, or any Part thereof.

The SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

PART I.

Ranger's Fees abolished.

	£	s.	d.
1. For every Horse entered for a Royal or Vice-Regal Plate - - -	1	1	0
2. For every Horse winning a Royal or Vice-Regal Plate - - -	5	5	0

PART II.

Fees to be received by Irish Turf Club.

1. For every Horse trained on the Curragh - - - - -	1	1	0
2. For every Horse winning a Stake above 50*l.* - - - -	4	4	0
3. For every Horse winning a Stake of or below 50*l.* - - -	2	2	0
4. For every Horse winning a Royal or Vice-Regal Plate - - -	2	2	0

THE SECOND SCHEDULE.

CLOSES OR PARCELS OF LAND AND BUILDINGS AND ROADS EXEMPTED FROM OPERATION OF ACT.

Closes or Parcels of Land and Buildings.

No. on Map referred to n Act.	Description of Lands and Buildings.	Names of Grantees, Lessees, &c.	Dates of subsisting Grants, Leases, &c.	Particulars of Holdings.
1	The New Stand House.	The Representatives of the late Marquis of Waterford as Trustees for the Irish Turf Club.	21 April 1852 -	Annual Tenancy from 5 April 1852, determinable by Three Months Notice, at Rent of One Shilling per Annum to Crown.
2	Stables, erected on Site of Old Stand House.	The Most Honourable Nathaniel Francis Nathaniel Marquis of Conyngham, as a Trustee for the Irish Turf Club.	24 March 1864 -	Annual Tenancy from 25 March 1864, determinable by Three Months Notice, at Rent of 1*l.* per Annum to Crown.
3	Police Barrack -	Arthur Beresford Cane, Receiver of the Constabulary Force in Ireland.	31 December 1860	Lease for 99 Years from 25 December 1845, at Rent of 14*l.* per Annum to Crown.
4	Two Cottages -	William Quinn and B. McDonough.	29 February 1856 30 June 1864.	Weekly Tenancies at Rent of Two Shillings and Sixpence per Week for each Cottage to Crown.
5	Land, with Stables thereon.	Patrick Connolly -	3 June 1863 -	Lease for 31 Years from 25 March 1860, at Rent of 1*l.* per Annum ot Crown.

Curragh of Kildare.

No. on Map referred to in Act.	Description of Lands and Buildings.	Names of Grantees, Lessees, &c.	Dates of subsisting Grants, Leases, &c.	Particulars of Holdings.
6	Police Barrack -	The Secretary of State for War.	13 January 1859	Erected under Authority from Secretary of State for War.
7	The Hare Park or Covert of Rathbride. (8A. 1R. 30P.)	Henry Baron de Robeck on behalf of the Kildare Hunt Club.	28 February 1866	Lease for 21 Years from 29 September 1856, determinable at End of first 7 or 14 Years at Rent of 1*l.* per Annum to Crown.
8	Land near the Race Stand.	William Taylor, Secretary to the Great Southern and Western Railway Company.	20 March 1863 -	Annual Tenancy from 29 September 1862 at Rent of One Shilling per Annum to Crown.
9	The Camp Inn -	Mrs. Hilton - -	29 January 1857	Weekly Tenancy at Rent of Two Shillings and Sixpence per Week to Crown.
10	Cottage - -	Patrick Fahy -	- - -	Residence for One of the Constables employed on behalf of Crown in Protection of Curragh.
11	Land at Strawhall.	Mr. Davies - -	18 November 1856	Sold by Commissioner of Woods to Mr. Davies.
12	Police Barrack and Garden.	Sub-Inspector of Police at Lumville.	5 October 1861 -	Barrack erected under Authority from Secretary of State for War. For Garden Rent of 1*l.* per Annum payable to Crown.
13	Land with a Chapel erected thereon. (About 1A.)	The Reverend John Frayer Matthews and others as Trustees for the Society of People called Methodists.	4 January 1861	Lease for 99 Years from 29 September 1860, at Rent of 1*l.* per Annum to Crown.
"	" " (About 1A.)	The same - -	16 October 1862	Lease for 31 Years from 25 March 1862, at Rent of 1*l.* per Annum to Crown.
14	Constabulary Court House.	The Secretary of State for War.	13 January 1859	See No. 6 above.
15	Part of the Line of the Great Southern and Western Railway. (18A. 3R. 12P.)	The Great Southern and Western Railway Company.	16 December 1863	Conveyed by Commissioner of Woods to the Railway Company in consideration of Payment by them to Crown of 435*l.* 13*s.* 7*d.*
16	Land near Lumville.	Late in the Occupation of Ponsonby Moore.	- - -	Lease granted by Commissioner of Woods to Mr. Ponsonby Moore 25 August 1859, but surrendered 31 July 1865; Reletting not yet made.

Roads.

All Roads or Parts of Roads at the passing of this Act maintained and repaired by or at the Expense of the County of Kildare, and such Portions of the Green Lands as are now set apart or appropriated for Burial or Drainage Purposes.

THE

THE THIRD SCHEDULE.

Claim.

THE CURRAGH OF KILDARE ACT, 1868.

The Claim of *A.B.* under the above-mentioned Act.

Name of Claimant - -	
Description of Claimant -	
Address of Claimant at which all Notices to Claimant respecting this Claim may be delivered.	
Name of Agent for Claimant, and Address of that Agent, at which all Notices to Claimant respecting this Claim may be delivered.*	
Nature, Extent, and other Particulars of Claim.	
Situation and Quantity of Lands in respect of which Claim is made.	
Nature, Extent, and other Particulars of Claimant's Estate or Interest in those Lands.	

Dated this Day of .

(Signed) *A.B.*
[*or C.D.*, Attorney *or* Agent for the above-named *A.B.*]

Witness
X.Y.

* This Part of the Form to be filled up only when the Claimant desires to appoint an Agent.

LONDON:
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