ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 101.

An Act for the amending and repairing of the Road leading from the Town of *Kilcullen*, in the County of *Kildare*, to the Town of *Carlow*.

[3d *July* 1806.]

WHEREAS an Act was made in *Ireland*, in the Fifth Year of the Reign of his late Majesty King GEORGE the Second, intituled, "An Act for repairing the Read leading from the "Town of *Kilcullen*, in the County of *Kildare*, to the City of *Kilkenny:*" And whereas an Act was made in *Ireland*, in the Ninth Year of the Reign of his said late Majesty King GEORGE the Second, intituled, "An "Act to explain, amend, and make more effectual an Act for repairing the "Road leading from the Town of *Kilcullen*, in the County of *Kildare*, "to the City of *Kilkenny*," whereby so much of the said Act as relates to the repairing and amending of the Road leading from the Town of *Kilcullen* to the Town of *Carlow*, was put under the Care and Management of separate Trustees: And whereas another Act was made in *Ireland*, in the Third Year of the Reign of His present Majesty, intituled, "An Act for altering, amending, and making more effectual "the Laws for the Repair of the Road leading from the City of *Dublin*, "through the Towns of *Kilcullen* and *Carlow*, to the City of *Kilkenny*:" And whereas the said Trustees appointed in and by virtue of the said cited Acts, for the Purpose of repairing the said Road from the Town of

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of *Kilcullen* to the Town of *Carlow*, have proceeded to put so much of the same into Execution as relates to the said Road, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls arising upon the said Road, which are still due and owing, and cannot be paid off, nor can the said Road be effectually amended, widened, improved, and kept in Repair, unless the Term of the said Acts, so far as the same relate to the said Road, be further continued, and the Powers and Provisions thereof altered and enlarged, and the Tolls thereby granted increased; and it would tend greatly to facilitate the Execution of the Purposes of the said recited Acts, so far as the same relate the said Road, if such Parts thereof were repealed, and further and better Provision made for those Purposes: May it therefore please Your Majesty, That it may be enacted, and be it enacted by the KING's Most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 so much of the said recited Acts, as relates to the Road leading from the Town of *Kilcullen* to the Town of *Carlow*, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Matters, and Things in the said recited Acts contained, so far as the same relate to such Road, shall be and the same is and are hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

Certain Parts of the Acts repealed.

Trustees.

II. And be it further enacted, That the Members serving in Parliament for the Counties of *Kildare* and *Carlow* for the Time being, the High Sheriffs for the said Counties for the Time being, the Sovereign of the Town of *Carlow* for the Time being, *William Burton*, *John Wolfe*, *David Latouche*, *J. S. Rochfort*, Sir *Charles Burton*, Baronet, Sir *Richard Butler*, the Honourable *Benjamin Stratford*, *Maurice Keating*, the Honourable *John Ponsonby*, the Honourable *George Ponsonby*, *George Rothe*, *Robert Browne*, *William Browne*, *John Taylor*, *Phillip Newton*, *Nicholas Aylward*, *Vigors*, *John Stewart*, *William Paul Butler*, *Henry Bruen*, *Charles Burton*, junior, *Benjamin Burton*, the Reverend *Drought*, *Edward Kennedy*, *James Archbold*, *Robert Archbold*, *William Ducket*, *Rawson*, *James Rawson*, *James Butler*, *Daniel Caulfield*, *John Whelan*, *John Hill*, *Peter Burtchael*, *David Burtchael*, and no other Persons other than their Successors, to be elected in Manner hereinafter directed, shall be and they are hereby declared to be Trustees for amending, repairing, altering, widening, and improving the Road leading from the Town of *Kilcullen* to the Town of *Carlow*, and for otherwise carrying this Act into Execution.

No Act valid unless at a Meeting.

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

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 every 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

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 the caſting Vote.

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 hereinafter mentioned to act in the execution of this Act, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſurviving or remainiug Truſtees, 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 ſome Newſpaper publiſhed within the Counties of *Kildare* and *Carlow*, Twenty Days at leaſt before ſuch Meeting; and every Perſon ſo elected a new Truſtee as aforeſaid, is hereby empowered to act in the Execution of this Act, to all Intents and Purpoſes, in as full and ample a Manner as the Truſtee in whoſe Room or Stead he ſhall have been ſo elected.

Elections of new Truſtees.

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

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

VI. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly value of Fifty Pounds, or be poſſeſſed of or entitled to a Perſonal Eſtate of the Value of One Thouſand Pounds, or ſhall be Heir Apparent of ſome Perſon poſſeſſed of an Eſtate in Lands of the clearly yearly Value of Two Hundred Pounds; and if any Perſon not being ſo qualified, ſhall act as a Truſtee in the Execution of this Act, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, in any of His Majeſty's Courts of Record at *Dublin*, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty,

Qualification of Truſtees.

nalty, without any other Proof on the Part of the Plaintiff or Profecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertherleſs, that all Acts and Proceedings of all and every Perſon and Perſons acting as a Truſtee or Truſtees in the Execution of this Act, though not duly qualified as aforeſaid, previous to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

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

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

VII. Provided always, and be it further enacted, That no Perſon or Perſons who ſhall keep any Victualling Houſe, Alehouſe, or other Houſe of public Entertainment, or who ſhall ſell Wine, Cyder, Beer, Ale, Whiſky, or other ſpirituous or ſtrong Liquors by retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying any Place or Places of Truſt or Profit under the ſaid Truſtees, or of collecting the Tolls hereby granted and made payable, during ſuch Time as he, ſhe, or they ſhall keep ſuch Victualling Houſe, Alehouſe, or other Houſe of Public Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, Whiſky, 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.

VIII. 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.

IX. And be it further enacted, That the ſaid Truſtees ſhall meet at *Shipley's* Inn in *Caſtle Dermot*, in the County of *Kildare*, on the Twenty-firſt Day of *July* after the paſſing of this Act; and in caſe there ſhall be no Meeting of the ſaid Truſtees on that Day, then and in ſuch Caſe there ſhall be a Meeting of the ſaid Truſtees holden at the ſame Place on the following *Saturday*, and ſo *toties quoties* until there ſhall be a Meeting of the ſaid Truſtees, between the Hours of Ten in the Forenoon and Four in the Afternoon; and at ſuch Meeting the ſaid Truſtees ſhall proceed to carry this Act into Execution, and ſhall and may at ſuch Meeting, and at their ſeveral Meetings to be holden for the Purpoſe of carrying this Act into Execution, from Time to Time adjourn themſelves, and appoint their next Meeting to be holden there 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 to the ſaid Truſtees, ſhall from Time to Time, as often as ſuch Caſe ſhall happen, adjourn ſuch Meeting to ſome other Day within Ninety-one Days then following, to be holden at the ſame Place; and the ſaid Clerk ſhall cauſe Notice thereof to be inſerted in ſome Newſpaper publiſhed in the ſaid Counties of *Kildare* and *Carlow*, 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

Truſtees to defray their own Expences.

cution of this Act, during such Time as he shall hold any Place of Profit under this Act.

Meetings on Emergencies.

X. And be it further enacted, That if after any Adjournment of any Meeting as aforesaid, it shall at any Time or Times be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case the Clerk to the said Trustees (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 some Newspaper published in the Counties of *Kildare* and *Carlow*, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice); and all Proceedings of the said Trustees at such earlier Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment.

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

XI. 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 some Newspaper published in the said Counties of *Kildare* and *Carlow*, at least Twenty Days before such subsequent Meeting, nor unless a Majority of Ten of the Trustees present at such subsequent Meeting shall decide in favour of such Revocation or Alteration, and a greater Number of Trustees shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment, or Proceeding were had or made.

Proceedings to be entered.

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

Entries of Proceedings under former Acts good Evidence.

XIII. 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 amended, widened, and repaired by virtue of this Act, of any

any of the Truſtees, or other Perſon or Perſons acting by and under the Authority of the ſaid recited Acts, or any of them (ſuch Entry or Entries being made in ſuch Book or Books according to the Direction of, and made Evidence by the ſaid recited Acts or any of them) ſhall be and be deemed to be good and ſufficient Evidence of ſuch Proceedings in any Court whatſoever; any thing herein contained to the contrary thereof notwithſtanding.

Truſtees to appoint Officers;

XIV. 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, and from Time to Time to make ſuch Rules, Orders, and Regulations for the good Conduct and well governing of every ſuch Treaſurer, Clerk, Collector, Surveyor, and all other ſuch Officers and Perſons; and from Time to Time to remove ſuch Officers and Perſons reſpectively, as they the ſaid Truſtees ſhall ſee Occaſion; and out of the Monies to be received by virtue of this Act, to allow and pay ſuch Salaries and Allowances (provided that no ſuch Salary or Allowance do exceed the Sum of One Hundred and Twenty Pounds *per Annum* to any One Officer or Servant) to the ſaid Officers and other Perſons, as they the ſaid Truſtees ſhall think reaſonable; and the ſaid Truſtees ſhall and they are hereby required to take ſuch ſufficient Security from every ſuch Treaſurer and other Officer, for the due Execution of his Office, as they ſhall think proper; and all ſuch Officers ſo to be appointed ſhall, under their Hands, at ſuch Time and Times, and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all the Monies which ſhall have been by ſuch Officers reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been expended and diſburſed, and for what Purpoſe, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain due from them reſpectively, to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and every ſuch Treaſurer ſhall, on the Firſt Day in the Month of May yearly, or at the Firſt Meeting of the ſaid Truſtees then next following (although not thereunto required by the ſaid Truſtees) lay his Accounts before the ſaid Truſtees, in order that the ſame may be audited, paſſed, and allowed by them, if approved, and all the ſaid Officers ſo accounting as aforeſaid, ſhall upon Oath (which Oath any of the ſaid Truſtees are hereby empowered to adminiſter) verify their ſaid Accounts; and if any ſuch Officer ſhall refuſe or neglect to make and render, or to verify upon Oath any ſuch Account, or to produce and deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, within Twenty Days next after being thereutno 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

and remove them;

and allow them Salaries.

Truſtees to take Security from the Treaſurer, &c.

Officers to account.

Treaſurer to account yearly on Oath.

Writings in his Cuſtody or Power, relating to the Execution of this Act, or give Satisfaction to the ſaid Truſtees reſpecting the ſame, then and in every ſuch Caſe, upon Complaint made by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or wilful Neglect as aforeſaid, to any Juſtice of the Peace for the County, City, or Place wherein ſuch Officer ſo refuſing or wilfully neglecting ſhall be or reſide, ſuch Juſtice may and he is hereby authorized and required to iſſue a Warrant under his Hand and Seal, for the Officer ſo refuſing or neglecting to appear before him, and upon his appearing, or having been ſummoned and not appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter) it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or raiſed by virtue of this Act, ſhall remain due from ſuch Officer, ſuch Juſtice may and he is hereby authothorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to by 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 Juſtice that ſuch Officer ſhall have refuſed or wilfully neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act, ſhall be in the Cuſtody or Power of ſuch Officer, and he ſhall have refuſed or wilfully neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in each and every ſuch Caſe ſuch Juſtice ſhall commit ſuch Offender to the Common Gaol or Houſe of Correction of the County, City, or Place where ſuch Offender ſhall be or reſide, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for ſuch Money, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make and receive), and until he or ſhe ſhall deliver up ſuch Books, Papers, and Writings, or give Satisfaction in reſpect thereof to the ſaid Truſtees: Provided always, that no greater Salary than the yearly Sum of Sixty Pounds ſhall be given to any ſuch Clerk or Treaſurer, nor no greater Salary than Three Pounds Eight Shillings and Three Pence *per* Mile to each Overſeer, for ſo much of the ſaid Road as he ſhall be in the Care of, nor any greater Salary than One Shilling *per* Day for any Tollgate Keeper or Toll Gatherer: Provided always, that upon the Death, Removal, or Reſignation of the Treaſurer ſo appointed by the ſaid Truſtees, then and in every ſuch Caſe the ſaid Truſtees ſhall proceed to the Election of One other proper and fit Perſon to act in the Room of ſuch Treaſurer; and Notice of the Time and Place of the Meeting for every ſuch Election, ſhall, by any One of the ſaid Truſtees, be inſerted in the Newſpaper publiſhed within the Counties of *Kildare* and *Carlow*, Twenty Days at leaſt before ſuch Meeting.

XV. And

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

XV. And be it further enacted, That all and every Treaſurer and Treaſurers, Clerk and Clerks, and all and every other Perſon and Perſons appointed by virtue of, or acting or who have acted in Execution of the ſaid recited Acts or any of them, ſo far as the ſame relate to the ſaid Road to be amended, widened, and repaired by virtue of this Act, who ſhall have in his, her, or their Cuſtody or Power any Monies collected by virtue of, or any Books, Papers, or Writings relating to the Execution of the ſaid recited Acts, ſo far as the ſame relate to ſuch Road, ſhall, when thereunto required by Notice in Writing, ſigned by any Seven or more of the ſaid Truſtees, given to him, her, or them, or left at his, her, or their laſt or uſual Place or Places of Abode, within Twenty-one Days after the Receipt of ſuch Notice, deliver up to the ſaid Truſtees, or to ſuch Perſons appointed by them for that Purpoſe, at the Time and Place to be mentioned in ſuch Notice, all the Monies received by him, her, or them, by virtue of the ſaid recited Acts, ſo far as the ſame relate to ſuch Road, and all the Books, Papers, and Writings relating to the Execution thereof, and all the Accounts of the ſeveral Monies received or diſburſed by him, her, or them, together with the Vouchers relating thereto; and every ſuch Treaſurer, Clerk, and other Perſon ſo accounting, ſhall upon Oath (which Oath any of the ſaid Truſtees are hereby empowered to adminiſter) verify all the ſaid Accounts; and if any ſuch Treaſurer, Clerk, or other Perſon, ſhall refuſe or wilfully neglect to make and render, or to verify upon Oath any ſuch Account, or to produce and deliver up the Vouchers relating thereto, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver up in Manner aforeſaid, all Books, Papers, and Writings relating to the Execution of the ſaid recited Acts, ſo far as the ſame relate to ſuch Road, or give Satisfaction to the ſaid Truſtees in reſpect of the ſame, then and in every ſuch Caſe it ſhall and may be lawful to and for any Juſtice of the Peace for the County, City, or Place wherein ſuch Treaſurer, Clerk, or other Perſon ſo refuſing or neglecting ſhall be or reſide, upon Complaint made to him by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, and he is hereby authorized and required to iſſue a Warrant under his Hand and Seal for the Treaſurer, Clerk, or other Perſon ſo refuſing or neglecting to appear before him, and upon his appearing, or having been ſummoned and not appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter) it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or received by virtue of the ſaid recited Acts or any of them, ſo far as the ſame relate to ſuch Road, ſhall be due from ſuch Treaſurer, Clerk, or other Perſon, ſuch Juſtice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be raiſed by Diſtreſs and Sale of the Goods and Chattels of ſuch Treaſurer, Clerk, or other Perſon as aforeſaid; and if no Goods and Chattels of ſuch Treaſurer, Clerk, or other Perſon, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling ſuch Goods and Chattels, or if it ſhall appear to ſuch Juſtice that ſuch Treaſurer, Clerk, or other Perſon, ſhall have refuſed

refuſed or neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of the ſaid recited Acts, ſo far as the ſame relate to ſuch Road, ſhall be in the Cuſtody or Power of ſuch Treaſurer, Clerk, or other Perſon, and he or they ſhall have refuſed or neglected to deliver, or give Satisfaction reſpecting the ſame as aforeſaid, then and in each and every ſuch Caſe ſuch Juſtice ſhall commit ſuch Offender to the Common Gaol or Houſe of Correction of the County, City, or Place where ſuch Offender ſhall be or reſide, there to remain without Bail or Mainprize until he or ſhe ſhall give and make a true and perfect Account, and make Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for the ſaid Money, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make and receive) and until he or ſhe ſhall deliver up all ſuch Books, Papers, and Writings, or give Satisfaction in reſpect thereof to the ſaid Truſtees.

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

XVI. 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 amending, making, or repairing public Roads, is inveſted with.

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

XVII. And be it further enacted, That it ſhall and may be lawful to and for any Three or more of the ſaid Truſtees, nominated or appointed by virtue of this Act, upon the Death, Neglect, Refuſal, or Incapacity to act, of any Collector of the Tolls hereby granted, by Writing under their Hands, to nominate and appoint ſome other fit Perſon in his or her 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 her Office by the ſaid Truſtees, ſhall refuſe to deliver up the Poſſeſſion of the Toll Houſe, Buildings, and Appurtenances which he or ſhe poſſeſs or enjoy in right of his or her Appointment to that Office, within Three Days after Notice given to him or her, or left at ſuch Toll Houſe in Writing under the Hands of the ſaid Truſtees, or any Three or more of them; or if the Wife or Family of any ſuch Collector who ſhall die as aforeſaid, or any other Perſon who ſhall be in Poſſeſſion of the Premiſes by any Means whatſoever, ſhall refuſe to deliver up ſuch Houſe, Buildings, and Appurtenances, within Three Days after Notice of ſuch new Appointment being made as aforeſaid, ſhall have been given to him, her, or them, or left at ſuch Toll Houſe, ſigned by any Three or more of the ſaid Truſtees, then and in either of the ſaid Caſes it ſhall and may be lawful to and for any Juſtice of the Peace for the County, City, or Place where ſuch Toll Houſe ſhall ſtand or be, by

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

any Juſtice may cauſe him to be removed.

by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Toll Houſe and Premiſes in the Day-time, and to remove the Perſons who ſhall be found therein, together with their Goods and Chattels, out of ſuch Toll Houſe and other Premiſes, and to put the new appointied Collector in Poſſeſſion thereof.

Truſtees empowered to erect Turnpikes and TollHouſes, and receive Tolls.

XVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered to continue the ſeveral Turnpikes already erected on the ſaid Road, and (in caſe they ſhall think proper) to cauſe to be erected ſuch and ſo many other Turnpikes to ſecure the Tolls hereby granted upon or acroſs the ſaid Road, and on or near the Sides thereof, in near, unto, or acroſs any Lanes or Ways leading or that may hereafter lead out of the ſame, and to continue the preſent Toll Houſes and to erect or cauſe to be erected ſuch, and ſo many other Toll Houſes as they ſhall think proper; and it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered, in Manner herein directed for the purchaſing or taking of Land for the turning or widening of the ſaid Road, to purchaſe and take Land ſufficient for ſuch Toll Houſe or Toll Houſes, with neceſſary Accommodations thereto, and from Time to Time remove, alter, or diſcontinue ſuch Turnpikes and Toll Houſes, or any of them, as they the ſaid Truſtees ſhall from Time to Time think meet and expedient; and it ſhall and may be lawful to and for the ſaid Truſtees to demand and take, or cauſe to be demanded and taken at the ſaid Turnpikes, the Tolls following, before any Carriage, Horſe, or other Beaſt or Cattle, ſhall be permitted to paſs through the ſame; that is to ſay:

Tolls.

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

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

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

For every Carriage of the ſame or a like Deſcription, drawn by One Horſe, or other Beaſt of Draught, the Sum of Nine 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 Five Inches or more, and having all ſuch Streaks or Shoeings ſet on or faſtened with Nails, Bolts, or Screws, ſo counterſunk and flatheaded that no Nail, Bolt, or Screw therein ſhall project 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

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 (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 Sixpence:

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

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

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

For every Horse, and other Beast of Draught, drawing any Cart or Car, having any Streak or Streaks, Shoeing or Shoeings, of any Wheel or Wheels thereof respectively not so set on or fastened as aforesaid, the Sum of Three Pence:

For every Horse, Mare, Gelding, Mule or Ass, laden or unladen, the Sum of Three Pence:

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

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

For every Mill Stone Three Shillings and Nine Pence.

Additional Toll on Stage Coaches for carrying more than Four inside Passengers.

XIX. Provided always, and be it further enacted, That it shall and may be lawful to and for the respective Collectors of the said Tolls, to demand and take, for and in respect of each and every Horse, or other Beast of Draught, drawing any Stage Coach or other public Carriage, constructed or made so as to carry or convey more than Four inside and Two outside Passengers (exclusive of the Driver and Guard thereof) the Sum of One Shilling, in addition to the Toll or Sum that might otherwise be demanded and taken for or in respect of such Coach or Carriage, or such Horse, or other Beast of Draught, in case such Coach or Carriage were not carrying or conveying more than Six Passengers.

Less Tolls to be demanded for Carriages

XX. Provided also, and be it further enacted, That no more than the Sum of One Penny Halfpenny shall be demanded or taken at any Gate

with fixed Axletrees.

Gate or Gates erected or to be erected on the ſaid Road, for any Horſe, or other Beaſt of Draught, drawing any Cart or Car, the Axletree whereof ſhall be ſo fixed as not to turn round with the Wheels thereof, of whatever Size or Dimenſions the Streaks or Shoeings of ſuch Wheels ſhall be, provided that each and every Streak or Shoeing of ſuch Wheels ſhall be ſet on or faſtened with Nails, Bolts, or Screws, ſo counterſunk and flatheaded that no Nail, Bolt, or Screw therein ſhall project beyond the Surface of ſuch Streaks or Shoeings reſpectively.

Collectors may meaſure the Dimenſions of Wheels.

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

Tolls veſted in the Truſtees.

XXII. 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 diſtrained any Carriage, Horſe or Horſes, or other Beaſt or Cattle, chargeable with the ſaid Tolls, or their reſpective Bridles, Saddles, Harneſs, or Accoutrements, or any Part or Parts thereof; and

For Recovery of Tolls.

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

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

XXIII. Provided always, and be it further enacted, That if any Diſpute ſhall ariſe about the Quantity of the Tolls due, or reſpecting the Coſts and Charges of diſtraining, keeping, or ſelling any Diſtreſs, it ſhall and may be lawful to and for the Collector or Perſon diſtraining, to detain the Diſtreſs or the Money ariſing from the Sale thereof, until the Quantity of the Tolls or the Charges of diſtraining, keeping, and ſelling the Diſtreſs, as the Caſe may be, ſhall be aſcertained by ſome Juſtice of the Peace for the County, City, or Place where ſuch Diſpute ſhall ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the ſaid Matter by Oath of the Parties, or other Witneſs or Witneſſes, and

ſhall

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.

Turnpikes veſted in the Truſtees.

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

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

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 the ſaid Road, 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 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.

Collectors of Tolls to be competent Witneſſes.

XXVI. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls,

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.

XXVII. And, for preventing the Evaſion of Payment of the ſaid Tolls, be it further enacted, That if any Perſon or Perſons ſhall give, offer, or diſpoſe of to, or receive from any other Perſon or Perſons any ſuch Ticket as aforeſaid, or ſhall counterfeit or knowingly make uſe of any counterfeited Ticket, in order to avoid the Payment of the ſaid Tolls, or of any Part thereof; or if any Perſon or Perſons owning, renting, or occupying any Lands adjoining to the ſaid Road, 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 Turnpike Gates, or ſhall take off or cauſe to be taken off any Horſe or other Beaſt from any Carriage, or do any other Act whereby the Payment of any of the ſaid Tolls, or of any Part thereof, is or ſhall be avoided, then and in every ſuch Caſe every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

General Exemptions.

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

ture or from a Watering Place, or going to be or returning from being ſhoed; or for or in reſpect of any Carriage, Horſe, or other Beaſt, attending any Soldiers upon their March or on Duty, or carrying or conveying any of their Arms or Baggage; or for or in reſpect of any Carriage, Horſe, or other Beaſt, carrying or conveying any Vagrant or Vagrants ſent with legal paſſes; or for or in reſpect of any Carriage, Horſe, or other Beaſt, carrying or conveying any Perſon or Perſons going to or returning from voting at any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Carlow*, or of a Burgeſs to ſerve in Parliament for the Borough of *Carlow*, or of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Kildare*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Elecion ſhall begin or be concluded; and if any Perſon or Perſons ſhall in any fraudulent or colluſive Manner whatſoever, claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Tolls may be let.

XXIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby enabled, at any Meeting, to ſet up by public Cant, and to let or farm the Tolls to be collected by virtue of this Act, or any Part thereof, to any Perſon or Perſons whomſoever, at and for the largeſt yearly Sum that can on ſaid Cant be reaſonably gotten for the ſame, upon cauſing Notice of their Intention to let or farm ſuch Tolls, to be inſerted in ſome Newſpaper publiſhed in the ſaid Counties of *Kildare* and *Carlow*, Thirty 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, but the ſame ſhall not be let for more than One Year at any One Time, 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, ſo as that Three Months Payment of ſuch Rent ſhall always be 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 inveſted with Powers to collect.

XXX. 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 hereby authoriſed and empowered to demand, take, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, or other Perſon or Perſons as aforeſaid, ſhall be ſubject to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions, as

any

any Collector of the ſaid Tolls appointed by the ſaid Truſtees is ſubject or liable to.

Tolls may be compounded for.

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

Truſtees may enter into Contracts.

XXXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered to enter into any Contract or Contracts for the repairing and widening of the ſaid 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 Twenty Days Notice at the leaſt ſhall have been given previous to the entering into the ſame, in ſome Newſpaper publiſhed in the ſaid Counties of *Kildare* and *Carlow*, 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 Contractor 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 and 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 One Year.

XXXIII. 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 One Year from the Time of entering into ſuch Contract or Contracts.

Truſtees may compound for Breach of Contracts.

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

Old Securities to be good.

XXXV. Provided always, and be it further enacted, That all Contracts, Bonds, Grants, Aſſignments, Conveyances, Leaſes, and other Securities made or granted to or by any Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, or any others whomſoever, acting by or under the Authority of the ſaid Acts or any of them, ſo far

far as the ſame relate to the Road to be amended, widened, or repaired by virtue of this Act, ſhall be as good, valid, binding, and effectual, for and during the Continuance of the ſaid Contract, as if ſuch Part of the ſaid recited Acts as relates to ſuch Road had not been repealed; and all and every Sum and Sums of Money due and owing to the Truſtees acting by virtue of the ſaid recited Acts, or any of them, ſhall and may be recovered by the Truſtees acting by virtue of this Act, by ſuch Ways and Means, and in ſuch and the like Mannner as any Sum or Sums due and owing, or to grow due and owing to the ſaid Truſtees acting by virtue of this Act, can or may be recovered.

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

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

Truſtees may borrow Money.

XXXVII. And, for the more ſpeedy raiſing ſuch further Money as may be neceſſary for the Purpoſes of this Act; be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered, from time to time, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall judge neceſſary for the Purpoſes of this Act, and by Writing under their Hands and Seals to aſſign over the Tolls 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 Repayment of ſuch Sum or Sums of Money, with Intereſt for the ſame, to the Perſon or Perſons who ſhall advance and lend ſuch Money, his, her, or their Executors, Adminiſtrators, and Aſſigns, ſuch Intereſt to be paid and payable by 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 Parliament, made in the Forty-ſixth Year of
‘ the Reign of King *George* the Third, intituled, [*ſet forth the*
‘ *Title of this Act*] We whoſe Names are hereunto ſubſcribed and
‘ Seals affixed (being Truſtees acting in Execution of the ſaid Act) in
‘ Conſideration of the Sum of to the Treaſuer
‘ of the ſaid Road in Hand paid by *A. B.* Do hereby grant, bargain,
‘ ſell, and demiſe unto the ſaid *A. B.* Executors, Adminiſtrators,
‘ and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the
‘ ſaid Act, 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

'this Day of in the Year of our 'Lord for and during the Conti- 'nuance of the ſaid Act, unleſs the ſaid Sum of 'with Intereſt after the Rate of *per Centum per* '*Annum*, ſhall be ſooner repaid and ſatisfied. Given under our Hands 'and Seals, this Day of in the Year of our 'Lord .'

Copies of Mortgages to be entered.

And all ſuch Aſſignments ſhall be numbered, commencing with Number One, and ſo proceeding in an Arithmetical Progreſſion, aſcending; and Copies of all ſuch Aſſignments, and the Numbers thereof reſpectively, ſhall be entered in a Book or Books to 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 the Manner and Form aforeſaid, ſhall be good, valid, and effectual to all Intents and Purpoſes whatſoever; and all Perſons to whom any ſuch Aſſignments reſpectively have been or ſhall be made as aforeſaid, or who are or ſhall be entitled to the Money thereby reſpectively ſecured, may from Time to Time aſſign and transfer the ſame Security or Securities reſpectively, and all Benefit and Advantage thereof, and all their Right, Title, and Intereſt to the Principal and Intereſt Money thereby reſpectively ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by any 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 of the Truſtees acting in Execution 'of an Act of Parliament, made in the Forty-ſixth Year of the Reign 'of King *George* the Third, intituled [*ſet forth the Title of this Act*] 'or made in the Fifth or Ninth Years of the Reign of King *George* the 'Second, or in the Third Year of the Reign of King *George* the Third, intituled [*ſet forth the Titles of the ſaid recited Acts*, as the Caſe may 'be] upon the Credit of the ſaid Act, Do hereby transfer all my Right 'and Title in and to the ſame, and all the 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 Transfers to be given to the Clerk.

And every ſuch Transfer ſhall be produced and notified to the Clerk to the ſaid Truſtees, within Three Calendar Months next after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned, to be transferred in the ſaid Book or Books to be kept for entering the ſaid original Aſſignments to be made by virtue of this Act, and for which Entry the Clerk who ſhall enter the ſame ſhall be paid Five Shillings, and no more; and after ſuch Entry made, every ſuch Transfer ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and after ſuch Entry or Memorial made

thereof

thereof as aforeſaid, it ſhall not be in the Power of any Perſon or Perſons making ſuch Transfer, to make void, releaſe, or diſcharge the ſame, or the Monies thereby due, or any Part thereof; and all Perſons to whom ſuch Aſſignments or Transfers ſhall be made as aforeſaid (as well ſuch Aſſignments made by virtue of the ſaid recited Acts, or any of them, ſo far as the ſame relate to the Road to be amended, widened, or repaired, by virtue of this Act) 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 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, Twenty Days Notice at the leaſt ſhall be given of the Intention of borrowing ſuch Money, by inſerting the ſame in ſome Newſpaper publiſhed in the ſaid Counties of *Kildare* and *Carlow*. Notice to be given previouſly to borrowing Money.

XXXVIII. And, in order that no Preference may be given to any Perſon or Perſons who ſhall advance and lend any Money upon the Credit of the ſaid Tolls; Be it further enacted, That the ſaid Truſtees ſhall, when and as often as there ſhall be an Overplus of Money received by virtue of this Act, equal to the Sum of Two hundred Pounds, after Payment of the Intereſt of the Money borrowed by virtue of the ſaid recited Acts, ſo far as the ſame relate to the ſaid Roads, or of any of them, or of this Act, and of the Principal Money borrowed by virtue of the ſaid recited Acts, ſo far as the ſame relate to the ſaid Roads, and of the ſeveral Charges and Expences of carrying this Act into Execution (if there ſhall be more Creditors than One) cauſe Twenty-one Days Notice to be given of the ſame, in ſome Newſpaper publiſhed within the ſaid Counties of *Kildare* and *Carlow*, and ſhall, upon the Day appointed in the ſaid Notice, 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 One Calendar Month to ſuch Creditor, of the Intention of the ſaid Truſtees to pay him or her as aforeſaid; and every ſuch Notice ſhall expreſs the Sum to be paid off, together with the Intereſt due thereon, and that the ſame will be paid on a Day and at a Place to be ſpecified in ſuch Notice, ſuch Day not being ſooner than One Calendar Month after the Day of giving or leaving ſuch Notice as aforeſaid; and the Intereſt of the Principal Money to be ſo paid off, ſhall, from and after the Day to be ſo ſpecified, ceaſe, and be no longer paid or payable, unleſs ſuch Money ſhall be demanded purſuant to ſuch Notice, and not paid; but the Principal Money, in reſpect whereof ſuch Notice, ſhall be given, and alſo the Intereſt thereof to the Day to be ſo ſpecified, ſhall nevertheleſs be payable on Demand. Creditors to be paid by Ballot.

XXXIX. And

Truſtees may turn or alter the Courſe of any Part of the Road,

XXXIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby fully empowered from Time to Time as they ſhall think proper, to divert, widen, turn, ſhorten, vary, or alter the Courſe or Path of any Part or Parts of the 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

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

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 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 was and 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 comprized 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 *Kildare*, or for the ſaid County of *Carlow*, according to the Juriſdiction in which ſuch Lands or Grounds ſhall lie, ſhall be good, valid, and effectual, to all Intents and Purpoſes whatſoever.

Corporations &c. empowered to treat.

XL. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations aggregate or ſole, Tenants for Life, or 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

to treat and agree with the ſaid Truſtees for the abſolute Sale thereof, or of any Part thereof, or for their Intereſt therein, and to convey the ſame to the ſaid Truſtees for the Purpoſes aforeſaid; and that all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid and effectual to all Intents and Purpoſes whatſoever, any Law, Uſage, or other Matter or Thing to the contrary thereof in anywiſe notwithſtanding; and that all 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.

XLI. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Perſon or Perſons intereſted in any Lands, Tenements, or Hereditaments, which the ſaid Truſtees ſhall judge neceſſary or proper to be purchaſed, taken, or uſed for the Purpoſes of this Act, or any ſuch Body Politic, Corporate, or Collegiate, Corporations aggregate or ſole, Feoffees, Guardians, Huſbands, Committees, or other Truſtees, upon Notice to him, her, or them, given or left in Writing, at the Dwelling Houſe or Place of Abode of ſuch Perſon or Perſons, or of the Clerk or Head Officer of any ſuch Body Politic, Corporate, or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the Premiſes, ſigned by the Clerk to the ſaid Truſtees, ſhall, for the Space of Thirty Days next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat or ſhall not agree in the Premiſes, or by reaſon of Abſence or otherwiſe ſhall be prevented from treating, then and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Truſtees to cauſe it to be enquired into and aſcertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the ſaid County of *Kildare*, or of the ſaid County of *Carlow*, or County of the City of *Kilkenny*, according to the Juriſdiction in which ſuch Premiſes in queſtion ſhall lie or be ſituate, (which Oaths the ſaid Truſtees, or any Two or more of them, are hereby empowered to adminiſter,) what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owner, Proprietor, Occupier, or other Perſon or Perſons intereſted, for or upon account of the taking or uſing of ſuch Lands, Tenements, or Hereditaments, for the Purpoſes of this Act; and in order thereto the ſaid Truſtees, or any Seven 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 Seven or more of them, are hereby empowered and required to adminiſter); and they ſhall order and cauſe the ſaid Jury to view the Place in queſtion, and uſe all other lawful Ways and Means as well for their own as for the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have ſo aſcertained and ſettled ſuch Damages and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the Owners, Proprietors, or Occupiers of the ſaid Lands, Tenements, or Hereditaments, or other Perſons intereſted therein, according to the Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict,

Verdict of the Jury to be final.

or Inquiſition and Judgment, Order or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes whatſoever, againſt all Parties and Perſons claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe; and every ſuch Owner, Proprietor, Occupier, and Perſon anywiſe intereſted in ſuch Lands, Tenements, or Hereditaments, ſhall thereby be from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, or Property, of, in, to, or out of the ſame; and upon Payment of the Money ſo aſſeſſed, to the reſpective Perſons entitled thereto, or their Agents, or upon paying the ſame into the Bank of *Ireland* in manner by this Act directed, it ſhall and may be lawful to and for the ſaid Truſtees to cauſe the Premiſes in reſpect whereof ſuch Money ſhall be aſſeſſed to be diſpoſed of, and ſuch Acts to be done thereto as if the Purchaſe thereof had been agreed upon and completed, and the ſaid reſpective Premiſes were unincumbered, and the Purchaſe or Conſideration Money had been received by the Perſon or Perſons entitled thereto; and for ſummoning and returning any ſuch Jury, the ſaid Truſtees are hereby empowered to iſſue out their Warrant or Warrants, ſigned by any Seven or more of them, to the Sheriff of the ſaid County of *Kildare*, or Sheriff of the ſaid County of *Carlow*, 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 alſo on any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury and ſhall not appear, or after having appeared ſhall refuſe to be ſworn on the ſaid Jury, or having been ſworn ſhall refuſe to give or ſhall not give his or their Verdict on the Matter in queſtion, or ſhall in any other Manner wilfully neglect his or their Duty therein, and on any of the Perſons who being ſummoned or required to give Evidence before the ſaid Jury touching the Premiſes, ſhall neglect or refuſe to appear, or refuſe to be ſworn or be examined, or give Evidence touching the ſame, but no ſuch Fine ſhall exceed Ten Pounds upon any one Perſon for one Offence.

Truſtees to iſſue Warrant for Sheriffs to ſummon Jury.

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

Owners of Land uſed in making a new Road

XLII. 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,

Land, the Offer of the Purchaſe of ſuch old Road ſhall be firſt made to the Owner of ſuch adjoining Land, which ſhall be cut and uſed for the Purpoſe of making ſuch new Road; and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer of ſuch old Road, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Owner ſhall ſtill be deſirous of becoming the Purchaſer thereof, then and in ſuch Caſe the Value thereof ſhall be ſettled and aſcertained by a Jury, in ſuch and the like Manner as the Price for any Land to be taken in purſuance of this Act is directed to be ſettled and aſcertained in and by this Act, and ſuch Owner ſhall be deemed the Purchaſer thereof, at the Sum to be aſcertained by a Jury to be the Value thereof; and in caſe ſuch Owner ſhall refuſe to pay ſuch Money upon Demand made thereof by the Treaſurer or 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 Affidavit ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and not agreed to, or refuſed by ſuch Owner: Provided nevertheleſs, that if the Lands of Two or more Perſons ſhall be taken for any ſuch new Road as aforeſaid, each and every ſuch Owner ſhall be entitled to the firſt Offer of ſo much of the old Road as is lying immediately adjoining to his, her, or their Land reſpectively, in manner aforeſaid: Provided alſo, that if ſuch Owner or Owners reſpectively, ſhall be willing and conſent to take ſuch old Road in exchange for ſuch new Road, it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby required to aſſure the ſame to ſuch Perſon or Perſons by entering the ſame in their Books, and delivering to him or them a Copy of the Entry thereof, ſigned by any Seven 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.

to have the firſt Offer of the old Road.

XLIII. And be it further enacted, That in caſe any ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money than ſhall, by or on Behalf of the ſaid Truſtees, have been offered before the ſummoning and returning ſuch Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Damage as aforeſaid, or for leſs Money than ſhall have been offered, to be accepted or taken by or on Behalf of the ſaid Truſtees, as the Purchaſe Money for any ſuch old Road as aforeſaid, then and in every ſuch Caſe the Coſts and Charges of ſummoning and maintaining the Jury and Witneſſes, ſhall be borne and paid by the ſaid Truſtees, out of the Money ariſing by virtue of this Act; but if any ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall, by or on Behalf of the ſaid Truſtees, have been offered before the ſummoning and returning ſuch Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property,

By whom the Expences of the Jury to be paid.

Property, or Damage, as aforeſaid, or for the ſame or any more Money than ſhall have been offered to be accepted or taken as the Purchaſe Money for any ſuch old Road as aforeſaid, then and in every ſuch Caſe the Coſts and Charges of ſummoning and maintaining the ſaid Jury and Witneſſes, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute, which ſaid Coſts and Expences ſhall be aſcertained and ſettled by ſome Juſtice of the Peace, not intereſted in the Matter in queſtion, and within whoſe Juriſdiction ſuch Controverſy or Diſpute ſhall ariſe, (who is hereby authorized and required to examine and ſettle the ſame,) and ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes whatſoever, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the 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 all Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence, have been prevented from treating with the ſaid Truſtees, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees in Manner aforeſaid.

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

Houſes, &c. not to be injured.

XLIV. Provided always, and be it enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, ſo as to enable the ſaid Truſtees to take, uſe, injure, or damage any Dwelling Houſe or other Building built of Stone and Mortar, or Brick 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, without the Conſent of the Owners or Proprietors thereof.

Application of Compenſation, if amounting to 200*l*.

XLV. And be it further enacted, That if any Money ſhall be paid, or agreed or awarded to be paid, for the Purchaſe of any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this Act for the Purpoſes thereof, which ſhall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Ceſtuique Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in

Diſcharge

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 ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Government Securities; and in the mean Time and until the ſaid Government Securities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of ſuch Government Securities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed by virtue of this Act, in caſe ſuch Purchaſe or Settlement were made.

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

XLVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or be equal to the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy, or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *Ireland*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery in *Ireland*, and be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore directed, or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by any Seven or more of the ſaid Truſtees for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner 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 or Compenſation if leſs than 20*l.*

XLVII. Provided always, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid, as next before mentioned, ſhall be

be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit or in caſe of Infancy, 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 or Perſons ſo entitled reſpectively.

In caſe of not making out Titles;

XLVIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [*deſcribing them*]; ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery, which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *Ireland*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for 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,

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank;

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

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

XLIX. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this Act, or to any Government Securities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Government Securities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons,

ſons, 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.

entitled thereto according to ſuch Poſſeſſion, unleſs, &c.

L. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied to the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall and may be lawful to and for the ſaid Court of Chancery, to order the Expences of all Purchaſes from time to time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees, out of the Monies to be received by virtue of this Act, who ſhall from time to time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

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

LI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, Surveyor or Surveyors of the ſaid Road, and to and for all ſuch Perſons as they reſpectively ſhall appoint, to ſearch for, cut, dig for, get, gather, and take away any Furze, Heath, Beach, Stones, Gravel, Sand, or other Materials for making or repairing the ſaid 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 neighbouring Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, without paying any thing for the ſame, the ſaid Surveyor or Surveyors, or other Perſon or Perſons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch 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 to 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, Paddock, or Field incloſed in with 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 getting Materials to repair the Road.

tisfaction 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 One 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 Three 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 Materials are to be taken.

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

Penalty on taking away Materials.

LIII. And be it further enacted, That if any Person or Persons whosoever shall remove or take away any Stones, Gravel, or other Materials laid upon the said Road for the Repair thereof, without the Order of the said Trustees, or of their Surveyor or Surveyors for that Purpose, or if any Person or Persons whosoever shall take away any Stones or Gravel, or Materials which shall have been dug or gathered by or by the Order of the said Trustees, or their Surveyor or Surveyors, in any Lands, Fields, Grounds, River or Brook, for the Purpose of amending the said Road, or any Part or Parts thereof, or shall get or [illegible] Stones or Gravel, or Materials out of any Pit or Quarry which shall have been made for the Purpose of getting the Materials for amending the said Road, or any Part or Parts thereof, before the said Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein,

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 her own private Uſe only, and not for Sale) every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding Forty Shillings.

Surveyor to make Drains, &c.

LIV. 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 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 Road 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 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 *Kildare* or County of *Carlow*, 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.

making reaſonable Satisfaction.

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

Surveyor may remove Annoyances.

LV. 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 One or more of the ſaid Truſtees) from time to time to remove and prevent all Annoyances or Nuiſances on any Part or Parts of the ſaid Road, by Rails, Steps, Sign Poſts, or other Poſts, and alſo by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains running into, along, or out of any Part of the ſaid 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 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 Annovances, or who ought to remove the ſame, or to cleanſe ſuch Ditch or Watercourſe, or to cut down, lop, or top ſuch Trees or Buſhes, ſhall refuſe or neglect to do ſo for the Space of Three Days next after Notice in Writing given for that Purpoſe, ſigned by any One or more of the ſaid Truſtees, or by their Surveyor or Surveyors, the Charges whereof

shall be reimburſed to the ſaid 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 is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Manner, every Perſon ſo offending ſhall for every ſuch Offence, over and above ſuch Charges as aforeſaid, forfeit and pay any Sum not exceeding Forty Shillings. 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.

LVI. And be it further enacted, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn upon any Part of the ſaid 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.

LVII. 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 Diſtance of One Mile from each other, and Poſts to be erected to denote the Diſtance of every ſuch Poſt from any Town or Place, as the ſaid Truſtees ſhall think fit, and alſo cauſe to be erected Guide Poſts upon ſuch Parts of the ſaid 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 ſhall wilfully break, throw down, injure, deſtroy, obliterate, or deface any Mile Stone, Table of Tolls, or Poſt erected or to be erected on any Part of the ſaid Road, or any of the Letters, Figures, or Marks inſcribed thereon, or ſhall wilfully break, throw down, or injure any Stone or Stones, or Paraper 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, Table of Tolls, Poſt, or Paraper 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.

For preventing Annoyances, &c.

LVIII. And be it further enacted, That if any Perſon ſhall wilfully or negligently injure, deſtroy, break down, or otherwiſe damage, or ſhall ride on, or drive, or lead any Horſe, Beaſt, Cattle, or Carriage over or upon any 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 Footpaths 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 keep

or

or have in his Poſſeſſion any Cur Dog, Bull Dog, or Maſtiff, at any Houſe within Fifty Yards of the Road, without a Block of Wood of Five Pounds Weight at leaſt faſtened to the Neck of ſuch Dog; or if any Perſon ſhall ſcrape off any Mud, Soil, or other Matter or Thing which ſhall be or lie upon any Part of the ſaid 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 as may be) in, upon, or on the Side of the ſaid Road, either with or without any Horſe or Beaſt harneſſed or yoked thereto, or ſhall ſpread any Skins or Linen, or Cloaths to dry, or ſhall winnow any Corn within Fifty Feet of the Center of any Part of ſuch Road, or ſhall lay any Timber, Wood, or Buſhes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbiſh, or other Annoyance whatſoever, upon any Part of the ſaid 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.

Drivers of Carriages puniſhable for wilful Neglect.

LIX. And whereas bad Accidents may happen, and great Miſchiefs done upon the ſaid Road, by the Negligence or wilful Miſbehaviour of Perſons riding Horſes and driving Carriages thereon; be it therefore further enacted, That if any Perſon ſhall ride any Horſe or other Beaſt, or ſhall lead or drive any Carriage on the ſaid 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 interupt the free Paſſage of any other Carriage, or of any of His Majeſty's Subjects on the ſaid Road; or if any Perſon driving, or acting as the Driver of any Coach, Poſt Chaiſe, or other Carriage let for Hire, or of any Cart, Car, Dray, Wain, or Waggon, or other ſuch Carraige, and committing any Offence or Offences againſt this Act, ſhall refuſe to

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discover (on being thereunto required by any Person or Persons whomsoever) the true Christian Name or Names, and Surname or Surnames of the Owner or Owners, Proprietor or Proprietors of such Coach, Post Chaise, Cart, Car, Dray, Wain, Waggon, or other Carriage respectively, then and in every such Case every such Driver so offending, shall for every such Offence, on being convicted thereof, either by his own Confession or by the View of a Justice of the Peace, or by the Oath of any credible Witness or Witnesses, forfeit and pay any Sum not exceeding Forty Shillings, in case such Driver shall not be the Owner or Proprietor of such Coach, Post Chaise, Cart, Car, Dray, Wain, Waggon, or other Carriage, and in case such Driver shall be the Owner or Proprietor of such Coach, Post Chaise, Cart, Car, Dray, Wain, Waggon, or other Carriage, such Driver shall forfeit and pay the Sum of Five Pounds; and it shall and may be lawful to and for any Person or Persons whomsoever, who shall see any such Offence committed, to seize and apprehend, and also to and for any other Person or Persons whomsoever, to assist in seizing and apprehending every such Driver so offending, and by the Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them, into the Custody of a Constable or other Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the County, City, or Place where the Offence shall be committed, to be dealt with according to Law.

Penalty on obstructing Execution of the Act.

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

Penalty on Persons guilty of Perjury.

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

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

LXII. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore further enacted, That it shall and may be lawful to and for any of the said Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith 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.

LXIII. And

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

LXIII. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, ſhall in the Firſt Place be paid and defrayed out of any Monies received or collected by virtue of the ſaid recited Acts, on the Road to be amended by virtue of this Act, or out of the firſt Monies borrowed, received, or collected by virtue of or for the Purpoſes of this Act, and the Remainder thereof ſhall from time to time be applied in repaying the Monies due by virtue of the ſaid recited Acts, on the Credit of the Tolls collected on ſuch Road, and to grow due and to be borrowed on the Credit of this Act, and the Intereſt thereof reſpectively, and in carrying this Act into Execution.

Recovery and Application of Penalties.

LXIV. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid County of *Kildare* or County of *Carlow*, 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, or Place where the Offence ſhall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, nor leſs than Twenty-one Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner fully paid and ſatisfied.

Form of Conviction.

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

"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;

but neither of them to be liable to the Payment of Costs.

LXVI. And be it further enacted, That whenever any Action shall be brought by the Order of the said Trustees, against any Person or Persons by virtue or in pursuance of this Act, the same may be brought in the Name or Names of their Treasurer or 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, or Trustee, or any of either of them, shall be subject to the Payment of any Costs or Expences on Account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act.

Allowing an Appeal to the Quarter Sessions.

LXVII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the County or Place within which the Matter of Appeal shall arise, next after the Expiration of Six Calendar Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having First given Twenty-one Days Notice at least, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or 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 Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon, and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, or otherwise as they shall judge proper; and all such Determinations shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

Distress not to be unlawful for want of Form.

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

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

LXIX. And be it further enacted, That no Order, Verdict, Allotment, 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 removeable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's

Majeſty's Courts of Record at *Dublin*; any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

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

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

LXXI. 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.

LXXII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, without being ſpecially pleaded.

Continuance of this Act.

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

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