ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 134.

An Act to amend an Act, passed in the Parliament of *Ireland*, in the Thirtieth Year of His Majesty's Reign, for repairing the Turnpike Road leading from *Kinnegad* to *Athlone*. [24th *May* 1810.]

WHEREAS an Act was passed in the Parliament of *Ireland*, in the Thirtieth Year of the Reign of His present Majesty, intituled, *An Act for improving and repairing the Turnpike Road leading from* Kinnegad *to* Athlone: And whereas it was enacted by the said recited Act that it should be lawful for the Commissioners therein named to order the Interest due on the Debentures, previously issued upon the Tolls on the said Road, to be paid in each Year by the Treasurer out of the Tolls, or any other Monies which he should receive by virtue of the said recited Act: And whereas the Tolls of the said Road are inadequate to pay any Interest whatsoever upon the said Debentures, and have been so since the passing of the said recited Act, and for a long Time previous thereto: And whereas Power was given by the said recited Act to the Directors of the said Road, from Time to Time to borrow such Sum and Sums of Money not exceeding in the whole the Sum of Four thousand Pounds Sterling, for repairing and widening the said Road, and for other Purposes therein mentioned: And whereas it has been found impracticable to raise the said Sum or any Part thereof, upon the Security provided for that Purpose in the said Act: And whereas the Powers granted by the said Act have been found defective, and it is expedient that the said Act should be altered and amended, and the Tolls increased: 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 Act as authorizes the said Directors to divide the Road into Two Divisions, and to erect Gates thereon, and to take Tolls at each Gate, shall be, and the same is hereby repealed. 30 G. 3. c. 46.

Repeal of Power to divide the Road with Two Divisions.

II. And be it further enacted, That from and after the passing of this Act it shall and may be lawful to and for the said Directors, or any Three of them, to divide the said Roads into Three Divisions, in such Manner as they shall think proper, and to establish or erect, or cause to be

Road to be divided into Three Divisions.

be erected, One or more Gate or Gates upon or acroſs any Part or Parts of the ſaid Road, or on the Sides of the ſaid Road acroſs any Lane or Way leading out of the ſaid Road, and ſhall have Power to build, hire or rent a Toll-Houſe convenient to every ſuch Gate, and to demand and take in each of the ſaid Diviſions, by ſuch Perſon or Perſons as they or any Three or more of them ſhall authorize thereto, in lieu of the Tolls heretofore collected at the ſeveral Gates on the ſaid Road by virtue of the ſaid recited Act, the following Tolls at every ſuch Gate, before any Horſe, Mare or Gelding, Aſs, Mule, Cattle, Coach, Chariot, Landau, Phaeton, Cabriolet, Curricle, Chaiſe, Waggon, Cart, Car or other Carriage, ſhall be permitted to go through the ſame: (That is to ſay,)

For every Coach, Landau, Chariot, Chaiſe, Phaeton, Cabriolet, Curricle or Chair, drawn by Six or more Horſes or other Beaſts of Draught, the Sum of Two Shillings and Eight-pence Halfpenny; if drawn by Three or Four Horſes or other Beaſts of Draught, the Sum of Two Shillings and Two-pence; if drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling and One Penny; and if drawn by One Horſe or other Beaſt of Draught, the Sum of Sixpence Halfpenny:

For every Horſe, Mare, Gelding, Aſs or Mule, laden or unladen, and not drawing, the Sum of Three Halfpence:

For every Drove of Oxen, Cows, or neat Cattle, the Sum of Two Shillings and Sixpence by the Score, and ſo in proportion for any greater or leſs Number:

For every Drove of Calves, Sheep, Lambs or Pigs, the Sum of One Shilling and Three-pence by the Score, and ſo in proportion for any greater or leſs Number;

And for every Car, if the Streaks or Shoeing thereof ſhall be ſet on with counter-ſunk flat-headed Nails, Bolts or Screws, and ſhall be Three Inches or more in Breadth, the Sum of Three Halfpence for every Horſe or other Beaſt drawing the ſame; and if the Streaks or Shoeing of the Wheels thereof ſhall be ſet on in like Manner, and ſhall be leſs than Three Inches in Breadth, the Sum of Three-pence for every Horſe or other Beaſt drawing the ſame;

And for every Car or other Carriage, whoſe Wheels ſhall be formed and put on ſo as not to turn round the Axletree, and whoſe Axletree ſhall be fixed ſo as to turn round with the Wheels, the Sum of Sixpence Halfpenny for every Horſe or other Beaſt drawing the ſame;

And if any of the Streaks or Shoeing of any of the Wheels of any ſuch Car, ſhall be ſet on with high or ſprig-headed Nails, Bolts or Screws, or with any Nails, Bolts or Screws not being counter-ſunk and flat-headed, the Sum of One Shilling for every Horſe or other Beaſt drawing the ſame;

And for every Waggon, Wain, Dray, Cart, Timber or other Carriage not hereinbefore charged, if the Streaks or Shoeing of the Wheels thereof ſhall be ſet on with counter-ſunk flat-headed Nails, Bolts or Screws, and ſhall be Four Inches or more in Breadth, the Sum of Three-pence for every Horſe or other Beaſt drawing the ſame; and if the Streaks or Shoeing of the Wheels thereof ſhall be ſet on in like Manner, and ſhall be leſs than Three Inches in Breadth, the Sum of One Shilling for every Horſe or other Beaſt drawing the ſame;

And if any of the Streaks or Shoeing of the Wheels of any ſuch Waggon, Wain, Dray, Cart, Timber or other Carriage not hereinbefore charged, ſhall be ſet on with high or ſprig-headed Nails, Bolts or Screws, or with any Nails, Bolts or Screws not being counter-ſunk

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and flat-headed, the Sum of Two Shillings for every Horſe or other Beaſt drawing the ſame:

Provided always, That for every Car whoſe Wheels ſhall be Three Inches broad on the Sole, and ſhall be formed and put on ſo as to turn round the Axletree, and whoſe Axletree ſhall be fixed ſo as not to turn round with the Wheels, and the Streaks or Shoeing of ſuch Wheels ſhall be ſet on with counter-ſunk flat-headed Nails, Bolts, or Screws, the Sum of Three Halfpence for each Horſe or other Beaſt drawing the ſame.

Which ſaid Tolls ſhall be collected, levied, recovered and applied, in like Manner as the Tolls payable by the ſaid recited Act, are thereby authorized to be collected, levied, recovered and applied.

For lopping Hedges, &c.

III. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors of the ſaid Road, and ſuch Perſon or Perſons as he or they ſhall appoint, (by Direction and under the Hands of One or more of the ſaid Directors) from Time to Time to remove and cut down, or cauſe to be removed or cut down, at the proper Seaſon of the Year, any Foreſt Tree which ſhall be ſet or planted after the paſſing of this Act within Fifty Feet of the Centre of any Part of the ſaid Road, and to cut down, lop or top Buſhes now growing or ſtanding, or which may hereafter grow or ſtand, adjoining to any Part of the ſaid Road, or in the Hedges or on the Banks thereof, and to lop off all Branches of Trees overhanging the ſaid Road or any Part thereof, and to cut down all Buſhes or Hedges which are or ſhall be more than Five Feet above the Level of the ſaid Road, or nearer than Forty-five Feet to the Centre thereof, and to take and carry away the ſame, if the Owners or Occupiers who ought to remove the ſame, or to cut down, lop or top ſuch Trees and Buſhes, ſhall refuſe or neglect to do ſo, for the Space of Twelve Days after Notice in Writing given for that Purpoſe, under the Hand of any Magiſtrate, Commiſſioner or Director, the Charges whereof ſhall be reimburſed to the 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 authorized and directed by the ſaid recited Act for the Recovery of any Penalty thereby inflicted.

Enabling the Truſtees to grant Leaſes of the Tolls for Twenty-one Years.

IV. And whereas it is enacted by the ſaid recited Act, that the ſaid Directors may if they think fit, on Fourteen Days' Notice being given in any Two *Dublin* Papers for that Purpoſe, leaſe or farm by the Year, for any Time not exceeding Three Years, nor leſs than One Year, the Tolls by the ſaid Act payable: And whereas it is expedient that the Power of the ſaid Directors to grant Leaſes of the ſaid Tolls ſhould be enlarged: And whereas *Richard Bourne*, of the City of *Dublin*, the Proprietor of Coaches carrying his Majeſty's Mail to and from *Dublin* to *Galway* and the intermediate Towns, hath propoſed to the Directors of the ſaid Road to contract with them for effecting and completing the total Repairs of the ſaid Road from *Kinnegad* to *Athlone* and the propoſed Improvements thereon, and to covenant and contract to expend the neceſſary Sum on ſuch Work, and to ſink the ſame for ever without requiring any Debenture or other Security for the ſame or for the Repayment thereof, and that he would pay a certain annual Intereſt upon the ſaid out-ſtanding Debentures in the ſaid recited Act mentioned, during the Continuance of ſuch Contract, and alſo that he would keep the whole of the ſaid Road in effectual Repair for the Term of Twenty-one Years from the Date of

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ſuch Contract; provided that the ſaid Directors ſhould aſſign over the entire of the Tolls of the ſaid Road now levied or hereafter to be levied, by virtue of ſuch future Act of Parliament as ſhould be for that Purpoſe obtained, unto the ſaid Contractor, with all Powers of levying the ſame, together with all Powers of ſearching for and raiſing Stones or Gravel for the Uſe of the ſaid Road, or other Materials as in the ſaid recited Act are mentioned, during the whole of the ſaid Term of Twenty one Years; and the more effectually to enſure a Completion of the intended Improvements of the ſaid Road within a limited Time, the ſaid *Richard Bourne* did propoſe, that in Default thereof, the Tolls to be to him aſſigned ſhould be ſubject to Sequeſtration, reſerving, however, to him the ſaid *Richard Bourne*, the Power of ſurrendering ſuch Contract, on giving Twelve Months' Notice of ſuch his Intention, on proving a previous Expenditure of One thouſand Pounds at leaſt in repairing and improving the ſaid Road: And whereas the ſaid Directors, at a Public Board for that Purpoſe duly convened, were of Opinion that the ſaid Propoſal ſhould be taken into Conſideration, provided they ſhould be thereafter by Law empowered ſo to do: Be it therefore enacted, That it ſhall be lawful for the ſaid Directors in the ſaid recited Act named, or any Three of them, to enter into ſuch Contract or Contracts for a Term of Twenty-one Years, founded on the ſaid before recited Propoſal, to and with the ſaid *Richard Bourne*, his Executors, Adminiſtrators and Aſſigns, or in caſe of Default by him, or Failure or Non-performance thereof, with ſuch other Perſon or Perſons as they ſhall think fit: Provided nevertheleſs, that good and ſufficient Security ſhall be firſt taken by the ſaid Directors, or any Three of them, for the full and effectual Performance of ſuch Contract or Contracts; and provided always, that in the ſaid Contract be contained a Clauſe or Covenant on the Part of the ſaid *Richard Bourne*, his Executors, Adminiſtrators or Aſſigns, or of ſuch other Perſons with whom the ſaid Directors may think fit to contract, that he or they ſhall and will, for and during the ſaid Term of Twenty-one Years, regularly pay and diſcharge an annual Sum for Intereſt on each of the ſaid outſtanding Debentures in the ſaid recited Act mentioned, to the ſeveral and reſpective Holders thereof, the Numbers and Amount of the ſaid Debentures to be entitled to ſuch Intereſt being firſt duly aſcertained by the ſaid Directors, and ſet forth in the ſaid Contract: And provided always, that no other or further Intereſt ſhall be paid or payable on the ſaid Debentures during the Continuance of the ſaid Contract, ſave and except ſuch Intereſt ſo to be paid and payable under and by virtue thereof, ſo long as the ſaid *Richard Bourne*, or ſuch other Perſon or Perſons with whom the ſaid Directors may think fit to contract as aforeſaid, ſhall regularly pay and diſcharge the ſaid Intereſt on the ſaid Debentures as the ſame ſhall become due.

Expences of the Act.

V. And be it further enacted, That all Coſts and Charges expended, or to be expended in and about procuring and paſſing of this preſent Act, ſhall, as ſoon as may be, be diſcharged and paid out of the Money collected by virtue of the ſaid former or this preſent Act, or that ſhall be borrowed on the Credit thereof.

Public Act.

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

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