



ANNO SEXTO

# GEORGIIV. REGIS.

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## Cap. xcvi.

An Act for making and maintaining a Turnpike Road from the City of *Cork* to the Town of *Ballyhooly* on the River *Blackwater*. [20th May 1825.]

**W**HEREAS a great and increasing Intercourse exists between the City of *Cork* and the Counties of *Limerick*, *Tipperary*, and the Northern Part of the County of *Cork*: And whereas so much of the present Road as lies between the City of *Cork* and the River *Blackwater* at *Ballyhooly* is hilly, narrow, incommodious, and very much out of Repair: And whereas a new, direct, and level Line of Road has been lately surveyed between *Ballyhooly* and *Cork*, which it is expedient should be forthwith made: And whereas the said Road cannot be effectually made, amended, widened, altered, diverted, and kept in good Repair by means of the Laws now in being for the Amendment and Preservation of the Public Highways: 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 the Right Honourable Trustees, Viscount *Kingsborough*, the Right Honourable Viscount *Ennismore*, the Honourable *Robert King*, the Honourable *William Hare*, *Robert Rogers Aldworth*, *Richard Oliver Aldworth*, *John Smith Barry*, *Robert Bennett*, *Robert Courtenay*, *Gerard Callaghan*, *William Coppinger*, *George Courtenay*, *Thomas Denneby*, *John Hyde*, *John Hyde junior*, the Reverend *Edward Gustavus Hudson* Clerk, *William Harnett Harrington*, *Justin M'Carty*, *Edward Morgan*, *Charles Deane Oliver*, *Edward Roche*, *Henry M. Smith*, *William Edward Penrose*, and their Successors, to be elected as herein-  
[Local.] 26 K after

after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, altering, widening, repairing, diverting, and otherwise improving a convenient Road from the City of *Cork* through the several Parishes of *Saint Anne's, Shandon, Ballynamoght, Rathcooney, Dunbolloge, Temple Michael, Ardnageehy, Ballyhooley, and Killatty*, to the Town of *Ballyhooly*, and for otherwise carrying this Act into full and complete Execution.

Power to  
appoint ad-  
ditional  
Trustees.

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

Election of  
new Trustees  
on Vacancies  
arising.

III. And be it further enacted, That upon the Death, Refusal, or Disability of any of the said Trustees hereby appointed, or their Successors to be elected in manner herein-after mentioned, to act in the Execution of this Act, it shall and may be lawful for the surviving and remaining Trustees, by Writing under their Hands (at any Meeting whereof at least Ten Days Notice in Writing shall be given by the Clerk of the said Trustees, by affixing such Notice upon all the Toll Gates to be erected upon the said Road), to elect and appoint some fit Person to be a Trustee in the Room of each Trustee so dying, or refusing, or being incapable of acting; and every Person so elected a new Trustee as aforesaid, is hereby empowered to act in the Execution of this Act, in as full and ample a Manner as if he had been originally appointed a Trustee in and by this Act.

Qualification  
of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, of the Value of Four thousand Pounds, or shall be the Son of a Peer or Heir Apparent of some Person possessed of any Estate in Lands of the clear yearly Value of Two hundred Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned), until he shall have taken and subscribed, before any One or more of the said Trustees, an Oath, (or being a Quaker, made and subscribed an Affirmation) in the following Form of Words, and which Oath or Affirmation the said Trustees, or any of them, at any of their Meetings to be holden in pursuance of this Act, are or is hereby authorized to administer:

‘ I do swear, [*or being One of the People called Quakers, do solemnly affirm*], That I truly and *bonâ fide* am in my own Right [*or in the Right of my Wife, as the Case may be,*] entitled to and in the actual Possession of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or possessed of a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Four thousand Pounds, [*or am Heir Apparent of*

‘ A. B., who to the best of my Knowledge and Belief is possessed of such an Estate of the clear yearly Value of Two hundred Pounds], and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me, by virtue of an Act passed in the Sixth Year of the Reign of King George the Fourth, intituled *An Act [here set forth, the Title of this Act.]* So help me GOD.’

And if any Person not being so qualified, or not having taken and subscribed such Oath, or being a Quaker, made and subscribed such Affirmation, in manner aforesaid, or being disqualified as herein mentioned, shall act as a Trustee in the Execution of this Act, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every such Person so sued and prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person had acted as a Trustee or Trustees in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of all and every Person and Persons acting as a Trustee in the Execution of this Act, though not duly qualified as aforesaid, previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Direction of this Act.

Penalty on Trustees acting without being qualified.

Acts of unqualified Trustees, previous to Conviction, valid.

V. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act, may be done and executed by any Three or more of the Trustees hereby appointed, and to be elected and appointed as aforesaid, except only in the Cases herein-after particularly mentioned, as requiring a greater or a less Number of them.

All Acts may be done by Three Trustees, unless otherwise directed.

VI. And be it further enacted, That no Person appointed or to be appointed a Trustee by virtue of this Act, who shall have or accept the Office of Clerk, Treasurer, or Surveyor, shall, during his Continuance in such Office, be capable of acting as a Trustee in the Execution of this Act; and that no Person or Persons, who shall keep or be concerned in any Victualling House, Alehouse, or other House of public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, Whiskey, or other spirituous or strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, during such Time as he or they shall keep such Victualling House, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cider, Beer, Ale, Whiskey, or other spirituous or strong Liquors by Retail; but no such Person shall be precluded from hiring or farming such Tolls, provided he or they do employ a Person or Persons to collect such Tolls who shall not be under any such Incapacity.

Trustees holding Offices, or being concerned in Victualling Houses, not to act.

VII. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace, shall and may in their respective Jurisdictions,

Trustees may act as Justices.

dictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where he or they shall be personally interested.

Meetings of Trustees.

VIII. And be it further enacted, That the said Trustees shall meet at the County Court House of *Cork*, or some other convenient Place, on the Second *Monday* after the passing of this Act, or as soon after as conveniently may be; and shall then proceed to carry this Act into Execution, and shall and may then, and from Time to Time after, adjourn to and meet at such Times, and at such Place or Places, within the Distance of Five Miles from some Part of the said Road, as to them shall seem proper; and that a Chairman shall and may, in the first Place, be appointed at every Meeting to be held, who, in case of an equal Number of Votes (including the Chairman's Vote) shall have the casting or decisive Vote (in addition to his own Vote); and if at any Meeting appointed to be holden by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or in case the Trustees at any Meeting shall not adjourn themselves, then and in every such Case every such Meeting, or intended Meeting, shall be and is hereby adjourned to the First *Monday* in the Month next following that in which such Meeting was held, or appointed to be held, and at the same Place, and so from the First *Monday* in One Month to the First *Monday* in the subsequent Month, until a sufficient Number of Trustees do or shall meet and adjourn; and the said Trustees shall at all their Meetings defray their own Expences, except any Sum not exceeding Ten Shilings *per Diem* for the Use of the Room where they shall meet.

Adjournments.

Trustees to pay their own Expences.

Meetings on Emergencies.

IX. And be it further enacted, That if after any Adjournment of the said Trustees, made either by themselves or by virtue of this Act, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, or by virtue of this Act, in that Case the Clerk of the said Trustees may give Notice thereof, upon Order by Three or more of the said Trustees, mentioning the Time, Place, and Purpose of such Meeting, either in writing or printed, to be affixed on all the Turnpikes then erected by virtue of this Act, or else by inserting the same in some Newspaper published in the City of *Cork*; such Time not being less than Five Days after such Notice, and such earlier Meeting shall and may be held accordingly; and all Proceedings of the Trustees at such Meetings shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of a regular Adjournment, provided that no other Business be done at such Meetings, than such Business as shall be mentioned in the Notice for calling the same.

Annual General Meetings to be held.

X. And be it further enacted, That the said Trustees shall hold a General Meeting on the First *Monday* in the Month of *June* in every Year, at the County Court House, or at such other Place as the said Trustees shall elect, which Meeting shall be called the Annual General Meeting of the said Trustees, and at such Annual General Meetings the said Trustees shall examine and audit the annual Accounts of the Clerk, Treasurer, Surveyors, and Collectors relating to their respective Offices, and then and there from Time to Time shall pass such Accounts, or so much thereof as they shall think proper.

XI. And

XI. And be it further enacted, That it shall be lawful for the said Trustees, or the Majority of them present at any Meeting which shall be held in pursuance of this Act, from Time to Time to make all Contracts, Agreements, Orders, Directions, Appointments, and Determinations in the Execution of this Act, all which shall be signed by the Trustees making the same; and no such Contract, Agreement, Order, Direction, Appointment, or Determination shall be valid unless so made and signed at such Meeting; and no such Contract, Agreement, Order, Direction, Appointment, or Determination so signed, shall be revoked or altered at any subsequent Meeting, unless Six or more Trustees shall be present, and Four of them at least shall concur therein.

How Orders of the Trustees are to be made and revoked.

XII. And be it further enacted, That the said Trustees shall, and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books all Orders and Proceedings of the Trustees shall be regularly entered, and such Orders and Proceedings shall be signed by the Trustees making the same, or by the Chairman of the Meeting, and the said Book or Books, and also the Book or Books herein-after directed to be kept for registering Securities and Assignments, or Transcripts thereof, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Books to be kept of Proceedings of Trustees and Entries, therein to be Evidence.

XIII. And be it further enacted, That the said Trustees shall, and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any of them, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit any of the said Trustees or Creditors to inspect the same Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, on being duly summoned and convicted thereof, before any of His Majesty's Justices of the Peace for the County of *Cork*, or County of the City of *Cork*.

Accounts to be kept of Receipts, &c.

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 Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and all such other Officers and Persons for the Execution of this Act, as the said Trustees shall think proper; and from Time to Time to make such Rules, Orders, and Regulations for the good Conduct and well-governing of every such Treasurer, Clerk, Collector, Surveyor, and all such other Officers and Persons, and from Time to Time to remove such Officers and Persons

Appointment of Officers.

respectively, as the said Trustees shall see Occasion, and appoint others in the Room of such of them as shall be removed, or shall die, or resign, or refuse, or neglect to perform, or become incapable of performing their Duty; and the said Trustees shall and may, out of the Monies to be received by virtue of this Act, allow and pay such Salaries and Allowances to the said Officers and other Persons, as the said Trustees shall think reasonable.

Appointment  
of Collector  
in case of  
Death, &c.

XV. And be it further enacted, That it shall be lawful for any Two or more of the said Trustees, although not assembled at any Meeting, upon the Death, Neglect, Refusal, or Incapability to act of any Collector of the Tolls hereby granted, to nominate and appoint some other fit Person in his or her Place, until the next Meeting of the said 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 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 enjoyed in right of his or her Appointment to that Office, within Two 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 Two 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 Two 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 Two or more of the said Trustees; then and in either of the said Cases, it shall be lawful for any Justice of the Peace for the County, where such Toll House shall stand, or by Warrant under his Hand and Seal, to order any Constable or 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 said Trustees, or the new appointed Collector of the said Tolls, in Possession thereof.

Officers to  
give Security.

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

Officers to  
account.

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

such Payments ; and every such Officer or Person shall, and he or she is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to the said Trustees, or to such Person or Persons as they shall appoint to receive the same ; and every such Treasurer shall, on the First *Monday* in the Month of *June* yearly, or at a Meeting of the said Trustees then next following, although not thereunto required by the said Trustees, lay his Accounts before the said Trustees, in order that the same may be audited, passed, and allowed by them, if approved of ; and all the said Officers so accounting as aforesaid shall verify their said Accounts ; and if any such Officer or Person shall refuse or neglect to render and deliver such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required, in Manner aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Fourteen Days next after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in every such Case, a Complaint being made thereof by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, Town, or Place where the Officer or Person so refusing or wilfully neglecting shall be or reside, such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way ; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath and Oaths of any credible Witness or Witnesses, (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of or owing from such Officer or Person, such Justice may, and he is hereby authorized and required, upon Nonpayment thereof, by Warrant from under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively ; and if no Goods and Chattels of such Officer or Person respectively can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, without some reasonable Excuse, or if appearing, shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County, City, Town, or Place where he or she shall be or reside, there to remain without Bail or Mainprize until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall happen to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any), as shall  
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in that respect have been made, or until he or she shall have compounded with the Trustees for such Money and Charges, and shall have paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and which Composition the said Trustees are hereby empowered to make and receive, and until he or she shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees: Provided always, that no such Person who shall be committed for want of sufficient Distress, shall by virtue of this Act be detained in Prison for a longer Space of Time than Six Months; but such Commitment to Prison shall not be deemed a Discharge for any Money due from such Officer, nor exonerate his Sureties.

Treasurer  
and Clerk  
not to be  
the same  
Person.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks of other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same; to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlançe, shall be allowed.

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

XIX. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of this Act, in the Name of their Clerk for the Time being, or in the Name of any One of the said Trustees; and no Action or Suit to be commenced by or against the said Trustees in the Name or Names of any One of such Trustees, their Clerk or Treasurer for the Time being, shall abate or be discontinued by the Death or Removal of any such Trustee, Clerk, or Treasurer, or any of them, or by the Act of any such Trustee, without the Consent of the said Trustees; but that the Trustee, Clerk, or Treasurer in whose Name such Action or Suit shall have been so brought, shall  
always



always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in any such Action or Suit, as the Case may be: Provided always, that every such Trustee, Clerk, or Treasurer in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action, Suit, Prosecution, Information, or Appeal, or other Proceedings, he shall pay, bear, sustain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to by reason of being so made Plaintiff, Prosecutor, Defendant, Informant, Appellant, or Respondent, and shall not be disqualified from being a Witness by reason of his so being Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent as aforesaid.

XX. And be it further enacted, That the said Trustees, or such other Person or Persons as they shall appoint, shall and may erect or otherwise provide such and so many Toll Gates or Turnpikes in, upon; or across such Parts, and in such Parts of the said Road, and also such and so many Toll Gates and Turnpikes on the Sides of said Road, as the said Trustees shall think proper, subject nevertheless to the Restrictions and Directions herein-after mentioned concerning the same; and also shall and may erect or otherwise provide a Toll House to every or any of the said Toll Gates or Turnpikes, with suitable Buildings and other Conveniences thereto, and inclose from the Sides of the said Road convenient Gardens for the same, not exceeding One-eighth Part of a Statute Acre, or near to each Toll Gates or Toll Houses, and from Time to Time to remove, alter, and discontinue such Turnpikes and Toll Houses, or any of them, as they the said Trustees shall think expedient.

Power to erect Toll Gates and Side Gates, &c.

XXI. And be it further enacted, That the Right and Property of and in the several Turnpikes, Toll Gates, and Toll Houses, and the several Conveniences and Appurtenances thereto belonging, erected or made or to be erected or made upon or on the Sides of the said Roads or any of them, or any Part thereof, and all Materials for building and repairing the same, and for repairing the said Road, or any Part thereof, and all Fences and Rails to be erected and set up by the said Trustees, upon or on the Sides of the said Road respectively, and all Milestones, Direction Posts, Tables of Tolls, and Posts to be erected by the said Trustees, and also all Materials, Tools, and Implements, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in and be the Property of the Trustees appointed by virtue of this Act, and they are hereby empowered to sell and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, and to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall steal, break down, damage, take away, injure, or spoil any such Turnpikes, Toll Gates, Toll Houses, Fences, Rails, Milestones, Tables of Tolls, Posts, Conveniences, Appurtenances, Materials; or Articles, or disturb them the said Trustees, or their Agent or Servant, in the Possession thereof, in all which Actions or Bills of Indictment respectively, it shall be deemed and taken sufficient to state generally that such Turnpikes, Toll Gates, Toll Houses, Fences, Rails, Articles, Thing or Things for or on account

Turnpikes, Toll Houses, &c. vested in Trustees.

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of which such Action or Actions shall be brought, or Bill or Bills of Indictment be preferred, is or are the Property of the Trustees for making and maintaining the Road from the City of *Cork* to the Town of *Ballyhooley*, without particularly stating or specifying the Names of all or any of the said Trustees.

Power to  
take Tolls.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take, or cause to be demanded and taken, at the said respective Turnpikes, the Tolls following, subject to the Provisions and Restrictions herein-after contained, before any Carriage, Horse, Beast, or Cattle shall be permitted to pass through the same; that is to say,

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Phaeton, Curricule, Gig, Jaunting Car, Hearse, or other such Carriage, the Sum of Sixpence Halfpenny:

For every Horse or other Beast drawing in any Waggon, Cart, or other such Carriage, the Sum of Three-pence:

For every Horse or other Beast drawing in any Stage Coach, Jaunting Car, Diligence, or other such Stage Carriage, employed in carrying Passengers or Goods for Hire, Pay, or Reward, the Sum of Ten-pence:

For every Horse, Mare, Gelding, Mule, or Ass, 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, Goats, or Pigs, the Sum of One Shilling and Eight-pence by the Score, and so in proportion for any greater or less Number:

Trustees to  
put up a Table  
of Tolls, &c.

XXIII. And be it further enacted, That within One Calendar Month after any Toll Gate shall be erected by virtue of this Act, the said Trustees shall and they are hereby required to put up, or cause to be put up, and afterwards to be continued at every such Toll Gate, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at every such Gate, distinguishing the several Tolls to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated, and also a List of the several Gates which shall be cleared by the Payment of Toll at the Toll Gate or Bar where such Table of Tolls shall be affixed; and in case there shall at any Time or Times be more than One Gate, the said Trustees shall also provide Tickets denoting the Payment of Toll, and on such several Tickets shall be named and specified the Name of the Gate at which the same respectively shall be delivered, and also the Names of the several Gates freed by such Ticket, one of which Tickets shall be delivered *gratis* to the Person paying the Toll; and on the Production of such Ticket at any Gate or Gates therein mentioned to be cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate or Gates therein mentioned, without paying any further additional Toll: Provided always, that it shall not be lawful for the said Trustees to demand or take, or cause to be

Tickets denoting Payment of Tolls to be provided and delivered to Persons paying Toll.

Trustees not to demand Toll but

be

be demanded or taken, any Tolls for or in respect of any Passenger, Horse, Mule, Ass, or other Beast, at any Toll Gate, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate.

when Board  
remains  
affixed.

XXIV. And be it further enacted, That the said Tolls shall and they are hereby declared to be vested in the Trustees, and the said respective Sums herein-after respectively granted or made payable shall be demanded and taken in the Name of and as Toll, by such Person or Persons as the said Trustees shall from Time to Time authorize and appoint to receive the same; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made by any Person or Persons authorized to receive the same, neglect or refuse to make Payment thereof, or any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized to seize and distrain any Horse, Cattle, or Beast, upon which any Toll by this Act is imposed, or any Carriage in which the same shall be drawing, or the Loading, Harness, and Accoutrements of any such Horse, Cattle, or Beast (except the Bridle or Reins separate from such Horse or Beast), or any of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Distress and of keeping the same, shall not be paid within the Space of Four Days next after the Day of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter sell the Horse, Cattle, Beast, Carriage, Goods, and Chattels so distrained, and out of the Money which shall arise by such Sale pay or retain such Tolls, and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold, if any, upon Demand, to the Owner or Owners thereof.

Tolls vested  
in Trustees.

Power to re-  
cover Tolls.

XXV. And be it further enacted, That in case any Dispute shall happen respecting the demanding or taking or the Payment of Toll, or the Amount of Toll, or the Charges of keeping or selling any Distress, then and in every such Case such Dispute shall be heard and determined by any Justice or Justices of the Peace for the County in which the Cause of Dispute shall arise, who, upon Application made to him or them for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses, (which Oath every such Justice or Justices is or are hereby authorized or empowered to administer), and shall determine the Amount of the Toll due, and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other, as to such Justice or Justices shall seem reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons directed to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant every such Justice or Justices is or are hereby empowered to issue), and the Overplus (if any), after Payment of such Costs of such Distress and Sale, shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been distrained and sold.

For settling  
Disputes  
concerning  
Tolls.

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, the

Collectors  
competent  
Witnesses.

Person

Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, shall not be incompetent, on account of his being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

Tolls may be varied.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time when and as often as they shall think proper, to lessen all or any of the Tolls hereby granted or made payable at all or at any of the Toll Gates or Turnpikes to be erected by virtue of this Act, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Three-fourth Parts of the Money then due on Security of the said Tolls, but no such Reduction shall be made, unless Twenty-one Days previous Notice thereof in Writing shall be affixed upon all the Turnpikes then erected across the said Road, and also inserted in One or more of the Newspapers usually published in the City of *Cork*.

Tolls to be paid but Once a Day at any one Toll Gate.

XXVIII. And be it further enacted, That no Person or Persons shall be liable to pay Toll for or in respect of the same Horse, Cattle, or other Beast, more than Once at one Toll Gate or Turnpike to be erected by virtue of this Act, for passing and repassing of such Horse, Cattle, or other Beast, at any Time or Times in One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, but that all and every Person and Persons having paid Toll Once as afore-said, and producing a Ticket denoting the Payment of such Toll, (which Ticket the Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Toll), shall afterwards pass and repass with the same Horse or Horses, Cattle, Beasts, and Carriages Toll-free during the same Day, through the said Toll Gate or Turnpike where such Toll was paid: Provided always, that no more than Two Tolls shall be demanded or taken for or in respect of the same Horse, Cattle, or other Beast, for passing and repassing on the same Day through all the Toll Gates or Turnpikes to be erected by virtue of this Act.

No more than Two Tolls to be taken in One Day:

Toll free afterwards.

XXIX. And be it further enacted, That each and every Horse, Cattle, or other Beast, for or in respect of which the Tolls by this Act imposed have been Twice paid, and a Ticket or Tickets denoting the Payment thereof being produced (which Tickets the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of such Tolls), shall pass and repass Toll-free during such Day, through all the other Toll Gates or Turnpikes to be erected in and upon the said Road.

Stage Coaches, &c. to pay every Time of passing.

XXX. Provided always, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Jaunting Car, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Road.

Horses drawing Post Chaises to be subject again

XXXI. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts let out to hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time

Time of passing along the said Road, whenever any new Hiring thereof shall be made. to Toll on every new Hiring.

XXXII. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, or Beast, upon which any Tolls by this Act is imposed, pass through any Land or Ground within the Distance of One Mile from any Toll Gate or Turnpike which shall be erected by virtue of this Act, the same not being a public Road; or if any Owner or Occupier of such Land or Ground shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, or Beast, to pass through the same, whereby Payment of any of the said Tolls, or any Part or Parts thereof, shall be evaded; or if any Person or Persons shall give to or receive from any Person, other than a Collector of the said Tolls, any Ticket by this Act directed to be given by a Collector of the said Tolls, or shall forge and counterfeit any such Ticket, or shall forcibly pass through any such Toll Gate or Turnpike as aforesaid, with any Horse, Cattle, or Beast, or shall at any Time or Times take off or cause to be taken off any Horse, Cattle, or Beast from any Carriage, whereby the Payment of any of the said Tolls, or any Part or Parts thereof, shall be evaded; or if any Person or Persons shall leave or cause to be left upon or near to any Part of the said Road any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage; every Person offending in any of the Cases aforesaid, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted, one Moiety whereof shall be paid to the Informer or Informers, and the other Moiety thereof to the Treasurer of the said Road, to be applied for the Purposes of this Act. Penalty on evading Tolls.

XXXIII. Provided also, and be it further enacted, That all Horses travelling for Hire, drawing or having drawn any Post Chaise or any such like Carriage, for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Road, shall, on returning before Nine of the Clock on the following Morning, unless in case of a fresh Hiring, be permitted to pass Toll-free, although such Horses, Chaise, or other Carriage shall not have passed through such Turnpike on the same Day. Exempting Return Chaises from Payment of Tolls for re-passing.

XXXIV. And be it further enacted, That where any Horse or Horses shall pass through any Turnpike Gate on the said Road, not drawing any Carriage, and a Toll shall be paid on such Horse or Horses at such Turnpike Gate, and the same Horse or Horses shall return drawing any Carriage on the same Day, or within Eight Hours after their first passing through such Gate, the Toll paid on such Horse or Horses on their originally passing shall be deducted from the Toll payable on the same when drawing the Carriage to which they shall be attached on their Return, so that no higher Toll shall in the whole be taken than if such Horse or Horses had in the first Place passed through such Turnpike Gate drawing the same Carriage. Horses having passed through a Gate, and returning drawing a Carriage, the Toll paid on the Horses to be deducted.

XXXV. And be it further enacted, That whenever any Coach, Chariot, or any other Carriage whatsoever with Four Wheels, shall pass through Tolls to be paid on Carriages affixed to others.

[Local.]

any Turnpike Gate on said Road, affixed, tied, or secured to any Waggon or Cart, the same Toll, and no more, shall and may be demanded and taken for and in respect of such Coach, Chariot, or other Carriage, as if the same had passed through drawn by Two Horses; and whenever any Chair, Cart, or other Carriage whatsoever with Two Wheels only, shall pass through any Turnpike Gate on said Road so affixed to or secured to any Waggon or Cart as aforesaid, the same Toll and no more shall be demanded and taken for and in respect of such Chair, Cart, or other Carriage with Two Wheels only, as if same had passed through drawn by One Horse only; and where any Horse shall be fastened to, but not used in drawing any Waggon, Cart, or other Carriage, such Horse shall not be liable to a higher Toll than a single Horse.

Exemptions  
from Tolls.

XXXVI. And be it further enacted, That no Tolls shall be demanded or taken for any Horses or Carriages belonging to His Majesty, or attending any of the Royal Family, or returning after having so attended; or for any Horse, Ox, or other Beast drawing in any Carriage, employed in carrying or conveying Stones, Bricks, Lime, Timber, Trees, Wood, Gravel, or other Materials for making or repairing the said Road, or any Bridge thereon, or any of the Highways in the several Parishes, Townlands, or Districts through which the said Road shall pass, or Hay or Corn in the Straw, or Potatoes, the Produce of Lands lying within the respective Parishes, Townlands, or Districts aforesaid, to be laid up or consumed in the Houses, Out-offices, Barns, or Yards of the Owners thereof, and not for Sale, or Lime or other Manure to be used for the Improvement of Lands, nor when returning unladen after carrying or conveying any such Materials; nor shall any of the Tolls hereby granted be demanded or taken for any Horse, Ox, or other Beast drawing or not drawing, and employed only in carrying or conveying any Ploughs, Harrows, or other Implements of Husbandry, nor for any Horses, Beasts, or other Cattle, when going to or returning from being shod or farried, or to or from Work in cultivating the Lands or Grounds within the same Parishes, Townlands, or Districts, or going to or returning from Pasture or Watering Places, provided that such last-mentioned Exemption shall only extend to such Cattle as shall not pass upon the same Road more than Two Miles in going to or returning from Water or Pasture; nor shall any of the Tolls hereby granted be demanded or taken for any Horse, Ox, or other Beast which shall only cross such Road, and shall not pass above One hundred Yards thereon; or for any Horse, Mare, Gelding, or Mule, when carrying or conveying any Clergyman to or from the Performance of the Duties of his Function on *Sundays* or any other Day, or when carrying or conveying any Person or Persons residing in the same Parishes, Townlands, or Districts who shall pass on *Sundays*, or on any other Days on which Divine Worship is or shall be ordered by Authority to be celebrated, to or from his or her parochial Church or Chapel, or to or from any other Place of religious Worship usually resorted to by such Person or Persons, or when going to or returning from the Funeral of any Person or Persons who shall die and be buried in any of the same Parishes, Townlands, or Districts; nor for any Horses or Carriages which shall be employed solely in conveying any Mail or Packet made up under the Authority or Direction of His Majesty's Postmaster General or his Deputies; nor for any Horses belonging to Officers or Soldiers upon their March or upon Duty; nor

for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of such Officers or Soldiers, or carrying any wounded, sick, or disabled Officers or Soldiers, or returning empty after having been so employed, provided such Horses, Cattle, or Carriages shall return within the same Day; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or to and for the Use of His Majesty's Forces; nor for any Horse furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them, nor Carriages conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person or Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; nor for any Horse, Cart, or Carriage employed only in carrying or conveying any Vagrant or Prisoner sent by legal Warrant; nor for any Horses or Carriages carrying or conveying any Elector or Electors to or from an Election for a Member to serve in Parliament for the County of *Cork*, or for the City of *Cork*; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, or of any other of the Exemptions from the Toll herein contained, not being entitled to the same, or if any Person claiming any Exemptions from the Payments of the Tolls hereby granted, or any Part thereof, shall refuse or decline to tell his or her Name and Place of Residence to the Collector or Collectors at any Gate or Gates at which such Exemption shall be claimed, or shall give a false Name or Place of Residence, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Twenty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

XXXVII. And be it further enacted, That all and every Toll Collector, being Lessee of the Tolls authorized to be collected upon the said Road, or appointed or continued either by the said Trustees respectively or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate, to be erected by virtue of this Act, shall, and he or she is hereby required to place his or her Christian and Surname painted on a Board in legible Characters in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately on his or her coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters upon a White Ground, and shall continue the same so placed during the whole Term he or she shall be upon Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he or she shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any way hinder any

For preventing Misconduct of Toll Collectors.

any Person or Persons from reading such Christian or Surname, or shall refuse to tell his or her Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls, or any of them, or shall, in answer to such Demand, give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and having named and specified thereon the several Gates freed by such Payment, or shall unnecessarily detain any Passenger or Passengers, or shall make use of abusive Language to any Trustee, Traveller, Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Power to compound for Tolls.

XXXVIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound, for any Term not exceeding One Year at any one Time, with any Person or Persons for any Carriage or Carriages, Horses, Beasts, or Cattle, travelling on the said Road, for all or any of the said Tolls to be paid in respect to such Carriage or Carriages, Horses, Beasts, or Cattle, and such Composition Money shall be paid in advance Quarterly, and in default thereof the Composition shall be void.

Tolls may be let for any Term not exceeding Three Years.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, after giving Fourteen Days previous Notice thereof, in writing or printed, to be affixed upon all the Turnpikes erected across the said Road, and to be inserted in One or more of the Newspapers published in the City of *Cork*, from Time to Time to lease and demise all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses, Conveniences, and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding to the highest Bidder, and for the best Rent or Price that can be gotten for the same, payable at such Times, and in such Manner, and with, under, and subject to such Covenants, Conditions, and Agreements, and with such Sureties for the Payment thereof as the said Trustees shall think fit; and at such Letting the Trustees present shall have and be entitled to One or more Biddings for the Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; and in case, at any Time or Times hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm all or any of such Tolls, at the best Rent that can be reasonably gotten for the same, provided that the Leases, Contracts, or Agreements for the same be in Writing, and be duly executed by the Lessee or Lessees, Farmer or Farmers of such Tolls, and also by any Five or more of the said Trustees, and that the said Trustees have a Counterpart of such Lease or Leases, and take such other sufficient Security for Payment of the Rents to be reserved by and for the Performance of the Covenants to be contained in such Lease or Leases, as the said Trustees, or any Five or more of them, shall think fit.

XL. And



XL. And be it further enacted, That during such Time as the Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he 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 by this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Lessees may collect Tolls.

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

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

XLII. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for demising or letting thereof, or in case such Lease or Agreement shall in any other Manner become void, then and in either of such Cases it shall and may be lawful for any Justice of the Peace for the County or Place where the Toll Gate or Toll House shall be situate, and he is hereby required, upon Application made to him by the said Trustees, or their Clerk or Clerks, Treasurer or Treasurers, or any other Person authorized, by Writing under his Hand or Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any or every such Toll House or Toll Houses, Toll Gate, Bar, or Chain, and the Buildings, Gates, and Appurtenances thereunto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls, and also any other Person or Persons residing thereat respectively from the Possession thereof, and from the Collection of such Tolls, and to put the Trustees, or any Person acting by or under their Authority, into the Possession thereof; and that thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Demise of the said Tolls, or the Contract or Agreement for demising or letting the said Tolls, to such Lessee or Lessees, Farmer or Farmers, and

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

the same shall be utterly void to all Intents and Purposes (save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements, on the Lessee's Part) as if such Demise or Agreement had never been made; and in that case, or in case the Lease and Agreement shall otherwise become void, it shall and may be lawful for the said Trustees in every such Case, to demise and let to farm the said Tolls again, to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Trustees may enter into Contracts, &c.

XLIII. 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 making, repairing, altering, widening, and amending of the said Road, or of any Part or Parts thereof, or for furnishing Materials, or for any Purpose or Purposes relative to the Execution of this Act, but no such Contract or Contracts shall be entered into, save and except Fourteen Days Notice at the least shall be given previous to the entering into the same, in some Newspaper published in the City of *Cork*, expressing the Purpose or Purposes of such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered to the said Trustees at a certain Time and Place in such Notice to be mentioned; and the said Trustees shall, and they are hereby required, to take Security from every such Contractor for the due Performance of his or her Contract; and every such Contract shall be signed by Five of the said Trustees, and by the Person or Persons contracting to perform such Works respectively, which Contract or Contracts shall be entered in a Book or Books, to be kept for that Purpose by the Clerk to the said Trustees: Provided always, that no such Contract or Contracts shall be deemed good, valid, or effectual, if the same shall have been made for a longer Space or Term than Three Years from the Time of entering into such Contract or Contracts.

Trustees may compound for Breach of Contracts.

XLIV. 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.

3 G. 4, c. 112. s. 2. authorizing Money to be advanced by Order of Lord Lieutenant on Security of Rates or expected Rates of any Works public or private.

XLV. And whereas by an Act made in the Third Year of the Reign of His present Majesty, intituled *An Act to authorize the further Advance of Money out of the Consolidated Fund, for the Completion of Works of a public Nature, and for the Encouragement of the Fisheries in Ireland*, it is among other things enacted, that it shall and may be lawful for the Commissioners for the Execution of the said Act, and the Acts therein recited, by and with the Consent and Approbation of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to direct any Advance of Money to be made under the said Acts in aid of any public Works whatever in *Ireland*, or for the Purpose of commencing, carrying on, or completing of any public Roads, Railways, Bridges, Canals, Navigations, Embankments, Drainages,

Drainages, Harbours, or Churches, or any public Works whatever in *Ireland*, or for the making or executing of any Work whatever, whether of a public or private Nature in *Ireland*, either upon such Real or Personal Securities as in the said Acts are mentioned, or upon Mortgage or Assignment of any Rates, Rents, Tolls, or Profits, or of any expected Rates, Rents, Tolls, or Profits, of any such public or private Works, in all Cases in which it shall appear to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, that any such Rates, Rents, Tolls, or Profits, or any expected Rates, Rents, Tolls, or Profits, shall or may be sufficient to pay Interest on such Advance, and the Principal Money so advanced at or within any such Time or Times and by any such Instalments as the Commissioners for the Execution of the said Acts, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, may think proper in any Case to direct and appoint, and as shall be specified in the Security to be given, or in the Mortgage or Assignment to be made of such Rates, Rents, Tolls, or Profits, or expected Rates, Rents, Tolls, or Profits, and although the Whole or any Part of the estimated Expences of any such public Works shall not be subscribed for, or deposited or vested in any Public Fund, be it enacted, That at any Time after the passing of this Act, it shall and may be lawful for the Trustees for the Execution of this Act, for the Time being, to apply to the Commissioners for the Execution of the said Act of the Third Year of His present Majesty, and the several Acts therein recited, for the Advance of any Sum or Sums of Money, upon the Security of the Tolls expected to arise and be payable or which shall arise and be payable under this Act; and in case the Commissioners for the Execution of the said recited Acts shall think fit to direct any Sum or Sums to be advanced for the Purposes of this Act, under the Regulations and Conditions of the said recited Act, it shall be lawful for the Trustees for the Execution of this Act to mortgage or assign all or any of the Tolls expected to arise and be payable, or which shall arise or be payable under this Act, to the Commissioners for the Execution of the said recited Acts, as a Security for the Payment of the Interest and Principal of any Sum or Sums so to be advanced, at or within any such Time or Times, and by any such Instalments as the Commissioners for the Execution of the said recited Acts, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall think proper to direct and appoint, and as shall be specified in such Mortgage or Assignment, pursuant to the Regulations contained in the said recited Act of the Third Year of His present Majesty; and every such Mortgage or Assignment, and the Sums payable under or by virtue of the same, shall in all Cases have Preference and Priority over any other Mortgage or Assignment of any of the said Tolls, made to any other Person or Persons under this Act, and the Interest of all such Sums so advanced shall be fully paid and satisfied before the Payment of any Interest, under any other Security granted under the Authority of this Act, and the Principal Sums secured by such Mortgage or Assignment, to the Commissioners for the Execution of the said recited Acts, shall be paid and satisfied at such Time or Times, and by such Instalments as shall be specified in the Mortgage or Assignment given for Security of the same, in preference and priority to all other Payments under the Authority of this Act.

XLVI. And be it further enacted, That it shall be lawful for the Trustees for the Execution of this Act, from Time to Time, to borrow and

Trustees under this Act may apply for Advances under recited Act 3 G. 4. and mortgage or assign the Tolls for securing Payment of the Principal and Interest.

Such Mortgages and Assignments to have the Preference over any other Mortgages, &c. under this Act.

Trustees may also borrow Money at Interest.

and take up at Interest such other Sum or Sums of Money, for the Purposes of this Act, upon the Credit of the Tolls to be levied, collected, and raised, and to be payable to the said Trustees by virtue of this Act, and to assign all or any Part of the said Tolls to such Person or Persons as shall lend and advance any Money thereon, or to his or their Trustee or Trustees, as a Security for the Principal Money to be advanced and Interest for the same, and the Costs of every such Assignment shall be defrayed by the said Trustees out of the Monies to be so borrowed; and every such Assignment shall be in the Words or to the Effect following:

Form of Assignment.

WE Trustees appointed by an Act of Parliament made in the Sixth Year of the Reign of King George the Fourth, intituled *An Act [here set forth the Title of this Act]*, in consideration of the Sum of \_\_\_\_\_ advanced and lent by \_\_\_\_\_ of \_\_\_\_\_ upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said \_\_\_\_\_ or to his said Trustee [or Trustees, as the Case may be], his Executors, Administrators, and Assigns, such Proportion of the Tolls payable to us by virtue of the said Act as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum which may at any Time be borrowed or become due or owing, or be charged upon the Credit of the said Act, to be holden from this \_\_\_\_\_ Day of \_\_\_\_\_ until the said Sum of \_\_\_\_\_ with Interest at the Rate of \_\_\_\_\_ per Centum per Annum for the same shall be repaid and satisfied: Provided always, that the Grant and Assignment, and the Payment of the Interest and Principal thereon, shall be subject and liable to the Priority and Preference given by the said recited Act in favour of any Mortgage or Assignment of the said Tolls made or to be made to the Commissioners for the Execution of an Act made in the Third Year of His said Majesty's Reign, for authorizing the Advance of Money out of the Consolidated Fund. Given under our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_

And every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, or Assigns, to the Payment thereof, and to all Profits and Advantages thereon, according to the true Intent and Meaning of this Act, and as so expressed in such Security; and Copies of all such Securities shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, which Book or Books may, at all seasonable Times, be perused and inspected without Fee or Reward; and it shall be lawful for all and every Person and Persons to whom any Security shall be made as aforesaid, his, her, and their Executors and Administrators respectively, by Writing or Writings under their respective Hands and Seals, to assign and transfer his, her, and their Right, Title, and Interest in and to such Security, and the Principal Money and Interest secured thereby, to any other Person or Persons, which Assignments and Transfer may be made by Indorsement, in the Form or in Words to the Effect following; that is to say,

Copies to be entered in a Book.

Securities may be transferred.

Form of Transfer.

I \_\_\_\_\_ do transfer this Security unto \_\_\_\_\_ his or her or their Executors, Administrators, and Assigns. Dated this \_\_\_\_\_ Day of \_\_\_\_\_

Which Transfer shall be produced to the Clerk to the said Trustees within Three Calendar Months next after the Day of the Date thereof, who

who shall enter the same in the Book or Books last mentioned, for which Entry the Sum of One Shilling and no more shall be paid; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit of such Security; and every such Security may be again assigned and transferred in like Manner, and so from Time to Time, as often as Occasion shall require; and all Persons to whom any Security shall be made as aforesaid, their respective Executors, Administrators, and Assigns, shall, in proportion to the Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Monies, or of the Dates of their respective Securities, subject nevertheless to the Priority to be given as aforesaid to the Commissioners for the Execution of the aforesaid Act of the Third Year of His present Majesty.

XLVII. And be it further enacted, That in case the Trustees shall at any Time or Times be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of said Road, where all the Interest thereon shall have been duly paid or otherwise satisfied, it shall and may be lawful for them, at any Meeting to be holden according to the Directions of this Act, if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of said Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, or to any of the Creditors, with the Consent of all the other Creditors.

Instead of paying off Creditors rateably, Trustees may do so by Lot.

XLVIII. And be it further enacted, That all the Monies which shall arise and be produced from the Tolls by this Act granted, together with the Monies which shall from Time to Time be borrowed in pursuance of this Act, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and shall be applied to and for the several Uses, Intents, and Purposes, and in Order and Manner following, that is to say, in the First Place, in Payment of the Costs, Charges, and Expences of preparing and passing this Act; in the Second Place, in paying the Interest accruing upon the several Principal Sums of Money which shall from Time to Time be due and owing on the several Securities made in pursuance of this Act; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and of making, forming, repairing, widening, and altering the said Road, and purchasing Lands for those Purposes, and of erecting, maintaining necessary and convenient Bridges upon the said Road, and of executing the several other Powers and Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums for the Time being due on such Securities as aforesaid.

Application of the Tolls and Monies borrowed.

XLIX. And be it further enacted, That it shall be lawful for the said Trustees to give Notice Three several Times in some One or more Newspapers published in the City of *Cork*, and also in the *Dublin Gazette*, that Application is intended to be made at the ensuing Assizes to be held for the County of *Cork* and County of the City of *Cork*, to the respective Grand Juries of the same, for a Presentment of One Shilling, to make,

Trustees may apply to Grand Juries for a Presentment to make new Roads, &c.

[Local.]

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widen, alter, and repair the said Road hereby intended to be altered and made; and upon such Notice being given, the said Grand Juries of the County of *Cork* and County of the City of *Cork* shall and may and they are hereby required at such Assizes to present the said Sum of One Shilling respectively to the said Trustees; and it shall then be lawful for any Owner or Occupier of Ground through which any Part of said new Road is intended to be made, or into which said old Road is to be altered or widened, to traverse the same for Damages only at such Assizes aforesaid, and such Traverse shall be tried at the same Assizes, and the Jury then and there impannelled to try the same, shall true Verdict give whether any and what Damages shall accrue thereby to the Traverser, and upon the Damage so found being paid to the Traverser, or deposited with the Treasurer of the County of *Cork* or County of the City of *Cork*, for the Use of said Traverser, it shall be lawful for the said Trustees to proceed in the Execution of said Presentments, without Interruption from any Person or Persons whatever; and it shall be lawful for the said Grand Juries, and they are hereby required to present such Sum or Sums of Money so found as Damages (save as herein-after excepted), to be raised off the County of *Cork* or County of the City of *Cork* respectively, in which the Traverser shall have made it appear that he or she has sustained the Damage, to which Presentment no Traverse shall be allowed or received.

Traverses to be tried on the Entry of Presentment.

Damages on the City of *Cork* not to exceed One Shilling.

Power to enter Lands and make Road.

L. And be it further enacted, That every Traverse which may be made to such Presentment may be tried upon the Entry of the Presentment in the Crown Book, and the Traverse taken thereto, without making up any Record, so as such Entry be sufficient in Substance though defective in point of Form.

LI. Provided always, and be it further enacted, That if the Damages assessed on the County of the City of *Cork* should exceed the Sum of One Shilling, in that Case the Grand Jury of the City of *Cork* shall be required to present no more than the said Sum of One Shilling, and the said Trustees shall not be empowered to proceed upon the Presentment for making the said Road, until they have paid the Overplus to the Treasurer of the County of the City of *Cork*, to be by him applied to the Payment of the several Traversers, as herein-before directed.

LII. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through or adjoining to which or whereupon the said Road hereby authorized to be made is intended to pass, and to stake out and make the same of such Width and in such Manner as the said Trustees shall think necessary and proper, without being deemed a Trespasser or Trespassers, or without being subject or liable to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands or Grounds for the Damage that shall be done to the Lands or Grounds on the Sides of the said Road, whilst the same shall be making; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used

used in laying out or making any Part of such Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

LIII. And be it further enacted, That it shall be lawful for the said Trustees to make and keep in repair, or cause to be made and kept in repair, any Causeway or Causeways for the Use of Foot Passengers, in, upon, or on the Sides of the said Road, in such Manner as they shall think proper; and also 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 they shall deem necessary for altering, amending, or keeping in repair any Part of the said Road, and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Road (not being a Garden, walled-in Orchard, Yard, 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 Recompence to the Owners and Occupiers of such Lands respectively for the Damages which they 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, any Two or more Justices of the Peace for the County of *Cork*, or County of the City of *Cork*, according to the Jurisdiction in which the Land shall lie, shall and they are hereby authorized and required to hear, settle, and determine the same, and their Determination thereon shall be final and conclusive.

Power to make Foot-paths and temporary Passages.

LIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered from Time to Time, and at any Times hereafter, as they shall think proper, to divert, widen, turn, shorten, vary, alter, and improve the Course or Path of any Part or Parts of the Road respectively intended to be made and improved by this Act, and that any Variation of Road may be made through any Common or Waste Ground, without making any Satisfaction for the same, and through any private or inclosed Lands, Grounds, or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall and may be lawful to and for the said Trustees, or for their Clerk, or any other Person or Persons by them duly authorized and deputed for that Purpose, by Order of a Meeting of the said Trustees, to treat, contract, and agree with the Owners of and Persons interested in any Lands, Tenements, and Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road respectively through such Lands, Tenements, and Hereditaments, and the said Lands, Tenements, or Hereditaments so purchased, or any Part thereof, shall and may, by Order and Direction of the said Trustees, be laid into, and made Part of the said 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,

Power to widen, turn, or alter the Roads, and to purchase Lands.

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to all Intents and Purposes whatsoever, become and be and be deemed and be taken to be a public and common Highway, and to be Part of the 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 Roadway ought to have been kept in repair; and after any such Lands shall be made Part of the said Road as aforesaid, the Lands and Grounds comprised in or constituting the former Road, in lieu whereof such Lands or Grounds shall be purchased as aforesaid, shall be sold by the said Trustees to such Person or Persons as shall be willing to become a Purchaser or Purchasers thereof, for the best Price that can be reasonably had or gotten for the same, and the Conveyance thereof, being executed by the said Trustees, and enrolled with the Clerk of the Peace for the said County of *Cork*, or Town Clerk of the said City of *Cork*, according to the Jurisdiction in which such Lands or Grounds shall lie, shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Trustees may purchase for making Roads, Toll Houses, &c.

LV. And be it further enacted, That it shall and may be lawful to and for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which it may be necessary to purchase for widening, diverting, altering, and improving the said Road, and also for making all necessary Fences on the Side of the said Road respectively, and for the Erection of Toll Houses, with necessary Accommodations thereto, for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful to and for all Bodies Politic or Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, or any Husbands, Guardians, Trustees, or Feoffees in trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every other Person and Persons whomsoever, who are or shall be possessed of or interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or who shall sustain any Damage as aforesaid, to sell and convey, by Conveyance, Lease, and Release, or Bargain and Sale enrolled, unto the said Trustees, all or any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, and Interests whatsoever, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.



LVI. And be it further enacted, That if any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, General or Special, or for Years determinable on any Life or Lives, or any Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or sustaining any Damage as aforesaid, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, shall, for the Space of Twenty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County or Place, whenever any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie; and in order thereto the said Trustees are hereby empowered and required, from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises, which Oath the said Trustees, any or either of them, are and is hereby empowered to administer; and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Juries Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury, to be paid to the Owners or other Persons interested, according to the Verdict or Inquisition of such Jury, and such Verdict or Inquisition and Judgment, Order and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, General or Special, or for Years determinable on any Life or Lives, as well as all and every Persons and Person whomsoever.

When Persons interested neglect or refuse to treat.

When Persons interested neglect or refuse to treat.

LVII. And be it further enacted, That for summoning and returning such Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff or Sheriffs of the County, or of the City of the County, wherein such Land, Houses, Buildings, Tenements, Hereditaments, and Premises do lie, commanding them or him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriffs or Sheriff, or their or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out

Trustees to issue Warrants to impanel a Jury; Fines on Sheriffs, Jury, and Witnesses for Default.

[Local.]

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of such of them as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purpose aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriffs or Sheriff, or their or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriffs or Sheriff, or their or his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who without sufficient Excuse shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall without sufficient Excuse refuse or neglect to appear, or appearing, shall refuse to be sworn and examined or to give Evidence, so that no one Fine be more than Ten Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person, for one Offence.

How Expences of Jury and Witnesses to be borne.

LVIII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, after having been ascertained and settled by some Justice of the Peace for the County or Place where the Cause of Dispute shall arise, not interested in the Matter in question, who is hereby authorized to examine and settle the same, shall be borne and paid by the Treasurer or Treasurers to the said Trustees, out of any Money which shall then be in his or their Hands, or out of any Monies to be received by virtue of this Act; and in case the same be not paid on Demand, shall and may be recovered from the said Treasurer or Treasurers in manner hereby directed for the Recovery of Penalties or Forfeitures; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences

as aforesaid, shall be borne or paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question, who is hereby required to examine and settle the same, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Treasurer or Treasurers, Clerk or Clerks to the said Trustees, by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees in manner aforesaid.

LIX. And be it further enacted, That every Sum of Money or Recompence to be agreed for, or assessed as aforesaid, shall be paid out of any Monies in the Hands of the said Trustees, or out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties, or Person or Persons respectively entitled thereto, or to their Agents; and upon Payment thereof, or depositing the same in the Bank of *Ireland*, in manner by this Act directed, as the Case may be, and after Twenty Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, then such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises respectively shall be vested in the said Trustees, and shall and may be taken and used for the Purposes of this Act; and such Lands, and the Site of such Houses, Buildings, Tenements, Hereditaments, and Premises, shall be laid into and made Part of the said Road, in such Manner as the said Trustees shall direct, and shall be by them, or such Person or Persons as they shall appoint, sufficiently drained, ditched, or fenced, and set out for that Purpose, and shall to all Intents and Purposes become and be deemed and taken to be a common Highway, and be from henceforth Part of the said Road for ever hereafter, and shall be repaired and kept in repair by the said Trustees, and by the same Ways and Means as any other Part of the Road under their Management is or ought to be kept in repair, and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands or Hereditaments; and after such new Road shall be completed, the Lands constituting any former Road or Roads which may hereby become useless or unnecessary, shall or may be stopped up or discontinued, unless leading over some Moor, Common, uncultivated Land or Waste Ground, or to some Village, Town, or Place to which such new Road or Roads doth not or do not lead, and shall be vested in and shall and may be sold and conveyed by the said Trustees, in the Manner herein-after mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the

Money  
allowed for  
Lands how  
to be charged  
and tendered.

Purposes

Purposes of this Act; and all Conveyances being executed by the said Trustees, and enrolled in the Office of the Clerk of the Peace for the County wherein such Road shall be situated, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Application  
of Compen-  
sation if  
amounting to  
200*l*.

LX. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, or Administrator, Husband, Guardian, Committee, or other Trustees, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or Cestuique Trust, or to any other Person or Persons whose Lands, Houses, Buildings, Tenements, Hereditaments, and Premises are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery in *Ireland*, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signed by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or in or towards the Discharge of any Debt or Debts, or such Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or to the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which shall be conveyed, limited, and settled to and for and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined or capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Government Securities; and in the meantime, and until the said Government Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Government Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, so to be purchased, in case such Purchase or Settlement were made.

LXI. Pro-

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

When less than 200*l.* and not amounting to 20*l.*

LXII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled thereto.

When less than 20*l.*

LXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money, so awarded as aforesaid, to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Houses, Buildings, Tenements,

In case of not making out a good Title, &c.

ments, Hereditaments, and Premises (describing them), subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or the 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 appear just and reasonable; and the Cashier or Cashiers of the Bank of *Ireland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank of *Ireland* as aforesaid.

Persons in Possession to be deemed entitled.

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

Court may order reasonable Expences in certain Cases.

LXV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and be applied in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases

chases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid to the said Trustees out of the Monies to be received by virtue of this Act, who shall, from Time to Time, pay such Sums of Money for such Purposes as the Court shall direct.

LXVI. And whereas Maps or Plans, respectively describing the Line of the said Road directed to be made, and the Lands through which such Line is to be carried, together with Books of Reference, containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the said County of *Cork*; be it therefore enacted, That the said Maps or Plans, and Books of Reference, shall remain in the Custody of the Clerk of the Peace for the said County of *Cork*, to the End that all Persons may, at all reasonable Times, have liberty to inspect and peruse the same, and take Copies and Extracts therefrom, at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts; and the said Trustees, in making such Road, shall not deviate more than One hundred Yards from the respective Lines described in the said Maps or Plans, without the Consent in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands, Grounds, or Premises such Road shall be made.

Maps, &c. deposited at the Office of the Clerk of the Peace to remain there for Inspection.

LXVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road, or Alterations of Road into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be the Owner or Owners or Occupier or Occupiers of Lands, Grounds, or Premises over which such Road, or any Part thereof, is or are mentioned or described in this Act, or set forth or described in the said Maps or Plans or Lists as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in this Act, or in the said Maps or Plans or Lists, in case it shall appear to any Two or more Justices of the Peace for the said County of *Cork*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the County within which such Lands or Premises may be wholly or principally situated.

Lands marked in the Plans may be used, notwithstanding Errors in the Book of Reference.

LXVIII. And be it further enacted, That the said Trustees may, and they are hereby empowered to sell and dispose of any Piece or Pieces of old Road which may become useless or unnecessary, to such Person or Persons as shall become willing to purchase or re-purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, to any other Person or Persons, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in

When any Part of the old Road is to be sold, the first Offer to be made to original or adjoining Owners.

in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Liberty, or Place where such Ground is situate, (who are hereby respectively empowered to make such Affidavit) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the said Price or Prices thereof shall be ascertained by a Jury, and the Expence of hearing and determining such Difference shall be borne and paid in manner herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the Trustees to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

For getting  
Materials for  
repairing the  
Roads.

LXIX. And be it further enacted, That it shall and may be lawful for the said Trustees, their Surveyor or Surveyors, and for all such Persons as they shall respectively appoint, to search for, cut, dig, gather, and take away any Materials for making or repairing the said Road, or for other the Purposes of this Act, out of any Common or Waste Ground, River, or Brook in any Parish, Townland, or Place in which any Part of the said Road may lie, or in any adjoining Parish, Townland, or Place, without paying any thing for the same, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors or other Person or Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or other Person as aforesaid may, by Order of Two or more Justices for the County of *Cork*, or County of the City of *Cork*, as the Case may be, such Order to be made in manner herein-after directed, search for, cut, dig, get, gather, and take away any such Materials as aforesaid in, off, from, and out of the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, walled-in Orchard, Yard, Deer Park, or Paddock or Field inclosed with a Wall made of Lime, Mortar, Stone, or Brick, of the Height of Five Feet at the least, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees, in any Parish, Townland, or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Townland, or Place, making or tendering such Satisfaction for the Damages done thereby to the Owners and Occupiers of such Grounds where and from whence



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 respectively, shall be carried, for the Damage done to the Soil only, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners and Occupiers, or any of them, concerning such Damages, it shall and may be lawful to and for any Two or more Justices of the Peace for the County, City, or Place where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away or over, on Application made to them for that Purpose, and Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payment and Damages; and the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

LXX. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for altering and repairing such Road, out of or from any inclosed Lands or Grounds, until Two Days Notice in Writing, signed by the Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before any Two or more Justices of the Peace acting for the County, City, Town, or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case such Justices shall and may authorize such Surveyor or other Person or Persons to dig, get, gather, take, and carry away such Materials, at such Time or Times as to the said Justices shall seem proper; and if such Occupier shall neglect or refuse to appear, without sufficient Excuse by himself or his Agent, pursuant to such Notice, the said Justices shall and may make such Order therein as they respectively shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

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

LXXI. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to contract and agree with any Person or Persons whomsoever for the Purchase or Demise from him, her, or them of and to hold any Land or Ground, for the Purpose of digging Stones, Gravel, and Materials therefrom, for the Repair and Use of the said Road, and at any Time afterwards to sell the Land or Ground so purchased by public Auction or Tender: Provided also, that the entering into any such Contract or Agreement as last aforesaid shall not be compulsory against any Person or Persons unwilling to enter into the same.

Power to contract for Lands to get Materials.

LXXII. And be it further enacted, That if any Person or Persons whatsoever shall remove or take away any Stones or Gravel, or other Materials laid upon the said Road for the Repair thereof, without the Order of the said respective Trustees, or their Surveyor or Surveyors for that Purpose, or if any Person or Persons whatsoever shall take away any Stones or Gravel, or other Materials, which shall have been dug or gathered by or by the Order of the said Trustees, or their Surveyor or

Penalty on taking away Materials.

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

Repositories for Materials to be provided.

LXXIII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered to purchase or rent any Piece or Pieces of Ground, not exceeding in any one Place Ten Yards Square, on the Sides of such Road, as Repositories for Stone, Gravel, and other Materials for making or repairing the same; and in case any Difference shall arise between the Trustees and Owners of such Ground with respect to the Value thereof, or the Necessity or Propriety of taking such Ground, the same shall be determined by any Two of His Majesty's Justices of the Peace for the County of *Cork*, or County of the City of *Cork*, according as the said Ground shall be situated, in manner herein-before directed with respect to getting Materials for the Repair of the said Road.

Penalty for erecting Encroachments on the Side of Road.

LXXIV. And be it further enacted, That if any Person shall encroach upon the said Road, by making or causing to be made any Dwelling House or other Building within Thirty Feet of the Centre thereof, or any Hedge, Ditch, or other Fence on or at the Sides of the Road, so as to reduce the Breadth or confine the Limits thereof, or shall make any Drain, Gutter, Sink, or Watercourse across, or otherwise break up or injure the Surface of the Road, or any Part thereof, or shall place any Sluice or Dam in any Brook or Watercourse, whereby the Road or any Part thereof shall be flooded or injured, every Person so offending shall forfeit for every such Offence the Sum of Forty Shillings, to such Person as shall give Information of the same; and it shall be lawful for the said Trustees to cause such Dwelling Houses, Buildings, Hedges, Fences, Sluices, or Dams to be taken down, and such Ditches, Drains, Sinks, or Watercourse filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any one or more Justice or Justices of the Peace of the County or City where such Offence shall be committed, upon Proof thereof to him or them made upon Oath, to levy, as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, Fences, and Dams, and filling up of the Ditches and Drains aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus, if any, to the Owner on Demand.

For removing Annoyances and Nuisances.

LXXV. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to pull down and remove any Windmill or Windmills which shall, after the passing of this Act, be erected within Three hundred Feet of the Centre of any Part of the said Road,

Road, and to remove and prevent all Annoyances by Timber, Stone, Carriages, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things being laid on any Part of the said Road, or upon open Common or Waste Land within Thirty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Road, in case the Owner thereof shall neglect to remove the same within Twenty-four Hours after Notice in Writing, signed by any Two Trustees or the Surveyor, given to such Owner for that Purpose, or in case the Owner is not known, then after a like Notice affixed for Three Days on the nearest Turnpike Gate, and to turn any Watercourse, Sinks, or Drains, running along, into, or out of the said Road to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think necessary, and to cut down or lop any Branches, Shrubs, or Bushes growing on or over the said Road, or in the Hedges or Banks adjacent thereto respectively, and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Six Feet, in case the Owners or Occupiers of the Premises shall for the Space of Seven Days next after Notice in Writing, given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Branches, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, in such Manner as the said Trustees or the Surveyor or Surveyors shall require, and the Charges thereof and of removing any Annoyances (to be settled by any One or more of His Majesty's Justices of the Peace for the County or City where such Part of the Road shall be) shall be reimbursed to the said Surveyor by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if after the Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXVI. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found tethered or wandering, straying or lying about the said Road, or on any Part thereof, (except on such Parts as pass through or over any Common or Waste or uninclosed Ground), it shall be lawful for the Surveyor, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound of the Parish, Townland, or Place where the same shall be found, or in such other Place as the Trustees shall provide for that Purpose, and the said Beasts there to detain, until the Owner or Owners thereof shall, for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Two Shillings, together with the reasonable Charges and Expences of impounding and keeping the same, to the Treasurer, Clerk, or Surveyor of the Road, to be by him applied to the Use of and in aid of the Tolls of the said Road; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, Notice thereof being first given to the Owner, if known at the Time, or if not known, by affixing written Notices on the Two next Toll Gates on the Road nearest to the Place where the same shall be impounded, it shall be lawful for any One or more Justices of the Peace of the County or City where the Offender shall have been committed, to order any such

Cattle straying to be impounded.

such Horse, Ass, Sheep, Swine, or other Beast or Cattle to be sold, except where it shall be made to appear to such Justice or Justices that the Horse, Ass, Sheep, Swine, or other Beast impounded escaped from any Inclosure by any Gate or Fence being wilfully or negligently left open or destroyed by any Person not being Owner or Occupier of such Inclosure, or employed by such Owner or Occupier, in which Case such Justice or Justices may remit the Penalty; and the Money arising from such Sale, after deducting the said Penalty and Charges, and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been; and in case the Owner thereof shall not be known, and no Application shall be made for the Money arising from such Sale within Twenty-one Days after such Sale shall have taken place, the said Money shall be applied, after deducting the said Charges and Expences, in the same Manner as the said Penalty of Two Shillings is herein-before directed to be applied: Provided always, that no Owner of any Horses, Asses, Sheep, Swine, or other Beasts or Cattle impounded as aforesaid, shall in any Case pay more than the Sum of Five Pounds, over and above the Charges and Expences of impounding and keeping the same, for any Number of Horses, Asses, Sheep, Swine, or other Beasts or Cattle impounded at one Time.

Punishment  
of Persons  
guilty of  
Pound  
Breach.

LXXVII. And be it further enacted, That in case any Person or Persons shall release, or attempt to release, any Cow, Horse, Ass, Swine, or other Live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County wherein the said Offence shall have been committed, there to remain without Bail or Mainprize, and be kept at hard Labour for any Time not exceeding Three Calendar Months.

Roads to be  
measured  
and Mile-  
stones set up.

LXXVIII. And be it further enacted, That the said Trustees shall cause the said Road to be measured, and Stones or Posts to be set up in or near the Side of the same, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distance of Places, as they shall think proper, and also such and so many Direction Posts as they shall judge necessary or proper.

Penalty for  
Nuisances,  
and injuring  
Roads, &c.

LXXIX. And be it further enacted, That if any Person or Persons who-  
soever shall wilfully pull up, injure, or damage any of the Posts, Boards,  
Milestones,

Milestones, or Tables of Tolls, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon, or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp Posts, or Lamp Iron, set up or affixed by Order of the said Trustees at or near to any of the said Turnpike Gates, or in any other Parts of the said Road, or shall cause or procure the same to be done; or if any Person or Persons, in attempting to evade the Payment of any of the aforesaid Tolls, or on any other Occasion, shall pull up, pull down, displace, or damage any Hedge, Wall, Bank, Ditch, Gate, or Stile, or cause the same to be done; or if any Person or Persons shall wilfully pull up, remove, injure, or damage any other Posts, Rails, or Fences, now or at any Time hereafter to be placed or put up by Order of the said Trustees, or their Surveyor or Surveyors, either by the Side or Sides of the said Road, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purpose of this Act, in order to prevent Accidents, or to protect and preserve any Hedge or Quickset, or any Part or Parts thereof, which the said Justices shall or may make or plant for the Purposes of this Act, or which by virtue of this Act they are authorized to keep in good Order; or if any Person or Persons shall wilfully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part or Parts thereof, or shall wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches, or otherwise damage any of the Bridges or Arches now or hereafter to be erected across the said Road, or shall haul or draw or cause to be hauled or drawn upon any Part of the said Road any Tree or Piece of Timber, or any Stone, or otherwise than upon Wheel Carriages, or shall suffer any Tree or Piece of Timber, or any Stone, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Road to the Prejudice thereof, or shall, without being thereto authorized by the Surveyor or Surveyors for the Time being acting under this Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, or other Materials, Slush, Dirt, Mire, Drift, or Soil, from off any Footway or Causeway, being Part of or adjoining the said Road, or from any other Part of the said Road; or if any Person or Persons shall ride upon or wilfully drive any Waggon, Cart, or other Carriage upon, along, or against any such Footway or Causeways, or any other Way or Ways already made or to be made upon the said Road for the Use of Foot Passengers, or shall wilfully lead or drive any Horse or other Cattle, Sheep, or any Swine, or any Cart or Carriage thereon, or shall wilfully or carelessly cause any Damage to be done to any such Footway or Causeway; or if any Person shall turn loose any Horse, Ass, Beast, or Swine upon the said Road, or suffer any Horse, Ass, Beast, or Swine to be turned loose, or to wander or stray, or to be or to remain upon the said Road to graze or depasture on the Sides thereof; or if any Person or Persons driving any Pigs or Swine upon the said Road shall suffer the Swine to root up, or damage the said Road, or any Part thereof, or the Fences, Hedges, Banks, or Copse on either Side thereof; or if any Person or Persons shall wheel any Hurry Truck or Wheelbarrow on any Foot or Causeway adjoining to the said Road, or shall in or upon any Part of the same Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter-house, Buildings, Butchers Shops, or Shambles into the

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said

said Road, or shall hoop, fire, cleanse, wash, or scald any Cask or Casks, or bind any Wheels in any Part or Parts of the said Road, or in any exposed Situations near thereto, or shall hew, saw, or cut, or cause to be hewn, sawn, or cut any Stone, Wood, or Timber, or shall shoe, farry, or bleed any Horse, Mule, or Ass, except in the Case of Accidents, upon any Part of the said Road; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts or on any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same, upon any Part of the said Road; or if any Person on Horseback, or driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage or Person on Horseback, shall not keep his Horse or Carriage on his Left or Near Side of the said Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to, let off, or throw any Squib, Rocket, Serpent, or other Fireworks whatsoever upon the said Road, or within Eighty Feet of the Centre thereof, or play at Football, Bowls, or any other Game upon any Part or Parts of the said Road, to the Annoyance of any Passenger or Passengers; or if any Higgler, Hawker, Pedlar, Tinker, or other Person travelling with any Machine, Vehicle, Cart, or other Carriage, or with or without any Horse, Mule, or Ass, shall pitch any Tent, or encamp upon or by the Side of any Part of the said Road; or if any Blacksmith or other Person occupying a Blacksmith's Shop having Windows to the Front of the said Road shall not by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into the said Road; or if any Person shall carry any Rods or Bars of Iron, Beams of Wood, Basket, Pannier, or other Matter or Thing across any Cart, Waggon, or other Carriage, or across the Back of any Horse, Mule, or Ass passing along the said Road, so that the same, or any of them, shall project beyond the Distance of Thirty Inches on either Side of each Horse, Mule, or Ass, Cart, Waggon, or other Carriage; or if any Person shall have any Waggon, Wain, Cart, or other such Carriage longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not, during such Time, be placed as near to the Side of the said Road as conveniently may be; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart, or other Carriage in going up a Hill or rising Ground, leave or suffer to be or remain on the said Road, or any Part thereof, the Stone or other Thing with which any such Waggon, Wain, Cart, or other Carriage shall have been blocked or stopped; or if the Driver of any Waggon, Wain, Cart, or other Carriage, shall wilfully or carelessly pull up, break, or damage any Posts or Stones to be erected for the Security of any Footway or Causeway on or adjoining to the said Road, or shall wilfully or carelessly drive the Wheel of any Carriage against the same, or shall lay any Piece of Timber, Packs of Wool, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing whatsoever on any Part of the said Road, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Road, to the Prejudice, Annoyance,

ance, or Interruption of Persons travelling and passing thereon; or if any Person or Persons shall otherwise wilfully hinder, obstruct, or prevent the free Passage on any of the said Footpaths, or shall lay or place on the Walls or Fences of the said Road, or on the Sides of the said Road, for any Purpose whatever, any Wool, Woollen or Cotton Cloth, Warp, or Linen; every such Person shall forfeit and pay, over and above the Damage, if any occasioned, any Sum not exceeding Forty Shillings for every such Offence, to be levied, recovered, and applied in the same Manner as other Penalties are by this Act directed to be levied, recovered, and applied; and such Offenders shall also pay to the said Trustees, or to their Treasurer or Treasurers, such Sum of Money as shall be a full Satisfaction for the Damage so done, which shall be settled or ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid, and shall and may be levied and recovered in like Manner as other Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied for the Purposes of this Act.

LXXX. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Surveyors, or other Officers under this Act, be it further enacted, That it shall and may be lawful to and for any of the said Collectors, Surveyors, or other Officers respectively, or their Assistants, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them before One or more Justice or Justices of the Peace for the County, City, or Place where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

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

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

Penalty on obstructing the Execution of this Act.

LXXXII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices,

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods vested in the Trustees or their Treasurer.

Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Damages and Charges in Cases of Dispute to be settled by Justices.

LXXXIII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted for any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner directed by this Act for levying of any Penalties or Forfeitures.

Recovery and Application of Penalties.

LXXXIV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, the Manner of levying, recovering, and applying whereof is not herein otherwise directed, shall, upon Proof of the Offences respectively before any Justice or Justices of the Peace for the County of *Cork* or City of *Cork*, either by the Confession of the Party offending or by the Oath of any credible Witness or Witnesses, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice; and the Overplus, if any, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid one Moiety to the Informer and the other Moiety to the Treasurer or Treasurers to the said Trustees, to be applied for the Purposes of the said Road; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such



such Day or Days not being more than Fourteen Days from the Time of taking any such Security; and such Security such Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise, as to him or them shall seem right and proper; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders or otherwise, that he, she, or they hath not or have not Goods or Chattels within the Jurisdiction of such Justice or Justices sufficient whereon to levy all such Penalties and Forfeitures, Costs and Charges, such Justice or Justices may, at his or their Discretion, without issuing any Warrant of Distress, commit the Offender or Offenders to the Common Gaol of the said County or City of *Cork*, or to any House of Correction within the same, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

LXXXV. And be it further enacted, That in all Cases in which any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

LXXXVI. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice and Justices of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect; (that is to say),

Conviction of Offenders.

to wit. } BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ A. B. is convicted before me C. D. [or before us C. D. and E. F.] One [or Two, as the Case may be], of His Majesty's Justices of the Peace of the said County, [here specify the Offence, and when and where committed], contrary to an Act passed in the Sixth Year of the Reign of King George the Fourth, intituled [here insert the Title of this Act], for which Offence I [or we] adjudge the said A. B. to have forfeited the Sum of \_\_\_\_\_ (or shall be committed to \_\_\_\_\_) for the Space of \_\_\_\_\_.) Given under my Hand and Seal [or our Hands and Seals] the Day and Year first above written.

LXXXVII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the first General or Quarter Sessions

Allowing an Appeal to Quarter Sessions.

of the Peace to be holden for the County or Place within which the Matter of Appeal shall arise, next after the Expiration of Three Calendar Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Twenty-one Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Trustees, within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Securities conditioned to try such Appeal, and abide the Order and Award of the said Court thereupon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties or otherwise, as they shall judge proper; and all such Determinations shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

Distress not  
unlawful for  
Want of  
Form.

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

Proceedings  
not to be  
removed by  
Certiorari.

LXXXIX. And be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceedings made touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record in *Dublin*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Plaintiff not  
to recover  
without No-  
tice, or after  
Tender of  
Amends.

XC. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-one Days before such Action be commenced; of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any Action, if Tender of sufficient Amends hath been made to him, her, or them, or their Attorney, by or on 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.

XCI. Pro-

XCI. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, after Three Calendar Months next after the Fact committed, and every such Action and Suit shall be brought and tried in the County where such Cause of Action shall arise, and not elsewhere; and if any Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, 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 any other Cases by Law.

Limitation of  
Actions.

XCII. And whereas by an Act passed in the Parliament of *Ireland*, in the Thirty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to explain and amend an Act passed in the Thirty-eighth Year of the Reign of His present Majesty, intituled 'An Act for improving and repairing the Turnpike Road leading from the City of Cork to the Brook which bounds the Counties of Cork and Tipperary, near the Foot of Kilworth Mountain, and for repealing the several Laws heretofore made relating to the said Road;*' it was among other Things enacted, that certain Persons named therein, and their Successors, should be Commissioners for the Purpose of carrying the said Act into Execution: And whereas it is necessary that the new intended Road from *Cork* to *Ballyhooly* should cross the said Turnpike Road leading from the City of *Cork* to the Brook which bounds the Counties of *Cork* and *Tipperary*, be it further enacted, That it shall and may be lawful for the said Trustees to make any Agreement or Agreements with the Commissioners appointed by the said recited Act, that no Toll House or Toll Gate shall be erected, nor any Toll taken upon that Part of the Roads under their respective Trusts where the said Roads may cross each other.

XCIII. 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.

Public Act.

XCIV. And be it further enacted, That this Act shall commence and take place from the passing thereof, and shall be in force and have continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Continuance  
of this Act.

