

ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

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new Lines in lieu of the Whole or any Part or Parts of such Roads, as such Surveyor so employed shall judge desirable for the Purpose of rendering the Way more level, or where it is sufficiently level, for the Purpose of shortening the Distance.

Where Road is inconvenient Surveyor shall mark out a new one according to the Level herein specified.

II. And be it further enacted, That every Surveyor so to be employed, in all Cases where the present Road or any Part thereof is not made in the most level or most convenient Direction, shall survey and make Maps of a new Line or Lines for a Road in lieu thereof; and that in no Part of any such new Line shall the Ascent or Descent of the Road when finished exceed the Rate or Proportion of One Foot in Height or Fall in each Thirty-five Feet of the Length thereof, if the same be practicable, without causing such a great Increase of Distance as to delay considerably the Carriage of the Mails; and if the same be not practicable, then such Surveyor shall find out and survey the most practicable Line which shall be nearest in its Ascent or Descent to such Proportion of Height or Fall.

Surveyor to enter Lands and make Surveys, &c.

III. And be it further enacted, That it shall and may be lawful for any such Surveyor so to be appointed by the Postmasters General of *Ireland*, for the Purposes of this Act, and for any other Person or Persons employed for that Purpose, to survey and measure any Line intended for a new Road, or for the Alteration of any existing Road under this Act, and to enter on any Lands or Grounds, and to do all other Matters and Things necessary in the Execution of their Duty and Employment under this Act, without being deemed a Trespasser or Trespassers, and without being liable to any Obstruction whatever; provided such Person or Persons shall have a Certificate in Writing, under the Hands of the said Postmasters General, or under the Hands of any Two Justices of the Peace within the District, that such Surveyor or other Person or Persons is or are employed for that Purpose.

Houses and Inclosures in Line of Road to be distinguished in the Map.

IV. And be it further enacted, That in all Cases where any Part of any such new Line shall be proposed in any such Survey to be made through any House or Building, or Part of a House or Building, or through any Garden or Orchard made, and planted before the passing of this Act, or through any Plantation inclosed and growing at the Time of the passing of this Act, every Surveyor shall in his Map of any such Survey mark the same distinctly, and also mark the most convenient and level Line which he can find for avoiding such House, Garden, Orchard, or Plantation; and in all Cases where the making a new Piece of Road in the Line which he shall think most eligible for the Carriage of the Mails, shall appear to him materially to prejudice any inclosed Demesne or Lawn planted at the Time of the passing of this Act, or to bring the Road inconveniently near to the Dwelling or Mansion House in any such Demesne or Lawn, every such Surveyor shall, in his Map of any such Survey, mark also the most convenient and level Line which he can find for the Purpose of avoiding such Prejudice or Inconvenience.

Surveyors shall be sworn to act impartially.

V. And be it further enacted, That every such Surveyor shall be sworn before he begins his Survey, to make the same without Fear, Favour, or Partiality, to the best of his Opinion and Judgement, according to the true Intent of this Act.

VI. And

VI. And be it further enacted, That the Maps or Surveys ſo to be made of the preſent Roads, and of the propoſed Alterations therein, ſhall be laid down on the ſame Scale; and that for each Barony or Half Barony in the Line of any ſuch Road, there ſhall be made ſeparate and diſtinct Maps of ſuch Parts of the ſaid Roads as ſhall go through or be propoſed to go through any ſuch Barony or Half Barony reſpectively, on a Scale ſufficiently large to give the moſt minute Information; and that where in any Map or Survey it ſhall be propoſed, that any Aſcent in any Part of the preſent exiſting Road, exceeding the Proportion of One Foot in Height or Fall to Thirty-five Feet in Length, ſhould be reduced, a Section thereof and of the propoſed Reduction in Height, if any ſuch be recommended, ſhall be included in or annexed to ſuch Map or Survey, ſtating the Rate of Height or Fall to which the propoſed Reduction will bring the Aſcent on ſuch Portion of the Road; and that wherever any Part of the exiſting Road which ſuch Surveyor ſhall propoſe to retain is not of the Width of Forty-two Feet in the Clear between the Ditches, Drains, or Fences, on each Side thereof, the ſaid Surveyor ſhall particularly ſpecify the ſame in his Map or Survey, and mark the general Breadth thereof, and on which Side it can be widened moſt conveniently.

Map of the Road and the Alterations propoſed to be on the ſame Scale, and ſeparate Maps for each Barony, &c.

VII. And be it further enacted, That every ſuch Surveyor ſhall annex to each Map or Survey an Eſtimate of the whole Expence of making, forming, and gravelling ſuch Road through each Barony or Half Barony, and of making Fences to the ſaid Road where a new Line of Road ſhall be propoſed, and of widening to any Breadth not leſs than Forty two Feet nor more than Fifty Feet, ſuch Parts of any Road as may require widening, which ſuch Surveyor ſhall propoſe to retain, and of effectually repairing all ſuch Parts of the exiſting Road as are to be retained, and of making Footpaths to the new Line, as well as to the Parts of the Road which are to be retained; and of reducing all ſuch Aſcents in any Road, as ſuch Surveyor ſhall propoſe to reduce therein; and of building or repairing all ſuch Bridges, Gullet Arches, or Pipes, and all ſuch Walls neceſſary to ſupport the Road, or to protect Paſſengers, as ſuch Surveyor ſhall deem requiſite to be built or repaired.

Expence of making Road to be annexed to the Map.

VIII. And be it further enacted, That there ſhall be annexed to every ſuch Eſtimate, an Affidavit of the Surveyor, or of Two credible and experienced Perſons, that the Sum contained in the Eſtimate is a reaſonable Charge, and is the leaſt for which the Work can be effectually and ſubſtantially executed to the beſt of his or their Judgement; and that every ſuch Surveyor ſhall alſo annex to his Map or Survey, an Affidavit ſworn by him, that any Alterations in the exiſting Road recommended by ſuch Surveyor in ſuch Map or Survey have been propoſed by him as the moſt adviſable in his Judgement, agreeably to the Intent of this Act, between the Points therein ſtated; due regard being had to the moſt level and practicable Line, without occaſioning ſuch an Increaſe of Diſtance as might be productive of Delay to the Carriage of the Mails.

Affidavits ſhall be annexed to the Eſtimate and Survey of the Propriety thereof.

IX. And be it further enacted, That the Surveys, Maps, and Eſtimates of the Roads, or ſuch Parts thereof as come within the Proviſions of this Act, from *Dublin* direct to the extreme Poſt Towns, and from *Waterford*

Surveys of Roads from Dublin, &c. ſhall be firſt completed.

Waterford to *Cork* and *Limerick*, and from *Donaghadee* to *Londonderry*, shall be finished and completed in preference to the Surveys, Maps, and Estimates of any other Roads; and that whenever the Survey, Maps, and Estimates of any Road shall be finished, the Postmasters General shall cause Notice thereof to be posted upon the Door of the County Court House of each and every County, County of a Town or City, Barony or Half Barony, through any Part of which any new Line of Road shall be proposed in such Surveys or Maps to be carried, specifying the Town Lands, and the Number of Perches therein, through each of which such Road is proposed to be carried, Twenty-one Days at the least previous to the Commission Day of the next ensuing Assizes to be held in such County of a Town or City, or in the County wherein such Barony or Half Barony shall be situate, or if in the County or County of the City of *Dublin*, previous to the First Day of the next presenting Term; and the Map or Maps thereof, and of the Whole of the Road, whether Old or New, through such County of a Town or City, Barony or Half Barony, together with the Estimates and Affidavits of the several Expences of repairing, widening, or making the same, of making Fences and Footpaths, reducing Hills, filling Hollows, building or repairing Bridges, Gullet Pipes, Arches, or Walls, shall at the same Time be deposited with the Treasurer of such County of a Town or City, or of the County in which such Baronies or Half Baronies shall be situate, for the Inspection of all Persons whom it may concern, and shall be lodged and kept among the Records of such County, County of a Town or City respectively, and be laid before the Grand Jury thereof at such next ensuing Assizes or presenting Term.

Notice shall be posted on the Court Houses of Places through which Roads shall pass, specifying Particulars before Maps and Estimates are laid before the Grand Jury.

X. And be it further enacted, That the several and respective Surveyors who shall have been respectively employed by the Postmasters General in making any Survey under this Act, shall attend at such Assizes or presenting Term respectively, and shall be examined upon Oath before the Grand Jury thereat, as to such Matters or Opinions concerning any such Road respectively, or any proposed Alteration thereof, and concerning the several Estimates relating to the same, as such Grand Jury shall think proper; and that upon such Examination such Grand Jury shall proceed to consider the Whole of such Surveys, Maps, and Estimates; and if they shall be of Opinion that the Road and the Alterations thereof, as pointed out and recommended in any such Survey, is in the most convenient and practicable Direction between the Two Post Towns therein mentioned, they shall present the same to be the Road between such Two Post Towns; and at the same Time they shall present all the new intended Part thereof, to be laid out and marked and levelled, and shall present all Sums of Money necessary for laying out the same, including the Expence of marking and levelling, to be raised off the County at large.

Surveyors shall attend Assizes, and be examined by Grand Juries.

Grand Juries on approving Plans shall present the Road accordingly.

Expence to be raised on the County.

XI. And be it further enacted, That if any Grand Jury shall upon any such Examination as aforesaid, be of Opinion that the Road between any Two Post Towns can be carried in a more convenient Direction, equally or more level, and not exceeding in Length or Expence the Road pointed out in any such Survey, it shall and may be lawful for such Grand Jury to state such their Opinion in Writing, with any Reasons

If Grand Jury disapprove the proposed Plan of any Road, a new Survey shall be made before the next Assizes, &c.

ſons or Obſervations which they may think proper to the Court, who ſhall cauſe the Clerk of the Crown to ſend an atteſted Copy thereof to the Poſtmaſters General; and the ſaid Poſtmaſters General ſhall thereupon forthwith cauſe ſuch Road to be re-ſurveyed, and ſuch atteſted Copy to be given to ſuch Perſon as they ſhall employ to re-ſurvey the ſame before the then next Aſſizes or preſenting Term; and ſuch new Survey, together with the Maps, Eſtimates, and Affidavits herein-before required, ſhall be laid before the Grand Jury at ſuch next Aſſizes or preſenting Term; and it ſhall and may be lawful for ſuch Grand Jury to preſent the Road in the Direction pointed out in either of the ſaid Two Surveys, or partly as in the one, and partly as in the other of ſuch Two Surveys, to be the Road between the Two Poſt Towns therein ſtated, as they ſhall judge beſt; and at the ſame Time to preſent all ſuch Parts thereof as they ſhall approve for a new Line or new Lines of Road to be laid out, marked, and levelled; and in like Manner to preſent the Money neceſſary for laying out the ſame.

Expence of forming Road ſhall be preſented by Grand Jury of the ſeveral Baronies, or off the County at large.

XII. And be it further enacted, That it ſhall and may be lawful for the Grand Jury who ſhall preſent any ſuch Road to be laid out purſuant either to the Survey or the Re-ſurvey thereof, or partly to the one and partly to the other, to preſent, to be raiſed off each Barony or Half Barony through which ſuch Road ſhall paſs, or off the County at large, if it ſhall appear to them expedient, the Whole of the Sums neceſſary for laying out, forming, gravelling, and fencing every Part of any ſuch new Line of Road, and making Footpaths, and for repairing, gravelling, widening, fencing, or turning the Backs of the exiſting Fences to the Road, or making Footpaths to any Part of ſuch Old Road as ſhall be retained, and to preſent to be raiſed off the County at large, the Whole of the Sums neceſſary for building or repairing all Bridges, Arches, Pipes, Gullets, and Walls as aforeſaid, and for lowering any Hill, or filling any Hollow, or reducing any Aſcent, or erecting Mile Poſts or Mile Stones.

Expence of repairing Bridges, reducing Aſcents, &c. off the County only.

Preſentments ſhall be made, &c. as under exiſting Laws.

XIII. And be it further enacted, That all ſuch Preſentments for raiſing Money for any of the Purpoſes aforeſaid, ſhall be made upon like Affidavits, ſubject to like Regulations, and to like Mode of accounting for the Money raiſed thereby, as is or are now preſcribed by Law, except ſo far as is otherwiſe herein directed.

Where the Sum preſented ſhall exceed 200l. it may be advanced under Regulations of Iriſh Act 35 G. 3. c. 7.

XIV. And be it further enacted, That where any Preſentment by any Grand Jury under this Act, of any Sum or Sums of Money for the Purpoſe of widening, altering, or repairing any Poſt Road, or of repairing or building Bridges, or building or repairing of Walls on any ſuch Road, ſhall exceed the Sum of Two hundred Pounds Sterling, it ſhall and may be lawful to preſent and allow the Whole or any Part of ſuch Sum ſo preſented, to be paid in Advance to the Overſeers appointed to conduct ſuch Work ſo preſented, upon ſuch Conditions and under ſuch Regulations as are contained in an Act, made in the Parliament of *Ireland* in the Thirty-fifth Year of His preſent Majeſty's Reign, intituled, *An Act for the Regulation of Preſentments for the Purpoſe of levying Money to be expended in erecting Court Houſes, Gaols, and other expenſive Buildings*; and that all Conditions, Orders, and Regulations, in the ſaid recited Act contained, ſhall be extended and applied to all ſuch Preſentments as aforeſaid, which ſhall exceed the Sum of Two hundred Pounds Sterling.

If a general Overseer of an any Road, through a Barony is appointed by a Grand Jury, the Affidavits for accounting may be made by his Deputies, and confirmed by him.

XV. Provided always, and be it enacted, That if any Grand Jury shall appoint any One Person to be a general Overseer of the Whole of any Road or Work in or through any Barony or Half Barony, the Affidavits for accounting for the Expenditure of all Money relating to the same, made by any Overseer or Overseers whom such general Overseer shall appoint to act under him, shall be receivable by the Grand Jury and the Court, and shall be of like Effect as if such Overseer or Overseers, so appointed by such general Overseer, had been appointed by the Grand Jury: Provided always, that the Affidavit of such general Overseer shall be annexed to the Affidavit of any Overseer or Overseers appointed by him, stating that he has examined the Account of such Overseer or Overseers, and the Works executed, and that the Work is effectually done, and that he verily believes the Money stated in such Account to have been fairly and honestly expended upon such Work.

Grand Juries may apportion Sums to be raised at different Assizes.

XVI. And be it further enacted, That if any Grand Jury shall think the Whole of any Sums necessary to be raised for the Purpose aforesaid, too great to be raised at One Assizes or presenting Term, or that the Whole of any such Sums cannot be properly expended so as to be accounted for at the ensuing Assizes or presenting Term, it shall be lawful for any such Grand Jury, in the presenting of any such Sums, to set forth what Portion of the whole Sum to be raised on any Barony or Half Barony, or on the County, shall be respectively raised thereon in each Year, and at what Assizes or Term, until the Whole shall be raised and levied; and the Treasurer of the County shall from Time to Time, without further Authority or Presentment in that Behalf, insert in his Warrant at each Assizes or Term so directed, the Portion or Portions so set forth of the Sum so presented; and the same shall be raised and levied in like Manner, from Time to Time, and with like Remedy in case of Non-Payment, as all other Money directed by such Warrant is by Law to be levied.

Grand Jury may increase the Proportion of Sums to be raised.

All Sums shall be raised in Six Years.

XVII. Provided always, and be it enacted, That it shall and may be lawful for the Grand Jury at each or any subsequent Assizes or presenting Term, to increase any such Portion to such Amount as they shall deem proper, and to order such increased Proportion to be raised on the County or Barony or Half Barony respectively: Provided also, that the entire Sum so presented for completing any such Road entirely through such County, Barony, or Half Barony, shall be directed to be raised in such Portions as shall cause the Whole of the same to be levied within Six Years at the most from the Time when such Survey or Re-survey, as the Case may be, shall have been laid before the Grand Jury: Provided also, that it shall not be lawful for the Court at any Assize or presenting Term from and after the Time that any such Survey or Re-survey, as the Case may be, shall be laid before the Grand Jury, to fiat Presentments for raising any Money off any Barony or Half Barony, or off any County of a Town or City in which any such Post Road, or any Part thereof, shall be situated, to be expended in making, repairing, or widening other Roads therein, to a greater Amount in the Whole than the Sum which shall be directed or presented originally, or in the Way of Increase thereof, to be raised at such Assizes or Term for such Post Road, until such Post Road therein shall be completely finished.

Till Post Roads are completed, no Sums shall be raised for other Roads exceeding those for Post Roads.

XVIII. And

XVIII. And be it further enacted, That if more Money shall be expended in any one Year on any such Road, together with the Bridges, Pipes, Arches, Gullets, and Walls thereof inclusive, and duly accounted for, than the Treasurer shall have received from the Baronial or other Collectors, it shall be lawful for such Treasurer, and he is hereby required to pay from Time to Time to the Person who shall have accounted for the same, or his Executors, Administrators, or Assigns, the full Sums allowed in such Account out of the Monies presented for the Purpose, so soon as he shall receive the same, without any other Order, Warrant, or Authority on that Behalf.

Excess of annual Expences beyond Receipts by Treasurer, shall be paid by him out of Money presented.

XIX. And be it further enacted, That it shall and may be lawful for the Owner or Occupier of any Ground, or of any House or Building into which any old Road is to be widened, or through which any new Road is to be made under the Authority of this Act, or any Person having an Interest in any such Ground, House, or Building, to traverse the Presentment for making or widening such Road, for Damages, either at the same Assizes or presenting Term in which such Presentment shall have been made, or at the next subsequent Assizes or presenting Term, if he or she shall have given Notice in Writing to the Treasurer of the County, Twenty-one Days at the least previous to the Commission Day of such subsequent Assizes, or previous to the first Day of such subsequent presenting Term, of such his or her Intention; and every Traverse entered at the Assizes or presenting Term whereat such Presentment shall have been made shall be tried then, or at the next subsequent Assizes or Term; and every Traverse entered at the Assizes or presenting Term subsequent to that whereat such Presentment shall have been made, and of which such Notice shall be given, shall be tried at such subsequent Assizes or presenting Term; and the Jury which shall try any such Traverse shall true Verdict give, whether any and what Damages shall accrue by the Presentment to the Traversor or Traversors; and upon the Damages so found being paid to such Traversor or Traversors, or deposited with the County Treasurer for the Use of such Traversor or Traversors, it shall be lawful for the Overseer or Overseers appointed to carry the Presentment in question into Effect to proceed in the Execution thereof without the Interruption of any Person whatsoever; and it shall be lawful for any Grand Jury as aforesaid to present such Sum or Sums of Money so found for Damages, or any Part thereof, to be raised off the Barony, Half Barony, County of a City, or County of a Town, in which the Ground or House or other Buildings shall be situate, on account of which such Damages shall have been awarded to the Traversor or Traversors; to which Presentment no Traverse shall be allowed.

Owners of Ground or Houses required for widening or altering Road may traverse the Presentments thereof at the same or subsequent Assizes, on Notice.

Damages shall be ascertained by a Jury.

Damages shall be raised off the Barony by Presentment not traversable.

XX. And be it further enacted, That no Traverse shall be received to any Presentment made under the Authority of this Act, except for Damages.

No Traverse to any Presentment except for Damages.

XXI. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize any Grand Jury to present any Money to be raised for or in respect of any Turnpike Road, except as is herein-after provided and enacted.

No Presentments for Turnpikes, except as after mentioned.

XXII. And

In case of Turnpike Roads, Surveys, &c. shall be laid before the Trustees, who shall obtain Consent of Parties, or Verdict of Juries, and thereupon Grand Juries shall present Sums to be raised off the Counties.

XXII. And be it further enacted, That if the Whole or any Part of the Road between one Post Town and another, which shall be ordered to be surveyed under the Authority of this Act, shall be a Turnpike Road, the Survey thereof directed to be made in Manner aforesaid, together with the Maps, Estimates, and Affidavits relating thereto, shall, when completed, be laid before the Trustees, Directors, or Commissioners, to whose Controul and Management such Road shall be committed by Law, who shall proceed without Delay to obtain the Consent of the Owners or Occupiers of the Ground into which any Part of such Turnpike Road shall be proposed to be widened, or through which any Alteration thereof shall be proposed to be made, or to cause the Damages which may accrue to such Owners or Occupiers, by Means of such widening or Alteration, to be ascertained by the Verdict of a Jury, according to such Powers as are given to them by Law for such Purposes; and such Trustees, Directors, or Commissioners, shall lay all such Verdicts before the Grand Jury at the next ensuing Assizes, or any subsequent Assizes, which shall be held for the County in which such Part of the Road shall be situated, or at the next presenting Term, or at any subsequent presenting Term, if the same be situate in the County of *Dublin*, or in the County of the City of *Dublin*; and it shall be lawful for each such Grand Jury to present the Sum or Sums specified in such Verdicts to be raised upon the County at large, and paid to the several Persons respectively in whose Behalf such Verdicts shall be given.

On Payment of the Money, Trustees may proceed on Roads.

XXIII. And be it further enacted, That when all the Sums mentioned in such Verdicts shall be paid to the Persons entitled thereto, or shall be deposited with the County Treasurer for the Use of such Persons, it shall be lawful for the Trustees, Directors, or Commissioners, of such Turnpike Road, to proceed to widen such Road, or to lay out and make such new Line of Road as the Case may be, without the Interruption of any Person whatever.

Money presented in *Dublin* County shall be allowed, though exceeding the Proportion on any Barony by Law.

XXIV. And be it further enacted, That any Sum of Money presented to be raised under the Authority of this Act, by the Grand Jury or Grand Juries of the County of *Dublin*, shall and may be allowed by the Court, although it shall exceed or cause an Excess in the Whole on each or any Barony beyond the Sums which are allowed by Law to be raised by Presentment on such Barony.

After Survey received, Expences of such Part of Turnpike Roads as are to be altered shall not exceed 32 *l.* *per* Mile *per Ann.*

XXV. And be it further enacted, That it shall not be lawful for any Trustees, Directors, or Commissioners of any Turnpike Road, after receiving from the Postmasters General such Survey as is herein directed, to expend more Money in any one Year than after the Rate of Thirty-two Pounds a Mile *Irish* Measure, on any Part of the Road, which according to such Survey is not to remain the Road, but to be altered by a new Line of Road being substituted in its Place.

In case of Presentments to be raised by yearly Portions, Lord Lieutenants may order the Treasury to

XXVI. And whereas the Benefits proposed by this Act, for the secure and expeditious Conveyance of the Mails, must necessarily be delayed until the Whole of the Sums to be raised by Presentments shall be levied, unless Provision be made for an Advance of Money in the mean Time; be it therefore enacted, That whenever the Grand Jury of any County shall have presented any Line of Road, marked or recommended in any Survey

Survey or Map, agreeably to the Provisions of this Act, to be the Road between any two Post Towns, and shall have presented the Sums necessary for making and completing the same, but shall have directed that such Sum or Sums shall be raised only by yearly Portions, the Clerk of the Crown shall forthwith transmit a Copy of such their Presentment and Direction to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, or to his or their Chief Secretary; and it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to order the Commissioners for executing the Office of Lord High Treasurer of *Ireland* to advance and pay out of the Consolidated Fund of *Ireland*, from Time to Time, as such Lord Lieutenant, or other Chief Governor or Governors shall in his or their Discretion order and direct, any Sum or Sums of Money, not exceeding in the Whole the Amount of what shall remain of such Presentments unlevied at the Time of making such Order, to the Treasurer of such County, to be applied for the Purpose of accomplishing the Works for which such Presentment or Presentments shall have been made; and all such Money so advanced and paid to any such Treasurer of the County, shall be received and accounted for by him, in like Manner as any other Monies received by the Treasurer for the Use of the County; and all Securities given by such Treasurer, or in his Behalf, shall extend equally to such Money as to any other Money in his Hands.

make Advances to the County Treasurer.

XXVII. And be it further enacted, That every Treasurer of a County receiving any such Money or Monies, shall pay to the Collector of his Majesty's Revenues in the District wherein the County Town is situated, all such Sums as he shall receive from Time to Time from the Baronial or other Collectors, by virtue of the Presentments on account of which such Money shall have been advanced, until he shall have discharged the whole Sum so advanced, but without Interest for the same.

County Treasurer shall pay all Sums arising from Presentments for such Roads to Collector of the Revenues, till such Advance is repaid without Interest.

XXVIII. Provided always, and be it enacted, That it shall not be lawful for the Lord Lieutenant, or other Chief Governor or Governors, of *Ireland*, for the Time being, to order any Money to be so advanced, unless it shall appear to him or them, by the Certificate of the Clerk of the Crown, or other sufficient Document, that the Whole of the Sums necessary to pay all Damages demanded by any Person or Persons, on account of any such Road going into or through any Ground, House, or Building, have been presented to be raised and paid, or have been otherwise settled for.

No Money shall be ordered to be advanced till all Damages to Parties are presented, *etc.*

XXIX. And be it further enacted, That all Money so advanced and paid to any Treasurer of a County under this Act, shall be applied by him towards the Purpose of the Presentment or Presentments, on account whereof it shall have been advanced or paid to or received by such Treasurer, and to no other Purpose; and that when and so often as any Overseer appointed by the Grand Jury, shall deliver or cause to be delivered to such Treasurer, an Account of the Expenditure of any Money in pursuance of any such Presentment, or of any Expences actually paid or incurred in the Execution of the Work for which such Presentment shall have been granted, specifying the Names of the Persons to whom the same shall have been paid, or shall be due, and for what Work or other Service, and when, together with the Number of Horses and Men employed

Money advanced to Treasurer shall be applied according to Presentments.

On Account of Expenditure delivered by Overseer on Oath to the Treasurer, the latter may weekly advance Sums

necessary to pay such Expenditure.

employed, and the Wages *per* Day, or if the Work shall have been contracted for, the Nature of the Contract; such Account to be verified by the Oath of such Overseer; it shall and may be lawful for such Treasurer, and he is hereby required to advance and pay to such Overseer, from Time to Time, not oftener than once in each Week, out of such Monies as such Treasurer may so have received by Order of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*) the Amount of the Expence so sworn by such Overseer to have been actually paid or incurred: Provided always, that such Overseer, if appointed by the Grand Jury, shall have first given Security to such Treasurer, with Two Sureties approved of by One of the Governors of the County, or by any Two Justices of the Peace, named by the Grand Jury for the Purpose, by Bond and Warrant to confess Judgement thereupon, conditioned, that such Overseer shall duly account, at the next Assizes or presenting Term, for all Sums which shall be advanced to him by the Treasurer on account of any such Presentment in respect of the Road or other Work of which he is Overseer.

Security by Overseers to account at ensuing Assizes.

On Overseers giving Security, their Deputies may receive Advances from the Treasurer of the County.

XXX. And be it further enacted, That if any general Overseer for the Whole of any Road or Work, to be appointed by any Grand Jury, shall have given Security (approved of in Manner before mentioned) that any Overseer or Overseers appointed by him for the Work, specifying his or their Names, shall duly account in Manner before-mentioned; every such Overseer so appointed by such general Overseers and named in such Security shall, on his producing such Account as aforesaid, verified by himself upon Oath, together with the Order of the general Overseer, be entitled to receive Advances of Money from the Treasurer of the County, from Time to Time, in Manner and for the Purposes herein-before mentioned.

On Failure of due Re-payment of Advances by Treasurer of the County to the Collector, the Sum shall be raised by Presentment off the County, *etc.*

XXXI. And be it further enacted, That if by Neglect or Failure of raising the Sums which shall be directed as aforesaid to be raised by yearly Portions, or from any other Cause, any Delay shall happen to arise in the Repayment, by the Treasurer of the County to the Collector of the District, in Manner and at the Times herein directed, of the Whole or any Instalment of the Money advanced to such Treasurer, by Order of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, it shall and may be lawful for the Grand Jury, and they are hereby required, at the Assizes or presenting Term at which any such Instalment ought to be repaid, or at the next or any subsequent Assizes or presenting Term, to present such Sum as shall be behind and not repaid, to be raised off the County, County of a City or Town, Barony or Half Barony respectively, as it shall have been before presented, and to be paid forthwith to the Collector of the District; and if such Sum shall be afterwards raised and paid to the Treasurer, in pursuance of the former Presentment, the Treasurer shall set it down to the Credit of the County, Barony, or Half Barony, as the Case may be, in the next Warrant which he shall issue.

No Fiat for any but Post Roads till such last mentioned Presentment made and allowed.

XXXII. And be it further enacted, That it shall not be lawful for the Court at any Assizes to fiat any Presentment for raising Money for the Repair of any Road in such County, except a Post Road, unless such Presentment as last aforesaid be first made and allowed.

XXXIII. And whereas the Tolls arising upon Turnpike Roads may not afford Funds sufficient for carrying into Execution such Improvements or Alterations of the respective Roads as may be recommended or pointed out in any Survey to be made in Manner directed by this Act; and it may be necessary for the Trustees, Directors, or Commissioners, of such Turnpike Roads respectively, to borrow Money in Aid of their Tolls for the Purpose; be it therefore enacted, That any Three or more of the Trustees, Directors, or Commissioners, in whom the Care or Management of any Turnpike Road in *Ireland* is vested by Law, shall and may, and they are hereby empowered to raise and borrow any Sum or Sums of Money not exceeding in the Whole the Amount of the Sum necessary to carry into Execution the Whole of such new Line or Lines of Road, with Footpaths thereto, and reduce such Hills, and fill up such Hollows, and to build or repair such Bridges, Arches, Pipes or Gullets, or Walls, as shall be marked or recommended in any such Survey as shall be delivered to them, pursuant to the Provisions of this Act, and according to the Estimates thereto annexed; and that for all Sums so to be borrowed, Bills entitling the Bearers to the Amount of the Sums therein specified shall be issued and signed by the Treasurer for the Time being, and signed by and sealed with the Seals of Three or more of such Trustees, Directors, or Commissioners of any such Road respectively, and that such Bills shall bear such Interest from the Date thereof as shall be agreed upon between such Trustees, Directors, or Commissioners respectively, and the Lender or Lenders, not exceeding the Rate of Six Pounds for One hundred Pounds by the Year; and that for such Sum so to be borrowed by such Trustees, Directors, or Commissioners respectively as aforesaid, there shall be paid Half-yearly, by the Treasurer for the Time being, by and with the Order and Direction of Three or more of such Trustees, Directors, or Commissioners respectively, on such Days and Times after the respective Dates of such Bills, as shall be mentioned and appointed in the said Bills, to the Holders thereof, out of the Produce of the Tolls of any such Road respectively, such Interest as shall be so agreed upon, in full to the said Days so mentioned and appointed for the Payment of such Interest, without any Fee or Charge whatsoever, and free from all Deductions, Defalcations, and Abatements, until the principal Sums therein mentioned be respectively paid at one Payment; and that all such Bills as shall be so issued and signed by the Trustees, Directors, or Commissioners of any such Road respectively, shall be numbered in Arithmetical Progression, beginning with number One, until the Whole thereof shall be numbered; provided, that no such Bill shall be issued for less than Fifty Pounds, nor for more than One hundred Pounds.

Trustees of Turnpikes empowered to borrow Money necessary for Purposes of this Act, on Credit of their Tolls.

XXXIV. And, in order to facilitate the borrowing of such Sum or Sums of Money, by increasing the Means of discharging the Principal, and insuring the punctual Payment of the Interest; be it further enacted, That it shall and may be lawful for the Trustees, Directors, or Commissioners, of any such Turnpike Roads, to raise and increase all or any of the Tolls payable on such Road respectively, in such Proportion as they shall think fit, not exceeding an Increase of One-half of the present Amount on any one Article; and that all Powers, Authorities, Penalties, and Regulations for collecting and enforcing the Payment of the present Tolls, shall extend equally to all such increased Tolls, any Thing in any Law to the contrary notwithstanding.

Trustees of Turnpikes may increase Tolls for Repayment of Money under this Act.

XXXV. And

If the Lord Lieutenant shall be satisfied of the Sufficiency of the Income of any Turnpike Road to pay Interest and 2l. per Centum per Annum as a Sinking Fund, the Treasury of Ireland may raise Money on Debentures, and pay same to Trustees of such Road.

XXXV. And be it further enacted, That if the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, shall be satisfied that the Tolls to arise upon any Turnpike Road or which a Survey shall have been made pursuant to the Provisions of this Act, are likely to produce or allow a clear annual Income, over and above all Charges for prior Incumbrances, considerably more than equal to the regular Discharge of all Interest for such Sums as may be necessary to be borrowed by the Trustees, Directors, or Commissioners of such Turnpike Roads, for the Purposes of this Act, and to the Payment of a further Sum, after the Rate of Two Pounds *per Centum per Annum* on the Sum to be borrowed, to be applied as a Sinking Fund for the Redemption thereof, it shall and may be lawful for the Commissioners for executing the Office of Lord High Treasurer of *Ireland*, or any Three or more of them, by the Direction of such Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, at any Time after the First Day of *January* One thousand eight hundred and six, to raise by Loan, on Debentures carrying an Interest after the Rate of Five Pounds *per Centum per Annum*, such Sum or Sums as shall be certified by the Trustees, Directors, or Commissioners of any such Turnpike Road, to be necessary to be borrowed by them for executing the Purposes of this Act, and as shall be specified in such Directions of such Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and that the same, when raised, shall be remitted and paid to such Trustees, Directors, or Commissioners, or shall be paid to their Order, in such Manner and under such Restrictions for ensuring its due Application to the Purposes of this Act, as such Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall direct.

The Tolls shall be liable to the Payment at the Exchequer of the Interest on such Debentures, and 2l. per Centum per Annum till the Principal is redeemed.

XXXVI. And be it further enacted, That all Tolls which shall, on the Day such Money shall be borrowed, or at any subsequent Time, be vested in the Trustees, Directors, or Commissioners, of any such Turnpike Road, shall be subject to the Payment at the Receipt of His Majesty's Exchequer, of the Interest payable on such Debentures, and to the further Sum of Two Pounds *per Centum per Annum* on the principal Sum borrowed; which said Sum of Two Pounds *per Centum per Annum* shall, by the Commissioners for reducing the National Debt of *Ireland*, be duly and regularly applied, together with the Interest of all principal Sums which shall be redeemed therewith, to the Redemption of the Sums so borrowed; and when the Whole of the Sums so borrowed shall be redeemed thereby, and all Interest thereon paid and satisfied, the said Tolls shall be discharged from all Demands on account thereof.

On failure of Payment of Interest, &c. the Lord Chancellor may appoint a Receiver, or sequester the Tolls.

XXXVII. And be it further enacted, That if any Interest shall at any Time be behind or unpaid by the Trustees or proper Officer of any Turnpike Road, for Money borrowed under the Authority and for the Purposes of this Act, for the Space of Seven Days after any of the Days appointed for the Payment of such Interest, or if the Trustees or other proper Officer of any Turnpike Road, shall omit or neglect to pay at the Receipt of His Majesty's Exchequer, a Sum equal to the full Amount of all Interest which may become due on any Debentures for Money raised, and which shall have been so remitted or paid to the Trustees, Directors, or Commissioners of such Road, or their Order, Twenty-one Days at the least before such Interest shall be payable at the Treasury, together with

with the further Sum after the Rate of Two Pounds *per Centum per Annum* as aforesaid, the Lord Chancellor or Lord Keeper or Commissioners for the Custody of the Great Seal of *Ireland*, may, upon Petition and Affidavit of the Party claiming a Right to such Interest, or upon the Motion of His Majesty's Attorney General of *Ireland* on Behalf of the Commissioners for executing the Office of Lord High Treasurer of *Ireland*, appoint a Receiver to receive so much of the Tolls of such Road as may be necessary to pay such Interest respectively, and such further Sum after the Rate of Two Pounds *per Centum per Annum*, together with the Receiver's Fees, and all reasonable Costs attending such Application; or may make such Order for sequestering the Tolls for the Payment thereof, as to such Lord Chancellor, Lord Keeper, or Commissioners, may appear just and fitting in that Behalf.

Parts of Turnpike Roads discontinued may be sold by Trustees unless presented within Eight Months as a publick Road by Grand Juries, &c.

XXXVIII. And be it further enacted, That in all Cases where the Trustees, Directors, or Commissioners of any Turnpike Road, shall alter the same in pursuance of this Act, they shall cause a Map of such Parts of the existing Road as shall in consequence thereof be discontinued by them, to be deposited with the Treasurer of the County in which such Parts shall be situated; and if the Grand Jury of such County shall not within Eight Months after such Map shall be so deposited, present such Parts to be left open as a publick Road, and present to be raised off the Barony or Half Barony, or Baronies or Half Baronies, in which such Road shall be situated (and which every Grand Jury is hereby empowered to do), such Sum or Sums of Money as the Materials of the said Road, and of all Bridges and Arches thereon, shall amount to, on a Valuation to be made thereof upon Oath of Three Persons, One to be named by the Trustees, Directors, or Commissioners of such Road, One other by such Grand Jury, and the Third to be chosen by the other Two; every Part of such Road which shall not be so presented to be kept open, shall be and is hereby declared to be vested in the Trustees, Directors, or Commissioners of such Road, and shall and may be set or sold by them, or as many of them as are competent to do any Act respecting such Road; and all Materials thereon, or in any Bridges, Arches, or Pipes, upon or across the same, may be taken down, and applied by them to the Use and Advantage of the Road under their Care; and all Money arising from the Sale or Setting of such discontinued Road, shall be applied in Aid of the Tolls under their Management.

Oaths under this Act may be administered by One Justice.

Penalty of Perjury.

XXXIX. And be it further enacted, That it shall be lawful for any Justice of the Peace, within his Jurisdiction, to administer any Oath or Oaths prescribed or required by this Act; and that if any Person who shall take any such Oath shall wilfully and knowingly swear falsely therein, every such Person, being duly convicted thereof, shall suffer the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are or shall be subject to by any Law in force in *Ireland*.

Postmasters General may pay Expences of Surveyors, &c. out of Postage Duty.

XL. And be it further enacted, That it shall and may be lawful for the Postmasters General in *Ireland* to pay all such Sums as may be necessary for satisfying the Surveyors and other Persons to be employed for the making the Surveys directed by this Act, and for the Attendance of the Surveyors on any Grand Juries, or on any Trustees, Directors, or Commissioners

ſioners of any Turnpike Road reſpectively, and for all Expences incurred by them in the Execution of this Act, out of any Money in their Hands ariſing from the Duty on the Poſtage of Letters in *Ireland*.

Powers of all former Acts reſpecting Roads applied to this Act.

XLI. And be it further enacted, That all Powers and Proviſions contained in any Act or Acts in force in *Ireland*, relating to any Poſt Road, Preſentment Road, or Turnpike Road, which ſhall be widened, altered, or improved under and by virtue of this Act, ſhall be applied where neceſſary in the Execution of this Act, as fully and effectually as if ſuch Powers and Proviſions were repeated and re-enacted in this Act, ſo far as ſuch Powers and Proviſions are applicable to and are not repealed or altered by this Act.

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