

ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

****

Cap. xcii.

An Act to amend an Act passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, for repairing the Road from the Town of *Athy* in the County of *Kildare*, through the Town of *Castlecomer* in the County of *Kilkenny*, to the City of *Kilkenny*, and from the Town of *Castlecomer* to the Town of *Leighlin Bridge* in the County of *Carlow*, and from the Town of *Carlow* to the said Town of *Castlecomer*, so far as relates to the Second Division of the said Road. [30th *June* 1842.]

WHEREAS an Act was passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing the Road from* 1 & 2 G. 4.
the Town of Athy *in the County of* Kildare, *through the Town of* c. 38.
Castlecomer *in the County of* Kilkenny, *to the City of* Kilkenny, *and from the Town of* Castlecomer *to the Town of* Leighlin Bridge *in the County of* Carlow, *and from the Town of* Carlow *to the said Town of* Castlecomer: And whereas by the said Act certain Persons therein

named,

named, and their Successors, were appointed Trustees for amending, repairing, altering, widening, and improving the Road leading from the Town of *Athy* in the County of *Kildare*, through the Town of *Castlecomer* in the County of *Kilkenny*, to the City of *Kilkenny*, and from the Town of *Castlecomer* to the Town of *Leighlin Bridge* in the County of *Carlow*, and from the Town of *Carlow* to the said Town of *Castlecomer*, and the said Road was divided into Two Districts; and it was thereby provided, that so much of the said Road as reaches from the Town of *Athy* in the County of *Kildare* to the City of *Kilkenny*, and from the Town of *Castlecomer* in the County of *Kilkenny* to the Town of *Leighlin Bridge* in the County of *Carlow*, should be and be called the First Division thereof, and so much of the said Road as lies between the Town of *Carlow* and the Junction of the said Road from *Carlow* to *Castlecomer* with the Road from *Athy* aforesaid to the City of *Kilkenny* should be and be called the Second of such Divisions; and it was also by the said Act provided, that the Trustees named in the said Act, and their Successors, to be elected as in the said Act mentioned, should be divided into Two Committees, the Members whereof respectively were named in the said Act; and it was thereby enacted, that the ordering, directing, and Management of the repairing and keeping in repair the First of the said Divisions of the said Roads, with the Application of the Tolls thereof and arising therefrom, and of all Matters relative thereto, should be committed to the First of the said Committees; and that the like Duties in respect of the Second of the said Divisions should be in like Manner committed to the Second of the said Committees; and it was further provided and declared by the said Act, that it should be lawful for each of the said Committees, and they were thereby respectively authorized and empowered, within their respective Divisions of the said Road, to use and exercise all the Powers and Authorities therein given to the said Trustees generally; and that the Committee of one of the said Divisions of the said Road should have no Power to intermeddle with the other Division, or the Tolls thereof, or any other Matter relating thereto: And whereas in pursuance of the said Act the said Committee, acting by virtue thereof for the said Second Division of the said Road, have amended and improved the Road thereby authorized to be amended and improved: And whereas considerable Sums of Money have been advanced and secured under the Provisions of the said Act upon the Credit of the Tolls thereby authorized to be taken upon the said Second Division of the said Road, a Portion whereof still remains owing, and such Money cannot be paid off, nor the Interest thereof be discharged, nor can the said Second Division of the said Road be kept in repair and effectually improved, unless further Powers are granted, and the Term of the said Act, so far as relates to the said Second Division, be further continued, and the Tolls authorized to be taken by the said Act be altered; and it is therefore expedient that so much of the said recited Act as relates to the said Second Division of the said Road should be repealed, and the same erected into a wholly distinct and separate Trust, and that further and more effectual Powers should be granted in relation to the said Second Division of the said Road; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be

enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Day of the Commencement of this Act so much of the said recited Act as enacts and declares that the Persons therein named, and their Successors, shall be Trustees for amending, repairing, altering, widening, and improving the Road leading from the Town of *Athy* in the County of *Kildare*, through the Town of *Castlecomer* in the County of *Kilkenny*, to the City of *Kilkenny*, and from the Town of *Castlecomer* to the Town of *Leighlin Bridge* in the County of *Carlow*, and from the said Town of *Carlow* to the said Town of *Castlecomer*, shall be repealed, so far as respects that Part of the said Road which lies between *Carlow* aforesaid and the Junction of the said Road from *Carlow* to *Castlecomer* with the Road from *Athy* aforesaid to the City of *Kilkenny*, being the Second Division of the said Road, as defined under the said Act, and also all other Provisions of the said Act relating to the said Second Division of such Road, shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

So much of the recited Act repealed as relates to the Second Division of the Road therein mentioned.

II. Provided always, and be it enacted, That nothing herein contained shall in any respect affect the Powers, Duties, or Authorities of the Trustees and their Successors by the said Act nominated and declared to be the Committee for the First Division of the said Road, so far as respects such First Division, but that such Powers, Duties, and Authorities shall be and remain in full Force and Effect as if such Committee and their Successors had been by the said Act nominated the sole Trustees for such First Division; and provided further, that all Acts, Matters, and Things heretofore done under the Authority of the said Act, in relation to the Second Division of the said Road, shall be good, valid, and effectual to all Intents and Purposes; and that all Securities granted under the Powers of the said recited Act shall have the same Force and Effect as if granted under the Powers of this Act; and that every Person owing any Sum of Money to the respective Trustees forming the Committee of the said Second Division of the said Road shall be liable to the Payment thereof to the Trustees of this Act.

Not to affect Powers, &c. of Trustees of the First Division, nor any Matter done under recited Act as to the Second Division.

III. And be it enacted, That every Book in which any Entry of any Proceeding relating to the said Second Division of the said Road of any of the Trustees or other Persons acting under the Authority of the said recited Act in respect of the said Second Division shall be Evidence of such Proceeding in any Court of Justice.

Entry of Proceedings under former Acts to be good Evidence.

IV. And be it enacted, That this Act shall be put in execution during the Term herein-after mentioned for the Purpose of repairing, altering, widening, and improving the said Road comprehended in the Provisions of the said recited Act, so far as relates to the Second Division of the said Road; that is to say, the present Turnpike Road commencing at the Bounds of the County of *Carlow* in the Town of *Carlow*, and terminating at the Bounds of the County of *Kilkenny* at a Place called *Cruttyard*.

This Act to be put in execution for the Purposes herein mentioned.

V. And

Trustees named.

V. And be it enacted, That the Honourable *Charles Harward Butler Clarke Southwell Wandesforde*, *David Aher*, *Henry Bruen*, *Robert Clayton Browne*, *William Butler*, *William Cope Cooper*, *Thomas Herring Cooper*, *Richard Eaton*, *John Edge*, *William Fishbourne* senior, *William Fishbourne* junior, *William R Fitzmaurice*, *Peter Gale*, *John Staunton Rochefort*, *John Butler Clarke Southwell Wandesforde*, *Adam Jackson*, and their Successors, being duly qualified, and having taken and subscribed the Declaration herein-after mentioned, shall be appointed the Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

VI. And be it enacted, That it shall be lawful for the said Trustees at any Meeting under this Act to elect any Number of Persons duly qualified to act as Trustees under the Provisions of this Act, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

For appointing new Trustees on Vacancies.

VII. And be it enacted, That if any of the Trustees shall die, become disqualified to act, or refuse to act, it shall be lawful for the remaining Trustees from Time to Time to elect another Trustee in his Place; provided that Notice of the Time and Place of meeting of the Trustees for every such Election be given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Toll Gates on the said Road, and by inserting such Notice in One or more of the Newspapers circulated in the County of *Carlow*, Fourteen Days at least before every such Meeting.

Qualification of Trustees.

VIII. And be it further enacted, That no Person shall be capable of becoming and 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 situate in *Ireland* of the clear yearly Value of One hundred Pounds above Reprizes, or shall be the Son of a Peer, or Heir Apparent of a Person possessed of Lands situate in *Ireland* of the clear yearly Value of Two hundred Pounds above Reprizes, or shall be possessed of a Personal Estate of One thousand Pounds Sterling, over and above all Debts and Demands against him, and (except in administering the Declaration herein-after mentioned) until he shall have made, before any Two of the Trustees, a Declaration to the Effect following:

Declaration of Qualification.

'I do solemnly declare, That I am, in my own Right [*or* in the Right of my Wife], in the actual Possession and Enjoyment of [*or* in the Receipt of the Rents and Profits issuing out of] Lands of the clear yearly Value of One hundred Pounds above Reprizes, [*or* am a Son of the Right Honourable *or* am the Heir Apparent of who, to the best of my Knowledge, is seised of Lands of the clear yearly Value of Two hundred Pounds above Reprizes,] *or* that I am possessed of a Personal Estate of One thousand Pounds Sterling beyond what will satisfy all Debts and Demands against me.'

IX. And

IX. And be it enacted, That a Book or Roll shall be kept by the Clerk for the Time being to the said Trustees, in which the said Declaration shall be entered, and signed by the Person making the same, and by the Trustees by whom the same shall be administered, and an Entry thereof shall be made in the Minutes of the Proceedings of the said Trustees; and such Entry shall be sufficient Evidence in any Court of Justice of such Trustee having duly made such Declaration.

Declaration to be entered in a Book, to be kept by the Clerk for that Purpose.

X. And be it enacted, That any Person who shall wilfully or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be guilty of a Misdemeanor.

False Declaration a Misdemeanor.

XI. And be it enacted, That at the Meeting of the Trustees at which any Person shall first attend as One of such Trustees such Person shall make and subscribe the Declaration herein required, and it shall be lawful for any Persons attending as Trustees, whether they shall themselves have made such Declaration or not, to administer such Declaration.

Declaration to be taken at First Meeting.

XII. Provided also, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act in any Case where he shall be personally interested (except as herein-after provided), nor during the Time he shall keep a Victualling House or other House of public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous or other strong Liquors, by Retail, or who shall be a Lessee or Farmer of the Tolls on the said Road or of any Part thereof.

Trustees not to act where interested, or while keeping a Victualling House.

XIII. And be it enacted, That no Trustee shall hold any Office or Place of Profit under this Act, or be concerned in any Contract, or participate in any Work to be done, or in any Profit or Payment to be made, under the Authority of this Act; and every such Contract so made by a Trustee shall be void.

Trustees not to hold Places of Profit, or be concerned in Contracts.

XIV. And be it enacted, That if any Person shall act as a Trustee, being incapacitated to act, or not being duly qualified, or before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified, he shall for every such Offence forfeit the Sum of One hundred Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Dublin*, by any Person who shall sue for the same, by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, and had made and subscribed the Declaration aforesaid, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Trustee in the Execution of this Act; nevertheless, all Acts and Proceedings of any Person acting as a Trustee, being incapacitated, not being duly qualified, or being disqualified, done previous to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

Penalty on Trustees not being qualified acting.

Trustee not incapable of acting as Justice.

XV. And be it enacted, That a Person shall not be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Trustee.

First and other Meetings.

XVI. And be it further enacted, That the Trustees for executing this Act shall hold their First General Meeting at the Club House in the Town of *Carlow*, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act into execution; and a General Meeting of the said Trustees shall be held in the Month of *April* in every Year, at the Place and between the Hours aforesaid, unless some other Place shall be appointed by the said Trustees; and it shall be lawful for the Trustees present at such First or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place near the said Road; and if at any such Meeting there shall not be Three Trustees present within the Time herein-before mentioned, then it shall be lawful for the Trustees present, or any One Trustee, if only One be present, to adjourn such Meeting to another Day, and if the Meeting shall not be adjourned, then it shall be lawful for any Two of the Trustees or the Clerk to appoint a Meeting to be held at any convenient Place near the said Road, and not less than Seven Days Notice shall be given of such intended Meeting.

Special Meetings.

XVII. And be it enacted, That it shall be lawful for the said Trustees to hold Special Meetings, and any Three or more of the Trustees may require a Special Meeting to be held, but no such Meeting shall be held unless Seven Days Notice thereof shall be given.

Quorum of Trustees.

XVIII. And be it enacted, That all Powers of this Act may be exercised by any Three or more of the Trustees present at any Meeting holden in pursuance of this Act; and no Business shall be transacted at any Meeting of the Trustees unless Three or more Trustees shall be present at such Meeting.

How Notices of Meetings are to be given.

XIX. And be it enacted, That all Notices of any Meeting to be held under the Authority of this Act shall be in Writing, and shall be delivered or sent by the Post to the usual Place of Abode of each of the Trustees, and advertised in a Newspaper Ten Days at least previous to such Meeting; and every Notice shall specify the Time and Place of Meeting, and in case of a Special Meeting shall specify the Object thereof; and no Business shall be transacted at any Special Meeting, except such as is stated in the Notice thereof.

Notices by Advertisements.

XX. And be it enacted, That all Notices required by this Act to be given by Advertisement in a Newspaper shall be advertised in some Newspaper circulated in the County of *Carlow*.

Expences at Meetings.

XXI. And be it enacted, That at all Meetings of the Trustees they shall defray their own Expences, except for the Use of the Room in which the Meeting is held.

XXII. And

General Meetings may appoint Committees.

XXII. And be it enacted, That it shall be lawful for the Trustees at any General Meeting to appoint a Committee consisting of not more than Five of the Trustees, for carrying into effect any of the Provisions of this Act, and at any General Meeting to continue, alter, or discontinue such Committee; but no such Committee shall be appointed to act for a longer Term than until the General Meeting of the Trustees next following its Appointment.

Duration of Committees.

Quorum of Committee.

XXIII. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee be present.

Order of Business at Meetings of Trustees and Committee.

XXIV. And be it enacted, That at every Meeting of the Trustees or Committee, One of the Trustees present shall be elected Chairman by the Majority of the Votes of the Trustees present at such Meeting, and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present, and if there be an equal Division of Votes, the Chairman, in addition to his own Vote as a Trustee or Member of the Committee, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, One of the Trustees having equal Numbers of Votes whose Name would stand first if the Names of the Trustees present were alphabetically arranged shall be Chairman of such Meeting.

No Resolution of Trustees to be revoked at a subsequent Meeting, unless under certain Circumstances.

XXV. And be it enacted, That no Resolution or other Act of a Meeting of the Trustees shall be revoked or altered at any subquent Meeting unless such subsequent Meeting be called expressly for such Alteration or Revocation by Notice given Twenty-one Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Trustees present at such subsequent Meeting, if the Number of the Trustees present at such subsequent Meeting be not greater than the Number present when such Resolution was made or such Act was done; or if the Number of Trustees present at such subsequent Meeting be greater than the Number present at such former Meeting, then by a simple Majority.

Trustees not to be personally liable.

XXVI. And be it further enacted, That no Contract which shall be made by the said Trustees for any of the Purposes of this Act shall be binding upon any of the said Trustees as Individuals or in their private Capacity; nor shall such Trustees, or any of their Officers, personally, or his or their respective Estates, be answerable for Payment of any of the Debts, Securities, Mortgages, or Transfers granted in pursuance of this Act; and all Monies which shall be expended by or recovered against the said Trustees or any of them, or any Person employed by them, by means of any Action or Suit, to be brought by or against them touching the Execution of this Act, and all the travelling and other Expences of the said Trustees necessarily incurred in and about the Business of the said Trust, shall be borne and defrayed by and out of the Money which shall come to the Hands of the Treasurer of the said Trustees by virtue of this Act.

XXVII. And

Trustees may enter into Contracts for making, repairing, &c.

XXVII. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting whereof Fourteen Days Notice, expressing the Purpose for holding the same, shall be given, in like Manner as herein-before directed, to enter into any Contract with any Person for any Purpose relating to the Execution of this Act, for any Term not exceeding Three Years from the Commencement thereof; all which Contracts shall be in Writing, duly stamped, and signed by the Chairman at any Meeting of the Trustees, and also by the Person contracting; and all Contracts which shall be signed as aforesaid shall be binding on the said Trustees and all other Parties thereto, their respective Heirs, Successors, Executors, and Administrators; and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the said Trustees or any of the other Parties failing in the Execution thereof.

Contracts for Works.

XXVIII. And be it enacted, That all Contracts made with the Trustees shall specify the Work to be done, the Quality of the Materials to be used, the Prices to be paid, the Term within which the Contract is to be performed, and the Penalties for Non-performance thereof, or such other Things as the Trustees think proper, and the Trustees may take such Security for the Performance of such Contract as to them shall seem necessary; nevertheless, the Trustees lawfully may, from Time to Time, as they think fit, compound with any Person, on account of any Breach or Non-performance of any such Contract, for any Sum of Money which they think fit, or they may remit any Penalties on account thereof.

Conditions of paying Contractors.

XXIX. And be it enacted, That no Money shall be paid nor any Order made on account of any such Contract, unless the Trustees shall be satisfied, by the Certificate of their Surveyor, that he has lately examined that Portion of Road to which such Order relates, and that the Terms of the Contract have been faithfully observed, and Works done or Materials provided, as the Case may be, pursuant to such Contract.

Trustees to appoint Treasurer and other Officers.

XXX. And be it enacted, That the said Trustees shall from Time to Time appoint a Treasurer and Clerk, Collector, and such other Officers as they shall think fit, with such Salaries and Allowances as they think reasonable, and may remove such Treasurer, Clerk, Collector, or other Officers, and appoint others in their Stead.

Offices of Clerk and Treasurer to be separate.

Penalty.

XXXI. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall be Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds, and shall be disqualified from holding any Office under or being in any Manner employed by the said Trustees; (that is to say,)

If any Person accept both the Office of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk:

And any Person may sue for such Penalty, either by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Record at *Dublin*, and shall, on Recovery thereof, be entitled to full Costs of Suit.

Officer taking Fees to lose his Office.

XXXII. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer employed by the Trustees, exact, take, or accept, on account of any thing done by virtue of his Office, or in relation to the Functions of the Trustees, any Fee or Reward whatsoever other than the Salaries, Rewards, or Allowances allowed by the Trustees, or be in anywise concerned or interested in any Bargain or Contract made by the Trustees, he shall be incapable of being afterwards employed by the Trustees; and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid. Penalty.

Trustees to take Security from all Officers intrusted with Money.

XXXIII. And be it enacted, That the Trustees shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Trustees shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing, from Time to Time, when required by the Trustees so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to account.

XXXIV. And be it enacted, That every Officer appointed or employed by the Trustees by virtue of this Act shall, from Time to Time when required by the Trustees, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Trustees; and such Account shall state how, and to whom, and for what Purpose such Monies have been so disposed of; and together with such Account such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Trustees, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy against Officers failing to account.

XXXV. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if for Ten Days after being thereunto required he shall fail to deliver up to the Trustees, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Trustees, then, on Complaint thereof being made to any Justice

acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him, or if such Officer cannot be found, then in his Absence such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon the Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Trustees are in the Hands of such Officer, or owing by him to the Trustees, such Justice may order such Officer to pay the same forthwith; and if he shall fail to pay the Amount it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for any Time not exceeding Three Calendar Months; and in any of the following Cases; (that is to say,)

If such Officer do not appear before such Justice at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act, or belonging to the Trustees, in his Possession or Power,

Such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts (if any) relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Commitment not to discharge Sureties.

XXXVI. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Trustees of any Remedy which they might otherwise have against any Surety of such Officer.

Orders and Proceedings to be entered in Books, which shall be open for Inspection.

Books to be Evidence.

XXXVII. And be it enacted, That all Orders and Proceedings of the Trustees of the said Road, together with the Names of the Trustees present at every Meeting, shall be entered in Books to be kept by the Clerk to the said Trustees for that Purpose, and be signed by the Chairman of the Meeting at which such Orders or Proceedings shall be made or had; and such Books shall be open at all seasonable Times to the Inspection of any of the Trustees, without Fee or Reward; and such Orders and Proceedings, so entered, and signed by the Chairman of such Meeting as aforesaid, shall be deemed to be original Orders and Proceedings; and all Entries in such Books respectively shall be read in Evidence in all Courts of Justice whatever, in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever.

XXXVIII. And

Books of Accounts to be kept, and to be open to Inspection.

XXXVIII. And be it enacted, That the Trustees shall cause a Book to be kept by their Clerk, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and such Book shall at all seasonable Times be open to the Inspection of the Trustees and of every Creditor on the Tolls by this Act authorized to be levied or taken, without any Fee being demanded for such Inspection; and it shall be lawful for any of the Trustees and Creditors aforesaid, at seasonable Times, to take Copies of or Extracts from the said Book, without paying any thing for the same; and if, on Request for that Purpose, the Clerk shall fail to permit any of the Trustees or Creditors aforesaid to inspect such Book, or to take Copies or Extracts as aforesaid, such Clerk shall for every such Default forfeit a Sum not exceeding Five Pounds.

Accounts to be audited annually.

XXXIX. And be it enacted, That the said Trustees shall, within Fourteen Days after the First Day of *May* in every Year, make out or cause to be made out, and rendered to the Auditor to be appointed as herein-after mentioned, a clear and distinct Account of their Receipts, Payments, and Expenditure under the Authority of this Act for the preceding Year, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; which Account, and the Vouchers relating thereto, the said Auditor is hereby empowered to examine; and the said Auditor shall audit the said Accounts, and report the same, with any Remarks he may have to make thereon, to the next Annual Meeting of the said Trustees to be held in the Month of *October* thereafter; and when approved of by the Majority of the Trustees present at such Meeting the said Account shall be signed by the Chairman of the said Meeting.

Annual Account to be transmitted to the Clerk of the Peace.

XL. And be it enacted, That the Trustees shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the First Day of *May* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Auditor to be appointed as herein-after mentioned, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the *Queen's County* on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public, at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Trustees shall omit to prepare and transmit such Accounts as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

An Auditor to be appointed.

XLI. And be it enacted, That the said Trustees shall, some Time during the Month of *May* in the Year One thousand eight hundred and forty-three, and some Time during the said Month of *May* in every Year thereafter, appoint a proper Person, well skilled in Accounts, (and not being One of the Trustees, nor any Person holding Office under

under them,) to audit and docket the Accounts of the said Trustees, as before mentioned; and the said Trustees shall pay to such Auditor for his Trouble in making each such Audit a Sum not exceeding Ten Guineas.

Statements to be printed, and sent to the Trustees.

XLII. And be it further enacted, That the said Trustees shall, immediately after such Accounts and Statements shall have been examined, audited, and signed, cause a sufficient Number of such Statements to be printed, and One of such Statements to be transmitted to each acting Trustee.

Power to borrow Money.

XLIII. And be it enacted, That it shall be lawful for the Trustees to borrow, on Mortgage or Bond, such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the said Trustees, and, for securing the Repayment of the Money so borrowed, to mortgage the Tolls on said Road or give Bonds in manner herein-after mentioned.

Mortgages and Bonds.

XLIV. And be it enacted, That every Mortgage and Bond for securing Money borrowed by the Trustees shall be by Deed, under the Hand and Seal of the Chairman of any Meeting of the Trustees, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage Deed or Bond may be according to the Form of the Schedule to this Act annexed, or to the like Effect.

Rights of Mortgagees.

XLV. And be it enacted, That the respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls, Sums, and Premises comprised in such Mortgage, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond Creditors of the Trustees, by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Rights of Obligees.

XLVI. And be it enacted, That the respective Obligees in such Bonds shall proportionally, according to the Amount of the Monies secured thereby, be entitled to be paid, out of the Tolls or other Property or Effects of the Trustees, the respective Sums in such Bonds mentioned and thereby intended to be secured, without any Preference one above another, or above the Mortgagees of the Trustees, by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise however.

Register of Mortgages and Bonds.

XLVII. And be it enacted, That a Register of Mortgages and Bonds shall be kept by the Clerk, and, within Fourteen Days after the Date of any such Mortgage or Bond, an Entry or Memorial, specifying the Number and Date of such Mortgage or Bond, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Mortgagee or Bond Creditor of the Trustees, or by any

any Person interested in any such Mortgage or Bond, without Fee or Reward.

Transfers of Mortgages and Bonds.

XLVIII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Bond may transfer his Right and Interest therein to any Person, by Writing duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule to this Act annexed, or to the like Effect.

Entry of Transfers of Mortgages and Bonds.

XLIX. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Clerk, and thereupon the Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage; and after every such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Bond in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured; and for such Entry the Clerk may demand a Sum not exceeding the Amount of Two Shillings and Sixpence.

Payment of Interest on Loans.

L. And be it enacted, That the Interest of the Money borrowed upon any such Mortgage or Bond shall be payable and paid half-yearly to the several Parties entitled thereto.

Transfers of Interest to be stamped.

LI. And be it enacted, That the Interest on any such Mortgage or Bond shall not be transferrable except by an Instrument only, duly stamped.

Power to purchase Lands.

LII. And be it enacted, That it shall be lawful for the Trustees to agree with the Owner of any Lands which may be required for the Purposes of this Act, for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever.

Parties under Disability enabled to sell and convey.

LIII. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose and convey or release the same to the Company, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on

behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Parties under Disability to exercise other Powers.

LIV. And be it enacted, That the Power to release Lands from any Rent, Payment, Charge, or Incumbrance, and to agree for the Apportionment of any such Rent, Charge, or Incumbrance, shall extend to and may lawfully be exercised by every Party herein-before enabled to sell and dispose of or convey and release Lands to the Trustees.

Consideration to be a gross Sum.

LV. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for Price of or Damage to Lands.

LVI. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands, or any Interest therein, to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

LVII. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by the Verdict of a Jury under the Provision herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Trustees, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if

if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

LVIII. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who by reason of Absence or from any other Incapacity or Accident is prevented from treating, or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose; and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Purchase of Lands on Chief Rents.

LIX. And be it enacted, That if any Person seised in Fee of, or entitled to dispose of absolutely for his own Benefit, any Lands authorized to be purchased for the Purposes of this Act, shall be willing to sell such Lands for a perpetual Annual Rent-charge, in lieu of a Sum in gross, such Person may lawfully sell and convey such Lands or any Part thereof unto the Trustees, in consideration of an Annual Rent-charge payable by the Trustees to the Person so selling and conveying, and to his Heirs and Assigns.

Payment of such Rents to be charged on the Tolls.

LX. And be it enacted, That the yearly Rents reserved by any such Conveyance shall be charged on the Tolls or Rates payable under this Act, and shall be paid by the Trustees as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Trustees, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels of the Trustees.

Form of Conveyances.

LXI. And be it enacted, That all Conveyances so to be purchased as aforesaid may be according to the Form in the Schedule to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Trustees, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever, of and in the Lands comprised in such Conveyances, as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged, they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the said Trustees to attend the Reversion and Inheritance.

Costs of Conveyances.

LXII. And with respect to the Costs of the Conveyance of any such Lands purchased or taken by the Trustees, be it enacted, That all

all such Costs shall be borne by the Trustees, and such Costs shall include all Charges and Expences, incurred on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Trustees may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Trustees enter into possession of the Lands so purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof, as herein-after provided; nevertheless, if within Fourteen Days after Notice in Writing from the Trustees the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the Trustees, then the Trustees shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of Costs.

LXIII. And be it enacted, That if the Trustees and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to one of the Masters, to be taxed in the usual Manner; and upon Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful to the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Trustees, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Trustees, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of Ireland.

LXIV. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed to his Account there *ex parte* "Trustees under this Act," and such Monies shall remain

so

so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

In the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or — Application of Monies deposited.

In the Purchase of Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or,

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

LXV. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of any Stocks, Funds, or Annuities transferrable at the Bank of *Ireland*; and until such Stocks, Funds, or Annuities shall be ordered to be sold, or converted into Money, for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment, and Application of the Interest, Dividends, and annual Proceeds thereof, may be made on the like Petition. — Order for Application.

LXVI. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *Ireland*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Trustees of the said Road approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hands of Three Trustees of the said Road; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by the Trustees so named as aforesaid applied in the Manner herein-before directed with respect to Money paid into the — Sums from 20*l.* to 200*l.* to be deposited, or invested in Trustees.

Bank of *Ireland*; but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

LXVII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Where Parties refuse to convey, or do not show Title, the Purchase Money to be deposited.

LXVIII. And for the Purpose of providing for the Payment and Application, in certain Cases, of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases; (that is to say,) if the Owner of any such Lands, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same, or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Trustees, or if such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands, as directed by the Trustees, it shall be lawful for the Trustees to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed to his Account there to the Credit of the Parties interested in such Lands (describing them, so far as the Trustees can do), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier of such Bank shall give to the Trustees, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in; and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Trustees.

Application of Monies so deposited.

LXIX. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands purchased or taken by the Trustees, or any Part thereof, or any Interest in the same, the said Court of Chancery may, in a summary Way, as to such Court shall seem fit, order such Money to be laid out or invested in the Public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

LXX. Pro-

Court of Chancery may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c. or Reversions, as they may think just.

LXX. Provided always, and be it enacted, That where any Purchase Money or Compensation paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in possession deemed to be the Owner.

LXXI. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the Court, and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in Cases of Money deposited.

LXXII. And with respect to Costs in Cases of Monies deposited in the Bank of *Ireland*, be it enacted, That the Court of Chancery may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Trustees; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government Securities, and of the Re-investment thereof, or of the Government Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Payment of Price to be made previous to Entry, except having

LXXIII. And be it enacted, That the Trustees shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, until they shall either have paid to every Party

to survey, &c.

having any Interest in such Lands, or deposited in the Bank of *Ireland* in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands it shall be lawful for the Trustees to enter upon the same without the previous Consent of the Owners, making Compensation for any Damage thereby occasioned to the Owners or Occupiers of such Lands.

Notice of Intention to take Lands.

LXXIV. And be it enacted, That when the Trustees shall require to purchase any of the Lands which by this Act they are authorized to purchase or take, they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey or release the same, or such of them as shall be known to the Trustees, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Lands so required, and shall state that the Trustees are willing to treat for the Purchase of the Interest of such Party in such Lands.

Parties interested in Lands to state their Claims.

LXXV. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the Trustees in respect of his Interest therein, or if such Party and the Trustees shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

Proceedings in case of Refusal to deliver Possession of Lands.

LXXVI. And be it enacted, That where, according to the Provisions of this Act, the Trustees are authorized to enter upon and take possession of any Lands required for the Purposes of the said Road, if the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the Trustees from entering upon or taking possession of the same, it shall be lawful for the Trustees to issue their Precept, under the Hands of Three or more of the said Trustees, to the Sheriff, to deliver Possession of the same to the Person appointed in such Precept to receive the same; and upon the Receipt of such Precept the Sheriff shall deliver Possession of any such Lands accordingly; and the Costs accruing by reason of the issuing and Execution of such Precept, to be settled by the Sheriff, shall be paid by the Persons refusing to give Possession; and such Costs, if not paid, on Demand, shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Dispute as to Compensation to be settled by a Jury.

LXXVII. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the Trustees and the Owners of any Lands, or of any Interest in any such Lands, taken or required for the said Road, (including among such Owners all Parties by this Act enabled to sell or convey Lands,) as to the Value of such Lands, or of any Interest therein, or as

to the Compensation to be made in respect thereof; or if by reason of Absence any such Owner be prevented from treating; or if any such Owner fail to disclose or prove his Title to any such Lands, or any Interest therein; or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Trustees to take such Lands; or if any such Difference arise in Exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of the Compensation to be paid by the Trustees in every such Case shall be settled by the Verdict of a Jury, in manner herein-after mentioned.

Claims not exceeding 50*l.* to be settled by Two Justices.

LXXVIII. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall not exceed Fifty Pounds the same shall be settled by Two Justices.

Notice by Company of Intention to have a Jury summoned.

LXXIX. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury, by reason of any such Difference as aforesaid, then, One Month at the least before issuing their Warrant for summoning a Jury, as herein-after provided, the Trustees shall give Notice in Writing to the Party with whom such Difference shall have arisen, of their Intention to cause such Jury to be summoned; and in such Notice the Trustees shall state what Sum of Money they are willing to give such Party for his Interest in such Lands.

Requisition by Party claiming Compensation that a Jury be summoned.

LXXX. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, taken for said Road, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Trustees of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Trustees be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall issue their Warrant to the Sheriff to summon a Jury accordingly in the Manner herein mentioned.

Warrant for summoning Jury to be addressed to the Sheriff.

LXXXI. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury the Trustees shall issue their Warrant to the Sheriff, under the Hands of Three or more of the said Trustees, requiring him to summon a Jury for that Purpose; and if such Sheriff be interested in the Matter in dispute such Application shall be made to some Coroner of the County in which the Lands in question, or some Part thereof, shall be situate.

Provisions applicable to Sheriff to apply to Coroner.

LXXXII. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term "Sheriff" is used, the Provisions applicable thereto shall be held

held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff such Sheriff shall, immediately on receiving Notice of the Delivery of the Warrant, deliver over, on Application for that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book and Special Jurors List belonging to the County where the Lands in question shall be situate.

Summoning of Jurymen.

LXXXIII. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose.

Impannelling of Jury.

LXXXIV. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the Bystanders, or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Notice of Inquiry.

LXXXV. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Trustees to the other Party.

Sheriff to preside; Witnesses to be summoned.

LXXXVI. And be it enacted, That the Sheriff shall preside on the said Inquiry, and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and if either Party so request, in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and, on the like Request, the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Superior Courts.

Oath of Jurymen.

LXXXVII. And be it enacted, That, before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given, they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Verdict of Jury to be for Purchase of Lands and for Damage,

LXXXVIII. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the said Road, or of any Interest therein, belonging to the Party with whom such Questions of disputed Compensation shall

shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the Trustees. assessed separately.

LXXXIX. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands as shall have been heretofore rightfully purchased by the Trustees shall be first deducted. Value of Interests previously purchased to be deducted.

XC. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the County in which the Lands or any Part thereof shall be situate in respect of which such Purchase Money shall have been awarded; and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom, Sixpence. Verdict and Judgment to be recorded.

XCI. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Trustees, all the Costs of such Inquiry shall be borne by the Trustees; but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by the Trustees, one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the Trustees: Provided always, that in every Case where by reason of Absence in Foreign Parts, or of any Disability, the Owner of the Land shall have been prevented from treating with the Trustees, all the Costs shall be borne by the Trustees. Costs of the Inquiry.

XCII. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, and also the Expences of the Bond, if any, given by the Party at whose Instance the Inquiry shall have been taken, for prosecuting his Claim, and securing the Costs of such Inquiry; and with respect to any such Costs payable by the Trustees, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to any Justice he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands, or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of Particulars of the Costs.

the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Penalty on Sheriff and Jury for Default.

XCIII. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry, he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Juryman shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and in addition to the Penalty hereby imposed every such Jurymen shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on Witnesses making default.

XCIV. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Power to enter and take possession of Lands on Payment or Tender of Purchase Money.

XCV. And be it further enacted, That on Payment or legal Tender of such Sum or Sums of Money as shall have been agreed for between the Parties, or assessed by such Juries as aforesaid, for the Purchase of any such Lands, within One Calendar Month after the same shall have been so agreed for or awarded, and in case of Refusal to accept same, or Disability or Incapacity, as herein mentioned, upon Payment of same into the Bank of *Ireland*, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Trustees and their Servants to enter immediately on the said Lands, and the same shall thenceforth be vested in and become the sole Property of the said Trustees, to and for the Purposes of this Act for ever, freed and discharged, not only from all Right, Title, Claim, Interest, or Demand of the Person or Persons from whom the same shall have been purchased, but also from the Dower of the Wife of any such Person, and all Estates Tail and other Estates, or Reversion or Remainder, of his, her, or their Issue, and of every other Person whomsoever therein, and shall be discharged from all Incumbrances affecting same.

Trustees may divert, widen, or alter the Road.

XCVI. And be it enacted, That it shall be lawful for the said Trustees, from Time to Time, as they shall think proper, to divert, widen, or alter the said Road; and that any Variation of the Road may be made of any Width, not exceeding Forty-two Feet between the Fences, through any Common or Waste Ground, without making any Satisfaction for the same, or through any private or inclosed Lands, first making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may sustain, and for that Purpose it

it shall be lawful for the said Trustees, or for their Clerk, or any other Person by them duly authorized for that Purpose, to agree with the Owners of any Lands for the Purchase thereof, or for the Loss or Damage such Owners may sustain by diverting, widening, or altering the said Road through such Lands; and the said Lands so purchased, or any Part thereof, may be laid into and made Part of the said Road, in such Manner as the said Trustees shall direct, and shall be drained, ditched, and fenced out for that Purpose; and after the said Lands shall be so drained, ditched, and fenced out the same shall be a public and common Highway, and be Part of the Road to be repaired, altered, widened, or improved, by such Ways and Means and in such Manner as the old Road was and ought to have been amended, repaired, altered, widened, or improved.

Trustees may apply to Grand Jury to divert, widen, or alter the Road.

XCVII. And be it enacted, That it shall be lawful for the said Trustees to give Notice Three several Times in One of the Newspapers circulated in the *Queen's County*, and in the *Dublin Gazette*, that Application is intended to be made at the ensuing Assizes to be held for the *Queen's County*, to the Grand Jury, for a Presentment to amend, repair, alter, widen, or improve the said Road, and upon such Notices being given the Grand Jury of the *Queen's County* shall and they are hereby empowered, at such Assizes, without any previous Application to any Presentment Sessions, to present any Sum of Money to the said Trustees, and it shall then be lawful for the Owner of any Lands proposed to be taken for the Purpose of the said Road to traverse the same for Damages only at such Assizes as aforesaid, and such Traverse shall be tried at the same Assizes in the same Manner as other Traverses for Damages are now by Law directed to be tried, and the Jury impannelled to try the same shall find the Damages (if any) accruing to the Traverser, and upon the Damages so found being paid to the Traverser, or deposited with the Treasurer of the *Queen's County* for the Use of the Traverser, it shall be lawful for the Trustees to proceed in the Execution of the Presentment without Interruption of any Person whomsoever; and it shall be lawful for such Grand Jury to present such Sum of Money so found as Damages to be raised off the said County, to which Presentment no Traverse shall be allowed or received.

Sufficient Ditches, &c. to be made by the Occupiers of Lands, for keeping the Roads dry.

XCVIII. And be it enacted, That Ditches, Drains, or Watercourses, of a sufficient Depth and Breadth for conveying the Water from the Road into the adjoining Lands, shall be made or diverted, scoured, and kept open, and sufficient Trunks, Tunnels, or Bridges shall be made and laid where any Carriageways or Footways lead out of the said Road into such Lands, by the Owner or Occupier thereof.

In default of the Party liable, the Trustees to execute Works, and recover over.

XCIX. And whereas many Works, Acts, and Things are required by this Act to be done by the Owners and Occupiers of Houses, Buildings, or Land, and other Persons, for the Improvement of the said Road, and for other Purposes herein mentioned; and it is necessary to provide for the Execution of all such Works, Acts, or Things, in case the same shall not be done by the Persons required to do the same; be it enacted, That wherever any such Work, Act, or

or Thing shall not be done by the Owner or Occupier or other Person required to do the same by the Provisions of this Act, in the Manner or at the Time prescribed by this Act, or by any Notice given by the Trustees for that Purpose in pursuance of this Act, or if no Time shall be prescribed, within a reasonable Time, it shall be lawful for the Trustees to cause such Work, Act, or Thing to be done; and Expences which shall be incurred by the Trustees in respect of such Work, Act, or Thing shall be repaid to them by the Owner, Occupier, or other Person by whom the same ought to have been done.

Trustees not to deviate more than 100 Yards from Plan, without Consent.

C. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, in amending, repairing, altering, widening, or improving the said Road, to deviate more than One hundred Yards from the Line in which the said Road now runs, or may hereafter be made, in pursuance of Grand Jury Presentments of the said *Queen's County*, or otherwise, without the Consent in Writing of the Person through whose Lands or Premises such Road shall be made.

When any new Road shall be made, the old Road shall belong to the Owner of the adjoining Land.

CI. Provided always, and be it enacted, That whenever the Course of any Part of the said Road shall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, such old Road shall become the Property of and be vested in the Owners of the adjoining Lands, according to their Rights and Interests in such Lands, (that is to say,) one Moiety in such Owners on one Side, and the other Moiety in such Owners on the other Side of such old Road as aforesaid.

Certain Property not to be taken without Consent.

CII. Provided always, and be it further enacted, That nothing herein contained shall extend so as to enable the Trustees to take, use, injure, or damage any Dwelling House or other Building, built of Stone and Mortar, or Brick and Mortar, of the Value of One hundred Pounds, or any Garden, Orchard, Yard, Park, Paddock, or other Field or Place, so as that the Wall of the said Field or Place be of the Height of Twelve Feet or more, and made with Lime Mortar, and Brick or Stone; or any planted Walk or Avenue to a House, without the Consent of the Owners thereof.

Power to get Materials from any River or Brook, or from any Common or WasteLands, without Expence, filling up the Pits, &c.

CIII. And be it further enacted, That it shall be lawful for the Surveyor to the Trustees, and such Persons as he shall appoint, to search for, dig, and carry away any Materials for making or repairing the said Road,

Out of any Waste Lands, River, or Brook, (not being within Fifty Yards of any Bridge, Dam, Weir, or Jetty,) the said Surveyor or other Person filling up the Pits, or levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits so that the same shall not be dangerous to any Person or Cattle, and paying or tendering for the Damage done by going through any inclosed Lands or Grounds for or with such Materials such Damages to be ascertained as herein-after mentioned;

And also in or out of the Land of any Person where the same may be found, in any Parish or Place in which any Part of the

said Road shall be, or in any adjoining Parish or Place, (not being a Garden, Yard, Park, Paddock, planted Walk or Avenue to any House, or Piece of Ground planted and set apart as a Nursery for Trees,) making or tendering such Satisfaction for such Materials, and for the Damage done, to the Owners or Occupiers of the Lands where the same shall be dug and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable.

Surveyor may land on or carry through inclosed Lands any Stone, &c. for repairing Roads.

CIV. And be it enacted, That it shall be lawful for the Surveyor to the Trustees to land on and carry through or over any inclosed Lands or Grounds (not being a Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees,) any Stone or other Materials for making or repairing the said Road, or for building or repairing any Toll House on or by the Sides thereof, from any River, Stream, or Canal in any Parish, Townland, or Place in which the said Road lies, or in any adjoining Parish, Townland, or Place, paying or tendering for the Damage done in landing on or going through or over any inclosed Lands or Grounds for or with such Materials such Sum or Sums of Money as the Trustees shall judge reasonable.

Any Difference as to Damages may be settled by Two Justices.

CV. And be it enacted, That in case of any Difference between the said Trustees, or their Surveyors or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County, Townland, or Place wherein the Place from whence such Materials shall have been taken shall be situate, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining the same.

Notice to be given before Materials are taken from Lands, and Two Justices may decide thereon.

CVI. Provided always, and be it enacted, That it shall not be lawful for any Person acting under the Authority of this Act to dig, get, or carry away any Materials for making or repairing the said Road, or for other such Purpose as aforesaid, from any inclosed Land, until Notice in Writing, signed by the Surveyor, shall have been given to the Owner and Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting for the County or Place where the Lands from whence such Materials are intended to be taken shall be, to show Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, Lessee, or Occupier shall not attend, pursuant to such Notice, or shall not show sufficient Cause to the contrary, such Justices may authorize such Surveyor or other Person to dig and carry away such Materials at such Time or Times as to such Justices shall seem proper.

If Gravel Holes are made in get-

CVII. And be it enacted, That if the Surveyor of the said Road, or any Person employed by him, shall, by reason of the searching for or

ting Materials, Surveyor shall cause them to be fenced off.

or getting any Gravel, Sand, Stone, Clay, or other Materials for repairing the said Road, make or cause to be made any Pit or Hole in any Lands, Rivers, or Brooks as aforesaid, wherein such Materials shall be found, the said Surveyor shall forthwith cause the same to be sufficiently fenced off, and such Fence supported and repaired, during such Time as the said Pit or Hole shall continue open.

Regulations as to Pits or Holes.

CVIII. And be it enacted, That within Three Days after any Pit or Hole shall be opened or made, where no Gravel, Stones, or Materials shall be found, the said Surveyor shall cause the same to be forthwith filled up, levelled, and covered with the Turf or Clod which was dug out of the same; and the said Surveyor shall cause any Pit or Hole where any such Materials shall be found within Fourteen Days after having dug up sufficient Materials in such Pit or Hole, if the same is not likely to be further useful, to be filled up, sloped down, or fenced off, and so continued, and if the same is likely to be further useful the said Surveyor shall secure the same by Posts and Rails or other Fences, to prevent Accidents to Persons or Cattle.

Penalty for not filling up or fencing off, 20*s*.

Penalty for not fencing off, &c. in Six Days after receiving Notice.

CIX. And be it enacted, That in case any Surveyor shall neglect to fill up, slope down, or fence off any Pit or Hole in manner and within the Time aforesaid, he shall forfeit the Sum of Twenty Shillings for every such Default; and in case any Surveyor shall neglect to fence off any Pit or Hole, or to slope down the same, as hereinbefore directed, for the Space of Six Days after he shall have received Notice for either of those Purposes from any Justice of the Peace, or from the Owner, Lessee, or Occupier of the Ground thereof, he shall forfeit any Sum not exceeding Five Pounds for every such Neglect, to be applied in the fencing off, filling up, or sloping down such Pit or Hole in such Manner as the said Justice or Justices shall direct.

Power to contract for Lands to get Materials.

CX. Provided always, and be it enacted, That it shall and may be lawful for the said Trustees to contract and agree with any Person for the Purchase or Demise from him of and to hold any Land or Ground for the Purpose of digging Stones, Gravel, and Materials therefrom for the Repair or Use of the said Road; nevertheless, the Power hereby given to the Trustees to enter into any such Contract or Agreement as last aforesaid shall not extend so as to authorize them to hold any Lands after the Materials thereof have become exhausted.

Penalty on taking away Materials before Surveyor has discontinued digging for them.

CXI. And be it enacted, That if any Person, other than the Owner or Occupier of any Quarry, or other Person authorized by such Owner or Occupier, for his private Use, shall take away any Materials which shall have been gotten for the Repair or Use of the said Road, or any Materials out of any Quarry which shall have been made or opened for the Purpose of getting Materials for the said Road, before the Surveyor of said Road, and the Workmen employed for getting such Materials, shall have discontinued working therein for the Space of Six Weeks, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Repositories for Materials to be provided.

CXII. And be it enacted, That it shall be lawful for the said Trustees to purchase or rent any Piece or Pieces of Land or Ground, not exceeding in any One Place Six Yards square, on the Sides of the said Road, as Repositories for Stone, Gravel, and other Materials for making or repairing the same.

Occupiers to recover against Owners in certain Cases.

CXIII. And be it enacted, That in all Cases where any such Work, Act or Thing, is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, (without designating by which of the said Parties the same ought to be done,) and the Occupier of such House, Building, or Land shall be the Tenant of the same at a Rent amounting to or exceeding Three Fourths of the net annual Value thereof, the Expences which shall be incurred by or recovered from the Occupier in respect of such Work, Act or Thing, shall be repaid to such Occupier by the Owner of the House, Building, or Land; and the Owner shall allow such Occupier the Amount of all such Expences out of the Rent from Time to Time becoming due to him, as if the same had been actually paid to him as Part of such Rent.

Adjustment between Owners and Occupiers.

CXIV. And be it enacted, That in all Cases, except as hereinbefore mentioned, where any Work, Act or Thing, is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, (without designating as aforesaid,) the Expences which shall be incurred by or be recovered from any such Owner or Occupier in respect of such Work, Act or Thing, shall be divided between the Owner and the Occupier in the Proportion of the Value of their respective Interests in such House, Building, or Land; and in estimating the Value of such Interest the Owner shall be deemed to be entitled to such House, Building, or Land in Fee Simple, subject only to the Term or Interest of the Occupier therein; and if any such Owner or Occupier shall voluntarily or by Compulsion pay more than his Share of the Expences, estimated as aforesaid, of any such Work, Act or Thing, the Excess shall be repaid to him by the Occupier or Owner, as the Case may be; and if the same be not so paid, on Demand, or if the Amount of the same shall be disputed, such Excess shall be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is contained in this Act are directed to be ascertained and recovered; and if such Excess shall be payable by the Owner, he shall allow the same, or so much thereof as shall not be repaid by him, to the Occupier, out of the Rent from Time to Time due or becoming due to him, as if the same had been actually paid to him as Part of such Rent.

The Property of Toll Houses, &c. vested in Trustees.

CXV. And be it enacted, That the Toll Gates and Toll Houses, Weighing Machines, and other Erections and Buildings, Lamps, Bars, Toll Boards, Direction Boards, Milestones, Posts, Rails, Fences, and other Things erected and provided for making the said Road, with the several Conveniences and Appurtenances thereunto respectively belonging, and all Materials, Tools, and Implements which shall be provided for repairing the said Road, and the Scrapings of the said Road, shall be the Property of and are hereby vested in the Trustees,

and the Trustees shall have full Power to sell and dispose of, for the Purposes of this Act, any of the said Articles and Things, as they shall think proper.

Power to erect Gates, Toll Houses, &c.

CXVI. And be it enacted, That it shall be lawful for the said Trustees from Time to Time to cause to be set up or built, in or across the said Road or on the Sides thereof, any Toll Gate, Bar, or Chain, in addition to those already erected on the said Road, and also to build, purchase, or provide such Toll Houses, with Outhouses and Conveniences suitable thereto, and Garden or Ground for the same respectively, not exceeding One Eighth Part of a Statute Acre for each, as they shall think necessary, and from Time to Time remove or alter or discontinue the same, or any of them, as the said Trustees shall think proper.

Power to take Tolls.

CXVII. And be it enacted, That it shall be lawful for the Trustees to demand and take any Tolls, not exceeding the Tolls mentioned in the Schedule hereunto annexed, as they the said Trustees shall from Time to Time appoint, at the several and respective Toll Gates, Side Bars, or Chains, standing or being on, across, or on the Side or Sides of the said Road, on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

Exemptions from Tolls.

CXVIII. And be it enacted, That no Toll shall be demanded or taken by virtue of this Act on the said Road for or in respect of the following Particulars, or from the Persons following; (that is to say,)

For any Horse or Carriage attending Her Majesty or any of the Royal Family, or returning therefrom; or

For any Carriage employed in carrying, or going empty to carry, or returning empty from carrying, having been employed only in carrying, on the same Day, any Material for making or repairing the said Road, or for building, rebuilding, or repairing any Bridge or Toll House on the said Road:

From the Surveyor of the said Road when engaged in executing or proceeding to execute the Powers of this Act:

For any Horse or other Beast employed in Husbandry, going to or returning from Plough or Harrow, Pasture or Watering Place, or going to be or returning from being shoed or farried, such Horse or other Beast going or returning on these Occasions not more than Two Miles on the said Road:

For the Horse of any Officer or Soldier in Her Majesty's Service on their March or on Duty:

For any Horse or other Beast, or any Cart, Carriage, or Waggon, employed in carrying, or returning empty from carrying, having been employed only in carrying, any sick, wounded, or disabled Officers or Soldiers:

For any Waggon, Cart, or other Carriage whatsoever, or the Horse or other Cattle drawing the same, employed in conveying any Ordnance or Barrack or Commissariat or other public Stores of or belonging to Her Majesty, or for the Use of Her Majesty's Forces, or returning empty from having been so employed:

For any Carriage containing Volunteer Infantry, or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other public Duty, provided such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption.

Penalty not exceeding 5*l.* on fraudulently taking the Benefit of Exemption.

CXIX. And be it enacted, That if any Person shall fraudulently or collusively claim or take the Benefit of any Exemption from Toll in this Act contained he shall for every such Offence forfeit any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Collectors to give Tickets denoting Payment.

CXX. And be it enacted, That upon Payment of the said Tolls the Collector thereof shall deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment.

Contents of Tickets.

CXXI. And be it enacted, That every such Note or Ticket shall be provided by the said Trustees, and shall specify the Names of the Gates (if any) which shall be freed by such Payment.

Fraction of a Halfpenny in Tolls.

CXXII. And be it enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Only One Toll to be payable on the Roads.

CXXIII. And be it enacted, That, except as herein-after mentioned, no more than One Toll shall be taken for passing and repassing once only in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all the Toll Gates erected or to be erected or continued on the said Road.

Persons having paid Toll to return Toll-free.

CXXIV. And be it enacted, That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned), in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar on the said Road or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate or Toll Bar, and in going and returning through such other Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Extra Weight to pay Double Toll between 1st November and 1st April.

CXXV. And be it enacted, That between the First Day of *November* in any Year and the First Day of *April* in the next succeeding Year it shall be lawful for the said Trustees to demand at each Toll Gate Double the Toll hereby payable for every Horse, Mule, Ass, or other Beast of Draught drawing any Waggon or other Carriage

Carriage the Weight of which and of the Loading thereof shall exceed Two Tons.

Horses, &c. travelling for Hire to pay each Time of passing.

CXXVI. Provided always, and be it enacted, That such Toll as is hereby imposed shall be payable for and in respect of all Horses and other Beasts travelling for Hire drawing any Post Chaise or other Carriage for every Time of passing or repassing along the said Road on the same Day, as often as a fresh Hiring shall take place; and the Tolls hereby made payable shall be paid for and in respect of Horses and Beasts drawing any Coach, Jaunting Car, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, for every Time of passing or repassing along the said Road; and for and in respect of Horses and Beasts drawing any Waggon, Wain, Dray, Cart, Car, or other such Carriage, for every Time of passing or repassing along the said Road with fresh or other Loading.

Trustees may reduce Tolls, and afterwards advance them.

CXXVII. And be it enacted, That the Trustees shall not reduce or advance the Tolls from Time to Time to be taken by virtue of this Act, except at a Meeting to be held for that Purpose (of which One Calendar Month's Notice shall be given in Writing to be affixed on all the Turnpike Gates which shall be then erected upon the said Road, and in some public Newspaper circulated in the said County of *Carlow*), nor shall the same be reduced below the Amount collected at the several Gates on the said Road at the Period of the passing of this Act, without the Consent of the Majority of the Persons entitled to the Money remaining due upon the Security of the said Tolls.

Collectors may stop and measure Wheels of Carriages.

CXXVIII. And be it further enacted, That it shall be lawful for every Collector, at any Pay Gate on the said Road or on the Side thereof, to detain any Waggon, Cart, or other Carriage the Toll in respect of which shall be payable according to the Breadth of the Sole or Shoeing of the Wheels, and to measure the same; and if any Person shall not permit such Collector to detain or measure the Shoeing of any Wheel of any such Waggon, Cart, or Carriage, he shall forfeit any Sum not exceeding Twenty Shillings for every such Offence.

Proceedings for Recovery of Tolls.

CXXIX. And be it enacted, That if any Person liable to the Payment of any Toll under this Act shall, after Demand thereof made, refuse to pay the same, it shall be lawful for the Person authorized to collect such Tolls, by himself or taking such Assistance as he shall think necessary, to seize and distrain any Animal in respect of which any such Tolls are imposed, together with the Bridle, Saddle, Harness, or Accoutrements of such Animal, (but no such Bridle shall be seized without the Animal,) or any Carriage, in respect of the Animal drawing the Carriage on which such Toll is imposed, or of any of the Goods or Chattels of the Person so refusing to pay; and if the Toll so refused to be paid, and the reasonable Charges of such Distress, shall not be paid within the Space of Four Days next after such Distress made, the Person distraining may sell the Animal, Carriage, or Things so distrained, or a sufficient Part thereof, returning the Overplus

If Toll and Charges be not paid in Four Days, Distress may be sold.

Overplus of the Money to arise by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Distress and Sale, shall be deducted.

A Toll to be paid on each Division of the Roads.

CXXX. And whereas it was by the said Act provided, that no more than One Toll should be taken in any One Day for or in respect of the same Carriage or Animal passing and repassing with the same Passenger or Loading through any Gate or Turnpike erected or to be erected on the said Roads leading from *Athy* to *Castlecomer*, and from *Castlecomer* to *Leighlin Bridge* and *Carlow*, and that no more than One Toll should be taken in any One Day for or in respect of the same Carriage or Animal passing and repassing with the same Passenger or Loading through any Gate or Turnpike erected or to be erected on the said Road from *Castlecomer* to *Kilkenny*: And whereas it is not just and reasonable that the Payment of Toll on one Division of the said Roads should operate as an Exemption on the other, the several Divisions constituting in effect separate and distinct Trusts; be it therefore enacted, That from and after the passing of this Act no Person passing, with any Carriage or Animal liable to Toll, through any Gate or Bar on any Road or Part of a Road comprised within the First Division of the Road mentioned in the said recited Act as defined therein, shall, any thing in the said Act contained to the contrary hereof notwithstanding, be exempted from the Payment of such Toll by reason only of having paid, and producing a Ticket showing such Payment, on passing through any Gate or Bar on that Part of the Road comprised within the Second Division of the Road mentioned in the said recited Act, such Second Division of the said Road being the Road proposed to be maintained, improved, and repaired under this Act; and that no Person passing, with any Carriage or Animal liable to Toll, through any Gate or Bar on the Road proposed to be maintained, improved, and repaired under this Act, being the same described in the said recited Act as the Second Division of the Road mentioned therein, shall be exempted from the Payment of Toll by reason only of having paid Toll, and producing a Ticket showing such Payment, on passing through any Gate or Bar on that Part of the Road comprised within the First Division of the Road mentioned in the said Act, or any other Road whatsoever.

For settling Disputes as to Amount of Tolls chargeable.

CXXXI. And be it enacted, That if any Dispute arise concerning the Amount of the Tolls due to the Trustees, or concerning the Charges occasioned by any Distress levied with reference thereto, the Collector or Person distraining may detain the Goods distrained, or (if the Case so require) the Proceeds of the Sale thereof, until the Amount of the Tolls due, or until such Tolls, and the Amount of the Costs of such Distress, have been ascertained by some Justice; and upon Application made to any Two or more Justices for that Purpose they shall examine the Matter upon Oath of the Parties or Witnesses, and determine the Amount of the Tolls due, and also the Amount of the Costs; and it shall be lawful for such Justices to award such Costs to be paid by either of the Parties to the other of them as they shall think reasonable; and if,

on Demand thereof, such Costs be not paid by the Party ordered to pay the same, they shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Penalty not exceeding 5*l.* for evading Tolls.

CXXXII. And be it enacted, That every Person who for the Purpose of evading Payment of Tolls shall commit any of the following Offences shall be liable to a Penalty not exceeding Five Pounds for every such Offence:

Every Person, with any Carriage or Animal liable to the Payment of Toll, who shall pass from the said Road into any Land near thereto:

Every Person or Occupier of such Land who shall knowingly permit any such Person as aforesaid to pass into such Land:

Every Person who shall forge any Note or Ticket denoted to be given, or utter any such Note or Ticket, knowing the same to be forged:

Every Person who shall give to any Person any Note or Ticket, or receive such Note or Ticket from any other Person than a Collector of such Tolls:

Every Person who shall fraudulently or forcibly pass through any Toll Gate with any such Carriage or Animal, or shall leave the same upon the Road, or shall take off or cause to be taken off any such Animal from any Carriage:

Every Person who shall do any other Act whatever in order or with Intent to evade the Payment of the Tolls, and whereby the same shall be evaded.

Lists of Tolls to be exhibited on a Board.

CXXXIII. And be it enacted, That a List of all the Tolls authorized by this Act to be taken, and which shall be exacted by the Trustees, shall be published by the same being painted upon One Toll Board or more in distinct Black Letters on a White Ground, or White Letters on a Black Ground, and by such Board being exhibited in some conspicuous Place on the Toll Gates or Toll Houses or Places where such Tolls shall be payable.

Tolls to be taken only whilst Toll Board exhibited.

CXXXIV. And be it enacted, That no Tolls shall be demanded or taken by the Trustees during any Time at which the Boards hereinbefore directed to be exhibited shall not be so exhibited; and if any Person shall wilfully pull down, deface, or destroy any such Board he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Regulations as to Toll Collectors.

CXXXV. And with respect to the Collectors of such Tolls, be it enacted, That every such Toll Collector shall place in the Front or on some other conspicuous Part of the Toll House or other Building where he shall be on Duty his Christian and Surname in legible Characters; and each of the Letters of such Names shall be at least Two Inches in Height, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and he shall continue the same so placed during the whole Time he is upon Duty.

CXXXVI. And

Penalties on Toll Collectors.

CXXXVI. And be it enacted, That every such Collector who shall commit any of the following Offences shall forfeit a Sum not exceeding Five Pounds for each such Offence; (that is to say,)

If he do not place such Board, and keep the same in its Place during the whole Time he is on Duty:

If he either refuse to permit any Person to read, or in any way hinder any Person from reading, the Inscription on such Board:

If he refuse to tell his Christian Name and Surname to any Person demanding the same who shall have paid or tendered the Tolls demanded of him, or if he give a false Name to any such Person:

If he demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, and of the Orders of the Trustees made in pursuance thereof:

If, upon the legal Toll being paid or tendered, he do unnecessarily detain or wilfully hinder any Carriage or any Person from passing upon the said Road:

If he make use of any scurrilous or abusive Language to any Passenger upon or to any Person lawfully using the said Road.

Toll Collectors to be liable for wrongful Detention of Goods.

CXXXVII. And be it enacted, That if at any Time it be made to appear to any Justice, upon the Complaint of the Trustees, that any such Detention, weighing, or measuring of any Carriage or Goods as herein-before mentioned was without reasonable Ground, or that it was vexatious on the Part of such Collector, then the Collector shall himself pay the Costs of such Detention and Measuring, and the Damage occasioned thereby, and in default of immediate Payment of any such Costs or Damage the same may be recovered by Distress of the Goods of such Collector, and such Justice shall issue his Warrant accordingly.

Delivery of Matters in Possession or Custody of Toll Collector at Removal.

CXXXVIII. And be it enacted, That if any such Collector of Tolls be discharged or suspended from his Office, or die, abscond, or absent himself, and if such Collector so discharged or suspended, or the Wife, Widow, or any of the Family or Representatives of any such Collector so discharged or suspended, or who shall have died, absconded, or absented himself, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the Trustees, or to any Person appointed by them for that Purpose, any Toll House, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the Trustees, in the Possession or Custody of any such Collector at the Occurrence of any such Event as aforesaid, in right of his Appointment as Toll Collector, then, upon Application being made by the Trustees to any Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the Trustees, or any Person appointed by them for that Purpose.

CXXXIX. And

On Death of Collector, Trustees may nominate another till next Meeting.

CXXXIX. And be it enacted, That it shall be lawful for any Two of the Trustees of the said Road, upon the Death of any Collector, to appoint some other fit Person in his Place until the next Meeting of the Trustees of the said Road, and the Person so appointed shall have the like Power and Authority, and be accountable in the same Manner in all respects, as the Person so dying had or would have been if living.

Power given to erect Weigh-houses.

CXL. And be it enacted, That it shall be lawful for the Trustees to cause to be erected, on any Part of the said Road near to any Toll Gate thereon, Weigh-houses, with the necessary Apparatus for weighing all Waggons, Carts, and other Carriages, with their Lading.

Power to lease the Tolls.

CXLI. And be it enacted, That it shall be lawful for the Trustees, from Time to Time, by Lease, to take effect in possession within Three Months from the letting thereof, to let such Tolls, or any Part thereof, upon the Whole or any Part of the said Road, to any Party, for any Period not exceeding Three Years from the Commencement of any such Lease: Provided always, that no such Letting shall take place unless public Notice of the Intention to let the Tolls, or the Part thereof intended to be let, shall have been given by the Trustees by Advertisement in a Newspaper at least Fourteen Days prior to the Meeting of the Trustees at which it shall be intended to let the Tolls.

Mode of receiving Biddings.

CXLII. And be it enacted, That every Auction for the letting of the Tolls shall be conducted in the following Manner; that is to say, the Trustees are hereby required to provide a Glass, with so much Sand in it as will run from one End of it to the other in One Minute, which Glass at the Time of letting such Tolls shall be set upon a Table, and immediately after every Bidding the Glass shall be turned, and as soon as the Sand is run out it shall be turned again, and so for Three Times, unless some other Bidding intervenes, and if no Person shall bid until the Sand shall have run through the Glass Three Times the last Bidder shall be the Farmer of the said Tolls.

Agreement for a Lease of the Tolls.

CXLIII. And be it enacted, That such Farmer shall forthwith enter into a proper Bond or Agreement, duly stamped, for the taking thereof, and paying the Money at the Times specified in such Notice, with such Surety or Sureties for Payment thereof, and under such Conditions, and in such Manner, as the said Trustees shall think fit; and every such Bond or Agreement shall contain a Clause enabling the said Trustees, in every Case where the Terms of such Bond or Agreement shall not be fulfilled, or where the Rent or Sum of Money to be paid at the Commencement of any One Month shall not be paid at the Time when the same shall become due, but shall remain unpaid for Three Days after the same shall become due, if they shall think fit, to declare the said Agreement void, or the Penalty in the said Bond forfeited, and to re-enter and take possession of any Toll Gate, Bar, or Toll House, and the Tolls there collected, and to re-let the same in manner herein-before directed, or to appoint a Collector or other fit and proper Person

to collect and receive the same, and to put out and remove the Person or Persons so failing in their Agreement; and if the Person being the last Bidder shall not forthwith enter into such Bond or Agreement, it shall be lawful to put up the said Tolls again immediately for another Bidder, and in like Manner to continue putting up the same until a Bidder shall be found who shall enter into such Bond or Agreement.

If Tolls be not let at such Auction, a private Tender may be accepted.

CXLIV. And be it enacted, That in case no Bidder shall offer, or in case the same shall not be let at such Auction, it shall be lawful for the said Trustees to accept a private Tender for the same, and to let to farm, or agree to let to farm, all or any of the said Tolls, at any Sum not less than the Sum at or for which they shall have been last let; or the said Trustees may appoint a Collector of such Tolls, or fix some future Day for the letting thereof, as they shall judge most proper, upon giving such Notice thereof as aforesaid, and may in that Case put them up at such Sum as they shall think fit.

Penalty on Farmer or Renter taking more or less than the authorized Toll, 5*l.*

Limiting Leases to Three Years.

CXLV. And be it enacted, That if the Person who shall be the Farmer or Collector of such Tolls shall take a greater or less Toll from any Person than what is authorized or directed by this Act, he shall for every such Offence forfeit the Sum of Five Pounds, and the said Agreement for renting the Tolls shall, if the said Trustees shall think fit to vacate the same, become null and void: Provided always, that at all such Lettings the said Trustees shall be entitled to bid for the Tolls so to be let, either by themselves or their Clerk or Treasurer, or any other Person by them respectively authorized: Provided also, that no such Tolls shall be leased for any longer Term than Three Years at any One Time.

Lessees to be deemed Collectors.

CXLVI. And be it enacted, That during the Continuance of any such Lease the respective Lessees named therein, and also all Persons appointed by them to collect the Tolls so let, shall be deemed Collectors of the Tolls so let; and they shall have the same Powers to collect and recover such Tolls, and be subject to the same Rules, Duties, and Penalties in reference thereto, as if they had been appointed for that Purpose by the Trustees.

Application of Tolls.

CXLVII. And be it further enacted, That the said Tolls shall be, and they are hereby declared to be, vested in the said respective Trustees and their Successors for the Purposes of this Act; and the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act shall, in the first place, be paid and advanced out of any Monies received or collected or to be received or collected upon the said Road, and the Remainder of the Monies received or collected on the said Road shall be applied and disposed of by the said Trustees in making, maintaining, repairing, and supporting the said Road, and in paying the several Sums due and owing on the Credit of the Tolls collected on the said Road, and the Interest thereof, and in otherwise carrying this Act into execution.

For removing and preventing Annoyances.

CXLVIII. And be it enacted, That it shall be lawful for the Surveyor of the said Road, and he is hereby required, to remove and prevent all Annoyances on every Part of the said Road, by Filth, Ashes, Rubbish, or any other Matter or Thing whatsoever being laid upon the said Road, or upon any Waste Land within Eighty 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 Twelve Hours after Notice in Writing signed by the said 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 the Charges of removing any such Annoyances (to be settled by any One or more Justices of the Peace) shall be reimbursed to the said Surveyor by such Owner.

Owners of adjoining Lands to cut the Hedges and Branches of Trees obstructing the Roads.

CXLIX. And be it enacted, That the Owners or Occupiers of the Land next adjoining to each Side of the said Road shall cut, prune, and trim their Hedges to the Height of Six Feet from the Surface of the Ground, and also cut down, prune, or lop the Branches of Trees, Bushes, and Shrubs growing in or near such Hedges or other Fences adjacent thereto, such Fences, Trees, Bushes, or Shrubs not being in any Garden, Orchard, Plantation, Walk, or Avenue to a House, nor any Tree, Bush, or Shrub being an Ornament or Shelter to a House, unless the same shall hang over the Road in such a Manner as to impede or damage any Carriage or Person travelling thereon, and that the Sun and Wind may not be excluded from the said Road to the Damage thereof.

Limiting Time for cutting or pruning Hedges.

CL. Provided always, and be it enacted, That no Person shall be compelled, nor any Surveyor permitted, by virtue of this Act, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*.

Penalty on Persons making Encroachments on the Road, &c.

CLI. And be it enacted, That every Person who shall be guilty of any of the following Offences shall be liable to a Penalty of Two Pounds for every such Offence:

Every Person who shall make or cause to be made any Dwelling House or other Building, or any Wall or Hedge or other Fence, on or at the Sides of the said Road, in such Manner as to reduce the Breadth or confine the Limits thereof:

Every Person who shall fill up or obstruct any Ditch at the Side thereof:

Every Person who shall make any Drain, Gutter, Sink, or Watercourse across or otherwise break up or injure the Surface of the said Road:

Every Person who shall plough, harrow, or break up the Soil of any Land, or in ploughing or harrowing the adjacent Lands shall turn his or their Plough or Harrow upon any Land within the Distance of Twenty-five Feet from the Centre of the Road.

Trustees to take down such Encroachments.

CLII. And be it enacted, That it shall be lawful for the said Trustees to cause any such Dwelling House or other Building, Wall, Hedge, or Fence, Drain, Sink, Watercourse, Gutter, or other Encroach-

Encroachment as aforesaid, to be taken down or filled up, opened or cleansed, as the Case may be, at the Expence of the Person or Persons to whom the same shall belong.

Milestones to be erected.

CLIII. And be it enacted, That the said Trustees shall cause Stones or Posts to be set up and maintained along the Sides of the said Road at the Distance of One Mile from each other, denoting the Distance of every such Stone from any Town or Place, and if any Person shall wilfully damage any such Stones, or shall obliterate, spoil, or destroy the same, and be thereof convicted before any Justice of the Peace, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Penalty on Persons committing Nuisances by riding on Footpaths or damaging the Bridges;

CLIV. And be it enacted, That every Person who shall commit any of the following Offences shall be liable to a Penalty of One Pound for every such Offence:

Every Person who shall ride upon any Footpath by the Side of the said Road, or shall lead, ride, or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description, or any Wheelbarrow, Truck, or Sledge, or any single Wheel of any Waggon, Cart, or Carriage, apart therefrom, upon any such Footpath, or cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof:

Every Person who shall wilfully pull down or damage any Bridge, Wall, or any other Building or Erection made by the Trustees, or repairable by them:

Every Person who shall haul or draw upon the said Road any Timber, Stone, or other Thing otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in part upon wheeled Carriages to drag or trail upon the said Road to the Prejudice thereof:

Every Person who shall use any Tipstick, Joggle, or other Instrument for the Purpose of retarding the Descent of any Cart or other Carriage down any Hill, in such Manner as to destroy, injure, or disturb the Surface of the said Road:

Every Person who shall, in or upon the said Road, or by the Side thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle:

Every Person who, in driving any Horse or other Beast on the said Road, carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, Matter or Thing, so that the same shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as the same shall not in any Manner obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage, travelling along the said Road:

Every Hawker or other Person travelling with any Machine, Cart, or other Carriage, with or without any Horse, Mule, or Ass, who shall pitch any Tent, Booth, Stall, or Stand, or encamp upon the Sides of the said Road:

Any

Any Blacksmith or other Person using a Forge situate near the said Road, and having a Door, Window, or Aperture fronting the said Road, who shall not within One Half Hour after Sunset every Evening close such Door, or fasten the Shutters of such Windows, so as effectually to prevent the Light from such Shop shining through such Doorway, Window, or Aperture into or upon the said Road:

Every Person who shall make any Fire commonly called Bonfire, or shall set fire to or wantonly let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, within Eighty Feet of the Centre of the said Road:

Every Person who shall bait, or run for the Purpose of baiting, any Bull, or play at Football, Tennis, Fives, Cricket, or any other Game, upon the said Road, or in an exposed Situation near thereto, to the Annoyance of any Passenger:

Every Person who shall leave any Waggon, Cart, or other Carriage on the said Road longer than may be necessary to load or unload the same, except in Cases of Accident, and in Cases of Accident for a longer Time than may be necessary to remove the same:

Every Person who shall not place any such Waggon or other Carriage during the Time of loading or unloading the same, or of taking Refreshment, as near to one Side of the Road as conveniently may be:

Every Person who shall lay any Timber, Stone, Hay, Straw, Soil, Ashes, Rubbish, or other Matter or Thing, upon said Road, or on the Footpaths adjoining thereto, to the Prejudice of such Road or Footpaths, or to the Annoyance, Interruption, or personal Danger of any Person travelling thereon:

Every Person who shall suffer any Water, Filth, Dirt, or other offensive Matter to flow into or upon the said Road or Footpaths, from any House, Building, or Lands adjacent thereto:

Every Person driving any Swine upon said Road who shall suffer such Swine to root up or damage such Road, or the Fences, Hedges, Banks, or Copse on either Side thereof respectively:

Every Person who, after having blocked or stopped any Cart, Waggon, or other Carriage in going up a Hill or rising Ground, shall suffer to remain on said Road the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped:

Every Person who shall pull down, damage, injure, or destroy any Lamp put up or placed in or near the Side of said Road, or any of the Toll Houses erected thereon, or shall extinguish the Light of any such Lamp.

What shall be deemed the Centre of the Road.

CLV. And whereas Doubts may arise as to what is to be deemed the Centre of the Road; be it therefore enacted, That where in this Act any Matter or Thing is directed or forbidden to be done within a certain Distance of the Centre of the Road that Portion of Ground shall be deemed to be the Road which has been maintained by the said Trustees as hard Road, and repaired with Stones or other Materials used in forming Roads, for Six Months immediately preceding any Offence committed against such Regulations, and the Centre

Centre of the Road shall be the Middle of such hard Road where, a Line being drawn along the Road or a Point marked, an equal Number of Feet of such hard Road shall be found on each Side of such Line.

CLVI. Provided always, and be it enacted, That nothing herein contained shall authorize any Person to make any Encroachment on any Waste Lands lying on the Side of the said Road, being Part of the Highway, and over which the Queen's Subjects have been accustomed to pass.

No Encroachment on the Waste Lands on Side of the said Road.

CLVII. And be it enacted, That all Doors, Gates, and Bars hereafter to be erected within the Limits of this Act, which shall lead to any House, Building, Yard, or Land, shall be constructed so as to open into or towards such House, Building, Yard, or Land; and if any such Door, Gate, or Bar shall be constructed so as to open in any other Manner it shall be lawful for the Trustees or their Surveyor to alter the same; and the Expences of such Alteration shall be paid to the Trustees by the Person causing such Door, Gate, or Bar to be constructed, and such Person shall in addition be liable to a Penalty not exceeding Forty Shillings.

Doors in future to be made to open inwards.

CLVIII. And be it enacted, That if any such Door, Gate, or Bar already erected shall have been so constructed as to open outwards towards or upon the said Road, it shall be lawful for the Trustees to alter the same, so that no Part thereof opening or when open shall project over the said Road.

Doors opening outwards to be altered by Trustees.

CLIX. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting to be held for that Purpose, on Ten Days previous Notice in Writing of such Meeting being affixed upon the Turnpike Gates on the said Road, from Time to Time, as they shall think fit, to order and direct that in all Cases where any Waggon or Cart shall descend any Hill on the said Road with either of the Wheels locked a Skid-pan or Slipper shall be used or placed at the Bottom of such Wheel during the whole Time of its being so locked, in such Manner as to prevent the said Road from being destroyed or injured by the locking of such Wheel; and that it shall and may be lawful for the said Trustees from Time to Time to repeal, alter, or renew such Order as they shall think necessary; and that whilst any such Order so to be made as aforesaid shall be in force every Person who shall act as the Driver of any Waggon or Cart down any Hill with either of the Wheels locked, and without using such Skid-pan or Slipper in manner aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings: Provided always, that a Copy of such Order shall be printed and affixed on all the Turnpike Gates on the said Road for Thirty Days at least before the same shall be in force.

Directing the Use of Skid Pans or Slippers.

CLX. And be it enacted, That no Person shall hereafter erect any Windmill within the Distance of One hundred Feet from any Part of the said Road, under the Penalty of Five Pounds for each Day such Windmill shall continue.

No Windmill within 100 Feet of the Road.

For Discovery of Offenders, Names of Owners to be painted on Waggons or other Carriages in the Manner herein mentioned.

CLXI. And for the better Discovery of Offenders, be it enacted, That the Owner of every Waggon, Cart, or other Carriage, let either in the whole or in part to Hire, shall cause to be painted in a straight Line, upon some conspicuous Part of such Waggon or Cart, or upon the Shafts thereof, and upon the Panels of the Doors of all Coaches, Post Chaises, or other Carriages, before the same shall be used upon the said Road, his Christian and Surname, and the Place of his Abode, or the Christian and Surname and Place of Abode of the principal Partner or Owner thereof, in large legible Letters not less than Half an Inch in Height, and continue the same thereupon so long as such Waggon, Cart, Coach, Post Chaise, or other Carriage shall be used upon the said Road; and the Owner of every Common Stage Waggon or Cart employed in travelling Stages from Town to Town shall, over and above his Christian and Surname, cause to be painted on the Part and in the Manner aforesaid the following Words "Common Stage Waggon" (or Cart, as the Case may be); and every Proprietor of any such Waggon, Cart, Coach, Post Chaise, or other Carriage as aforesaid, using the same upon the said Road without the Names and Descriptions painted thereon respectively as aforesaid, or who shall paint any false or fictitious Name or Place of Abode on such Waggon, Cart, Coach, Post Chaise, or other Carriage, shall, on being convicted thereof before any Justice of the Peace, forfeit and pay for every such Offence any Sum not exceeding Five Shillings.

Penalty on Drivers of Waggons or Carts, &c. for Misbehaviour.

CLXII. And whereas many Accidents happen, and great Mischiefs are frequently done, upon Streets and Highways being Turnpike Roads, by the Negligence or wilful Misbehaviour of Persons driving Carriages thereon; be it therefore enacted, That every Driver of any Waggon, Cart, or Carriage of any Kind, who shall commit any of the following Offences, shall, in case such Driver be the Owner thereof, be liable to a Penalty of Five Pounds, and if not the Owner thereof shall be liable to a Penalty of Two Pounds:

If he shall ride upon any such Waggon, Cart, or other Carriage on the said Road, not having some other Person on Foot or on Horseback to guide the same (such light Carts as are usually driven with Reins, and are then conducted by some Person holding the Reins of the Horse or Horses, not being more than Two, drawing the same, excepted):

If he shall, by Negligence or wilful Misbehaviour, cause any Hurt or Damage to any Person or Carriage passing or being upon said Road, or shall quit the Road and go on the other Side or the Hedge or Fence inclosing the same, or wilfully be at such Distance from such Carriage, or in such a Situation, whilst it shall be passing upon the said Road, that he cannot have the Direction or Government of the Horses or Cattle drawing the same:

If he shall drive or act as the Driver of any Coach, Post Chaise, or other Carriage let for Hire, or Waggon, Wain, or Cart, not having the Owner's Name painted thereon, or shall refuse to discover the true Christian and Surname of the Owner or principal Owners of such respective Carriage:

If in meeting any other Carriage he shall not keep his Carriage on the Left or near Side of the Road:

If he shall in any Manner wilfully prevent any other Person from passing him, or any Carriage under his Care, upon said Road, or by Negligence or Misbehaviour prevent or interrupt the free Passage of any Carriage, or of Her Majesty's Subjects, on the said Road.

Trustees may direct Prosecutions for Nuisances.

CLXIII. And be it enacted, That it shall be lawful for the said Trustees at a public Meeting to direct Prosecutions, by Indictment or otherwise, against the Offender, for any Nuisance or other Offence done or continued upon the said Road, or to recover any Penalty or Forfeiture incurred under the Provisions of this Act, at the Expence of the Revenues belonging to the said Road, to be allowed by the said Trustees at some subsequent Meeting.

Trustees may sue or be sued in the Name of their Treasurer or Clerk for the Time being.

CLXIV. And be it enacted, That it shall be lawful for the said Trustees to sue and be sued, for or concerning any thing to be done by virtue or in pursuance of this Act, in the Name of their Treasurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees in the Name of their Treasurer or Clerk shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, without the Consent of the said Trustees, but that the Treasurer or Clerk for the Time being to the said Trustees shall be deemed to be the Plaintiff or Defendant (as the Case may be) in every such Action: Provided always, that every such Treasurer or Clerk in whose Name any such Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully indemnified and paid, out of the Monies to arise by virtue of this Act, all such Costs, Damages, and Expences as by the event or in consequence of any such Action or Proceedings he shall pay, expend, or be put unto or become chargeable with by reason of his being made Plaintiff or Defendant as aforesaid.

Penalty on Persons employed with Salaries refusing to execute this Act.

CLXV. And be it enacted, That every Constable or other Person refusing or neglecting to put this Act into execution, and to account for and deliver any Forfeiture or Penalty according to the Directions of this Act, and every Surveyor of the said Road, and every Toll Collector, and all other Persons employed by the said Trustees, and who shall receive Salaries or Rewards, who shall wilfully neglect, for the Space of One Week after the Commission of any Offence, to lay such Information upon Oath before Two or more of Her Majesty's Justices of the Peace, as by this Act is directed, shall, upon due Information made upon Oath before Two of Her Majesty's Justices of the Peace, forfeit for every such Neglect the Sum of Five Pounds.

Provision for Damages not otherwise provided for.

CLXVI. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by Two or more Justices;

Justices; and when by this Act any Damage or Charges are directed to be paid, in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices by whom the Offender shall be convicted of such Offence; and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Justices to examine Parties and Witnesses.

CLXVII. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justice, it shall be lawful for such Justice to examine the Parties to such Question and their Witnesses on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justice; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justice for going into any such Question, without reasonable Excuse to the Satisfaction of such Justice, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justice to proceed *ex parte*.

Publication of Penalties.

CLXVIII. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, affecting other Persons than the Trustees or their Officers or Servants, be it enacted, That from Time to Time the Trustees shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of every Turnpike Gate House on the said Road; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Defacing Boards used for Publication of Penalties.

CLXIX. And be it enacted, That if any Person pull down or break or deface any such Board put up or affixed as required by this Act for the Purpose of publishing any Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board; and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Penalties to be summarily recovered before Two Justices or more.

CLXX. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon a Complaint made, before Two or more Justices; and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the

the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction, as such Justices shall think fit.

Penalties to be levied by Distress.

CLXXI. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of Distress, shall be levied by Distress, and any Two Justices shall issue their Warrant of Distress accordingly.

Imprisonment in default of Distress.

CLXXII. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if, before issuing such Warrant of Distress, it shall appear to the Justices, by the Admission of the Offender, or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CLXXIII. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Trustees, and the other Half to the Informer or any Person suing for the same, or, if the Trustees be the offending Party, shall award one Half thereof to the Informer, and the other Half to the Guardians of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Penalties to be sued for within Six Months.

CLXXIV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the

the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

CLXXV. And be it further enacted, That if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Justices may mitigate Penalties.

CLXXVI. Provided always, and be it enacted, That it shall and may be lawful for any Justices of the Peace before whom any Person shall be convicted of any Offence against this Act, if they shall think proper, to mitigate or reduce the Penalty incurred by such Person.

Transient Offenders.

CLXXVII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer of the Trustees, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CLXXVIII. And be it enacted, That the Justice before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule to this Act annexed.

Informalities.

CLXXIX. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress not unlawful for Want of Form.

CLXXX. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Ses-

CLXXXI. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice under

the Provisions of this Act, he may appeal to the General Quarter Sessions for the County in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

sions, on giving Security.

CLXXXII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the Hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Court to make such Order as they think reasonable.

Costs.

CLXXXIII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Dublin*:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "County" shall include any Riding or other like Division of a County:

The Word "Justice" shall mean Justice of the Peace for the County, City, Liberty, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter; and where the Matter shall arise in respect of Lands being the Property of one and the same Party, situate not wholly in any one County, City, Liberty, or Place, the same shall mean a Justice acting for the County, City, Liberty, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter:

The

The Word "Toll" shall include any Rate or Charge or other Payment payable under this Act for any Passenger, Animal, Carriage, Goods, Merchandize, Articles, Matters, or Things conveyed on the Road, according to the Schedule of Charges annexed to this Act:

The Words "the said Road" shall be taken to mean the Second Division of the Road mentioned in the said recited Act, and defined by this Act.

Forms in the Schedule to be used.

CLXXXIV. And be it enacted, That the Forms of Proceeding relative to the several Matters contained in this Act, which are set forth and expressed in the Schedule hereunto annexed, may be used on all Occasions, with such Additions and Variations only as may be necessary to adapt them to the particular Exigencies of the Case; and that no Objection shall be made or Advantage taken for Want of Form in any such Proceedings by any Person or Persons whomsoever.

Continuation of Act.

CLXXXV. And be it enacted, That this Act shall commence and take place from the passing thereof, and shall continue in force for Thirty-one Years, and from thence to the End of the next Session of Parliament.

Public Act.

CLXXXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULE of TOLLS referred to, and to be paid under the Provisions of this Act.

	£	s.	d.
For every Horse or other Beast drawing any Coach, Landau, Landaulet, Berlin, Calash, Sociable, Barouche, Chaise, Chair, Phaeton, Curricle, Cabriolet, Gig, or other Carriage, or the Carriage known by the Name of a Jaunting Car or Pleasure Car, such Jaunting or Pleasure Car being mounted on or supported by a Spring or Springs or Brace or Braces - - -	0	0	6½
For every Horse or other Beast drawing a Cart, Car, Dray, or other Carriage, except the foregoing, if the Shoeing of the Wheels thereof be not of a less Breadth at the Sole than Three Inches, and revolving on a fixed Axle-tree, and be set on entirely with countersunk and flat-headed Nails, Screws, or Bolts -	0	0	6
And if the Shoeing of such Wheels be of a less Breadth than Three Inches, the Sum of - - - -	0	0	7
For every Horse or other Beast drawing a Cart, Car, Dray, or other such Carriage, if the Shoeing of the Wheels thereof be not of a less Breadth than Three Inches, and if they be set on as aforesaid, and if the Axletree thereof turn round with the Wheels, the Sum of - - - - -	0	0	8
And if the Shoeing of such Wheels be of a less Breadth than Three Inches, the Sum of - - - -	0	0	9
And if the Shoeing of any such Wheels, whether revolving on a fixed Axle or otherwise, be of a less Breadth at the Sole than Three Inches, or be set on with any Nails, Screws, or Bolts that are not countersunk and flat-headed, the Sum of -	0	2	0
For each Horse or other Beast, laden or unladen, not drawing -	0	0	2
For every Drove of Oxen or Neat Cattle, by the Score, and so in proportion for a less Number - - - -	0	2	6
For every Drove of Calves, Pigs, Sheep, or Lambs, by the Score, and so in proportion for a less Number - - -	0	1	6
For every Millstone - - - -	0	3	9½

The SCHEDULE to which the Act refers;

CONTAINING

The FORMS of PROCEEDINGS mentioned in the foregoing ACT.

No. 1.—NOTICE of a Meeting of Trustees for ordering a Side Gate to be erected.

NOTICE is hereby given, That the Trustees of the Turnpike Road under an Act passed in the Year of the Reign of Queen Victoria, for [*here state the material Parts of the Title of this Act*], will meet at the House of at on the Day of next at the Hour of in the noon, in order to consult about erecting a Toll Gate on the Side of the said Turnpike Road at or near a Place called across a certain Highway there leading to .

Dated the Day of .

A.B. Clerk to the said Trustees.

No. 2.—ORDER of the Trustees for erecting a Side Gate.

At a Meeting of the Trustees of the Turnpike Road under an Act passed in the Year of the Reign of Queen Victoria, for [*here state the material Parts of the Title of this Act*], being assembled this Day of to enforce the Directions of the said Act [*as far as the same respects the erecting of Side Gates*].

IN pursuance of public Notice given in Writing upon all the Toll Gates erected on the said Road, and also in the several Newspapers in which Advertisements are by this Act directed to be inserted for Fourteen Days now last past, we do order that a Toll Gate shall be erected on the Side of the said Turnpike Road, at or near a Place called across a certain Highway there leading to and that the following Toll be taken at the said Gate, videlicet [*here insert the particular Tolls to be taken at the said Side Gate.*]

No. 3.—NOTICE for letting Tolls.

NOTICE is hereby given, That the Tolls arising at the Toll Gates upon the Turnpike Road leading from the Bounds of the County of Carlow in the Town of Carlow to the Bounds of the County of Kilkenny at Cruttyard will be let by Auction to the best Bidder, at the House of at

at on the Day of next, between the Hours of and in the Manner directed by the Act passed in the Year of Queen Victoria, intituled [*here set out the Title of this Act*], which Tolls produced the last Year the Sum of Pounds above the Expences of collecting them, and will be put up at that Sum. Whoever happens to be the best Bidder must at the same Time pay One Month in advance (if required) of the Rent at which such Tolls may be let, and give Security, with sufficient Sureties, to the Satisfaction of the Trustees of the said Road, for Payment of the rest of the Money monthly [*or in such other Proportions as shall be directed*].

Dated this Day of .

A.B. Clerk to the Trustees of the said Turnpike Road.

No. 4.—Order of Trustees for reducing the Tolls.

At a Meeting of the Trustees of the Turnpike Road under an Act passed in the Year of the Reign of Her Majesty Queen Victoria, for, *&c.* [*here set out the material Parts of the Title of this Act*], held at the Day of

We, whose Names are subscribed, being or more of the Trustees acting under the said Act, being now assembled for reducing the Tolls authorized to be taken by and under the said Act, pursuant to public Notice given for that Purpose in the several Newspapers in which Advertisements are by this Act directed to be inserted, and also affixed upon all the Turnpike Gates erected upon the said Turnpike Road for upwards of One Calendar Month now last past, and having the Consent of the Majority of the Persons entitled to Money now remaining due upon the Credit of the said Tolls this Day signified and proved to us, do hereby order that the Tolls granted by the said Act shall from and after the Day of be lessened and reduced in the following Manner [*here state the several Reductions proposed to be made*].

No. 5.—Agreement by Subscription for advancing Money to amend and repair the Turnpike Road from Carlow to Cruttyard.

We, whose Names are subscribed, do agree to advance and pay the several Sums wrote by us opposite to our Names unto to be laid out and expended in the making, amending, improving, and repairing a certain Highway leading from to under a certain Act of Parliament, intituled [*here set out the Title of this Act*], upon having the Tolls to be collected upon the said Road assigned and made over to us as a Security for the respective Sums so to be advanced by us together with Interest for the same after the Rate of Pounds per Centum per Annum, which

which Sums we do hereby severally agree to pay by Instalments in the following Manner; videlicet, One Fourth Part thereof on the Day of next, One other Fourth Part, [*&c. &c. &c.*]

Dated this Day of .

No. 6.—WARRANT from a Justice of the Peace to enter the Toll Gate House, and remove the Persons therein.

County of } To
to wit. }

WHEREAS Complaint hath been made unto me *A. B.* Esquire, One of Her Majesty's Justices of the Peace for the said County, upon the Oath of and other Evidence now produced to me, that *C. D.*, who now inhabits the Turnpike or Toll Gate House at upon the Turnpike Road leading from the Bounds of the County of Carlow in the Town of Carlow to the Bounds of the County of Kilkenny at Cruttyard, and was appointed to collect the Tolls there, hath been duly discharged by the Trustees of the said Turnpike Road from any further collecting or receiving the Tolls arising at the said Gate, and hath refused and still doth refuse to quit the Possession of the said House; and the said *C. D.* having been summoned to appear before me this Day to show Cause why he should not be removed from the said House, and having shown no sufficient Cause for that Purpose [*or* not having appeared], I do hereby authorize and require you, with such Assistance as shall be necessary, to enter into the said Toll House or Turnpike House, and the Buildings belonging thereto, in the Daytime, and to remove the said *C. D.*, and all such Persons as shall be found therein, together with his and their Goods, out of such House and Buildings, and to put *E. F.*, the Person lately appointed by the Trustees to collect such Tolls, into the Possession thereof, for which this shall be your sufficient Warrant.

Given under my Hand and Seal this Day of .

[*This Form may be varied to suit the Case of the Widow or Family of a deceased Collector.*]

No. 7.—BOND from the Surveyor.

WE, *A. B.*, Surveyor of the Turnpike Road under an Act passed in the Year of the Reign of Queen Victoria, intituled [*here set out the Title of this Act*], and *C. D.* of are bound to *E. F.* of in the Sum of to be paid to the said *E. F.*, his Executors, Administrators, and Assigns; for which Payment we hereby bind ourselves severally, and each of our Heirs, Executors, and Administrators.

Dated the Day of .

The Condition of this Bond is such, that if the said *A. B.*, his Executors or Administrators, shall duly and faithfully account for, apply, and pay all and every the Sum and Sums of Money which hath come

come to or shall come to his Hands as Surveyor of the Turnpike Road aforesaid, according to the Direction and true Intent and Meaning of the said Act, then this Bond to be void, or else to remain in full Force.

[*The Bond from the Treasurer will be in the same Form.*]

No. 8.—SUMMONS for any Person or Persons to attend a Justice or Justices.

County of to wit } To *A.B.* of

WHEREAS Complaint and Information hath been made before me, *C. D.*, One of Her Majesty's Justices of the Peace for the said [County, *&c.*], by *E.F.* of that, *&c.* [*here state the Nature and Circumstances of the Case, as far as it shall be necessary to show the Offence, and to bring it within the Authority of the Justice, and in doing that follow the Words of the Act as near as may be*]: These are therefore to require you personally to appear before me [*or* the Justices to be assembled at their Special Sessions to be holden] at in the said [County, *&c.*] on the Day of next, at the Hour of in the noon, to answer to the said Complaint and Information made by the said *E.F.*, who is likewise directed to be then and there present to make good the same. Herein fail not.

Given under my Hand this Day of .

No. 9.—INFORMATION.

County of to wit. } BE it remembered, That on the Day of *A.B.* of in the said County informeth me One of Her Majesty's Justices of the Peace for the said County, that of in the said County [*here describe the Offence, with the Time and Place, and follow the Words of the Act as near as may be*], contrary to the Statute made in the Year of Queen Victoria, intituled [*here set forth the Title of this Act*], which hath imposed a Forfeiture of for the said Offence.

Taken the Day of before me, *A.B.*

No. 10.—FORM of Conviction.

County of to wit. } BE it remembered, That on the Day of in the Year of the Reign of and in the Year of our Lord *A.B.* is convicted before me One of Her Majesty's Justices of the Peace for the said County, for [*here specify the Offence, and when and where committed*], contrary to the Form of the Statute made in the Year of the Reign of Queen Victoria, intituled [*here set forth the Title of this Act*]; and I do hereby declare

declare and adjudge that the said *A. B.* hath forfeited for the said Offence the Sum of [*or* shall be committed to for the Space of *as the Case may be*].

Given under my Hand and Seal the Day and Year first above written.

C.D.

No. 11.—Form of Mortgage Deed.

Mortgage, Number £

By virtue of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], we, the Trustees for putting said Act into execution, in consideration of the Sum of Pounds paid to us by *A.B.* of do assign unto the said *A.B.*, his Executors, Administrators, and Assigns, the Tolls and Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the Trustees in the same; to hold unto the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, together with Interest for the same at the Rate of Pounds for every One hundred Pounds by the Year, be satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof, *in case any Period be agreed upon for that Purpose*]. Given under the Hand and Seal of *C.D.*, Chairman of a Meeting of the said Trustees duly held at this Day of in the Year of our Lord One thousand eight hundred and .

No. 12.—Form of Bond.

Bond, Number £

By virtue of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], we, the Trustees for putting the said Act into execution, in consideration of the Sum of Pounds to us in hand paid by *A.B.* of do bind ourselves and our Successors unto the said *A.B.*, his Executors, Administrators, and Assigns, in the penal Sum of Pounds.

The Condition of the above Obligation is such, that if the said Trustees shall pay to the said *A.B.*, his Executors, Administrators, or Assigns, on the Day of which will be in the Year One thousand eight hundred and the Principal Sum of Pounds, together with Interest for the same at the Rate of Pounds per Centum per Annum, payable half-yearly on the Day of and Day of then the above-written Obligation is to become void, otherwise to remain in full Force. Given under the Hand and Seal of *C.D.*, Chairman of a Meeting of the said Trustees duly held at this Day of in the Year of our Lord One thousand eight hundred and .

No. 13.—

No. 13.—FORM of Transfer of Mortgage or Bond.

I *A.B.* of in consideration of the Sum of paid me by *G.H.* of do hereby transfer to the said *G.H.*, his Executors, Administrators, and Assigns, a certain Bond [*or* Mortgage] Number made by the Trustees for putting into execution an Act passed in the Year of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], to bearing Date the Day of for securing the Sum of and Interest, [*or, if such Transfer be by Indorsement,* the within Security,] and all my Right, Estate, and Interest in and to the Money thereby secured [*and if the Transfer be of a Mortgage,* and in and to the Tolls, Money, and Property thereby assigned]. Dated this Day of One thousand eight hundred and .

No. 14.—FORM of Conveyance.

I of in consideration of the Sum of paid to me [*or, as the Case may be,* into the Bank of Ireland, in the Name and with the Privity of the Accountant General of the Court of Exchequer, ex parte the Trustees for putting into execution an Act passed, *&c.*, intituled, *&c.*, *or*, to *A. B.* of and *C. D.* of Two Trustees appointed to receive the same], pursuant to an Act passed, *&c.*, intituled, *&c.*, do hereby convey to the said Trustees of the said Road, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Trustees, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord .

No. 15.—FORM of Conveyance on Chief Rent.

I of in consideration of the Rentcharge to be paid to me, my Heirs and Assigns, as herein-after mentioned, by the Trustees for putting into execution an Act passed, *&c.*, intituled, *&c.*, do hereby convey to the said Trustees, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof; to hold the said Premises to the said Trustees, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act; they the said Trustees, their Successors and

and Assigns, yielding and paying unto me, my Heirs and Assigns, one clear yearly Rent of by equal quarterly [*or* half-yearly, *as agreed upon*] Portions, henceforth on the [*stating the Days*], clear of all Taxes and Deductions. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord

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