ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

****

Cap. cxxviii.

An Act for amending and keeping in repair the Mail Coach Road leading from *Banbridge* in the County of *Down* to *Belfast* in the County of *Antrim*.

[13th *July* 1819.]

WHEREAS the public Road or Highway leading from *Banbridge* in the County of *Down* to *Belfast* in the County of *Antrim* is in the Line and forms Part of the great Northern Mail Coach Road which passes from the City of *Dublin*, through the large Market and Port Towns of *Drogheda*, *Dundalk*, and *Newry*, and the Market Towns of *Banbridge*, *Dromore*, *Hillsborough*, and *Lisburn*, to the great commercial Town and Port of *Belfast*, and communicates with all the Turnpike and other public Roads and Highways branching therefrom, to all other Towns and Places in *Ireland* situated on the North and North-east of the said City of *Dublin*, and also with the several Packet Stations to *Scotland* and the Northern and North-western Parts of *England*; and the proper Maintenance and Regulation thereof is therefore of very great public Importance: And whereas the said public Road or Highway leading from *Banbridge* to *Belfast* has within these Twenty Years last past, or thereabouts, been greatly altered and improved by the Line thereof being almost entirely new formed, so as to avoid the Hills, and by making the same wide and level; and the said new Line hath for some Time past been completed and travelled upon from *Banbridge* aforesaid unto the Northernmost Boundary of the Lands of *Maghregarry* in the said County of *Down*, and the Remainder of such new Line from thence to *Belfast* aforesaid hath been

some Time since laid out and mostly made and formed ready to be travelled upon by the Coaches carrying His Majesty's Mails under the Authority and Direction of His Majesty's Postmasters General for *Ireland*; but a small Part thereof yet remains to be completed under their Direction, and large Sums of Money have from Time to Time been laid out and expended on the said new Line in the making of such Alterations and Improvements, under Presentments of divers Grand Juries of the said Counties of *Down* and *Antrim* respectively, and the said public Road or Highway has been kept in repair chiefly by Tolls levied and collected thereon under the Provisions of an Act passed in the Parliament of *Ireland* in the Seventh Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing the Road leading from the Bridge over the* Bann Water, *commonly called the* Bann Bridge, *in the County of* Down, *to the Town of* Belfast *in the County of* Antrim; and another Act passed in the Parliament of *Ireland* in the First Year of the Reign of His present Majesty, intituled *An Act for altering and amending an Act of Parliament passed in the Seventh Year of the Reign of His late Majesty King* George *the Second, intituled* '*An Act for repairing the Road leading from the Bridge over the* Bann 'Water, *commonly called the* Bann Bridge, *in the County of* Down, *to the* '*Town of* Belfast *in the County of* Antrim;' and another Act passed in the Parliament of *Ireland* in the Thirty-eighth Year of the Reign of His present Majesty, intituled *An Act to amend the Mail Coach Road leading from* Bann Bridge *to* Belfast: And whereas the said public Road or Highway from *Banbridge* to *Belfast* is nevertheless, in many Places, out of repair, and requires immediate Amendment, and to be maintained and kept in repair for the Benefit of the Public and Passengers using the same: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for the better ordering, amending, and keeping in repair the said public Road or Highway leading from *Banbridge* in the County of *Down* to *Belfast* in the County of *Antrim* the Governors and Custodes Rotulorum of the Counties of *Down* and *Antrim* respectively, the Knights of the Shire for the Counties of *Down* and *Antrim* respectively, the Burgesses in Parliament for the Boroughs of *Lisburn* and *Belfast* respectively, the Lords of the Manors of *Gillhall*, *Dromore*, and *Hillsborough* otherwise *Kilwarlin*, in the County of *Down*, and of *Kilultagh*, *Derryvolgie*, and *Belfast*, in the County of *Antrim* respectively, the Seneschals respectively of the said Manors, the Justices of the Peace for the said Counties of *Down* and *Antrim* respectively, the Deans of *Down*, *Connor*, and *Dromore* respectively, the Archdeacons of *Down*, *Connor*, and *Dromore*, and the resident Curates at *Hillsborough*, *Drumbeg*, and *Lambeg*, the Rectors of the Parishes of *Dromore* and *Lisburn*, and their resident Curates, the Vicar of *Shankill* otherwise *Belfast*, and his resident Curate, the Vicars of *Seapatrick* and *Magherhally*, and the Sovereigns of *Hillsborough* and *Belfast* respectively, all for the Time being, shall, together with such other Persons as shall be elected and appointed additional Trustees under the Powers and Provisions herein-after contained, be Trustees for executing the several Powers, Authorities, and Trusts contained in this Act for the repairing and keeping in repair the said public Road or Highway leading from *Banbridge* to *Belfast* aforesaid.

Trustees.

Trustees of the First Committee.

II. And be it enacted, That the said Trustees shall be divided into Two Committees, and that the said Road shall be divided into Two Divisions,

and that the First of the said Committees shall consist of the Governors and Custos Rotulorum of the County of *Down*, the Knights of the Shire for the County of *Down*, the Lords of the Manors of *Gillhall*, *Dromore*, and *Hillsborough* otherwise *Kilwarlin*, respectively, the Seneschals respectively of the said Manors, the Justices of the Peace for the said County of *Down*, the Deans of *Down* and *Dromore*, the Archdeacons of *Down* and *Dromore*, and the resident Curate of *Hillsborough*, the Rector of *Dromore* and his resident Curate, the Vicars of *Seapatrick* and *Magherhally*, and the Sovereign of *Hillsborough*, all for the Time being, together with such other Persons as shall be elected Trustees for the First Division of the said Road; and that the Second of such Committees shall consist of the Governors and Custos Rotulorum of the County of *Antrim*, the Knights of the Shire for the County of *Antrim*, the Burgesses in Parliament for *Lisburn* and *Belfast*, the Lords of the Manors of *Kilultagh*, *Derryvolgie*, and *Belfast*, the Seneschals of the same Manors respectively, the Justices of the Peace for the County of *Antrim*, the Dean of *Connor*, the Archdeacon of *Connor*, the resident Curates of *Drumbeg* and *Lambeg*, the Rector of *Lisburn* and his resident Curate, the Vicar of *Shankill* and his resident Curate, and the Sovereign of *Belfast*, all for the Time being, together with such other Persons as shall be elected Trustees for the Second Division of the said Road.

Trustees of the Second Committee.

III. And be it further enacted, That the said Road shall be divided into Two Districts, and that so much of the said Road as reaches from *Banbridge* aforesaid unto the said Northernmost Boundary of the Lands of *Maghregarry* shall be and be called the First Division thereof; and that so much of the said Road as reaches from the North End of the said First Division unto the Town of *Belfast* aforesaid, lying as to a small Part thereof within the said County of *Down*, but as to the most Part thereof in the said County of *Antrim*, and including as well the Line at present travelled upon as so much of the said new Line from the North End of the said First Division to *Belfast* aforesaid as lies between *Lisburn* and *Belfast* aforesaid, and commonly called The New Mail Coach Road, shall be and be called the Second of such Divisions.

First Division of the Road.

Second Division.

IV. And be it further enacted, That the ordering and directing and Management of the repairing and keeping in repair the First of the said Divisions of the said Road, with the Application of the Tolls thereof and arising therefrom, and of all Matters relative thereto, shall from and after the passing of this Act be committed to the Care and Government of the First of the said Committees, and of the Second of the said Divisions in like Manner to the Second of the said Committees; and that it shall be lawful for each of the said Committees respectively, and they are hereby respectively authorized and empowered, within their respective Divisions of the said Road, to use and exercise all the Powers and Authorities herein given to the said Trustees generally; and that each of the said Committees shall have a Common Seal, and that the Committee of one of the said Divisions of the said Road shall have no Power to intermeddle with the other Division or the Tolls thereof, or any other Matter relating thereto.

Committees to have the Management of the First and Second Division of the Roads, &c.

V. And be it further enacted, That it shall be lawful for the said Trustees for each of the said Divisions of the said Road, or any Five or more of them, at a Meeting to be held for that Purpose, of which Meeting and of the

Power to appoint additional Trustees.

the Purpose thereof, Seven Days Notice shall be given in the Manner herein-after directed respecting Meetings for the Appointment of Trustees on Vacancies, to elect and appoint any Number of additional Trustees for the Purposes of this Act, not exceeding Ten in the whole, for each of the said Divisions; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been appointed in and by this Act.

Election of new Trustees.

VI. And be it further enacted, That upon the Death, Refusal or Disability to act in the Execution of this Act of any of the respective additional Trustees so to be elected and appointed, or their Successors, it shall and may be lawful to and for any Five or more of the surviving or remaining Trustees for either of the said Divisions of Road for the Time being, from Time to Time, at any Meeting of the said Trustees, (of the Time and Place of which Meeting Notice shall be inserted once in some or one of the public Newspapers printed or circulated in the said Counties of *Down* and *Antrim*, or affixed on all and every the Turnpike Gates then standing on the District of Road for which any such Election shall be intended to be made, at least Seven Days previously to such Meeting,) to elect and appoint some other Person or Persons to be a Trustee or Trustees in the Room of such additional Trustee or Trustees so dying, refusing or becoming incapable to act as aforesaid; and every Person so to be elected and appointed (being qualified as herein-after mentioned) shall be and he is hereby empowered to act in the Execution of this Act in as full and ample Manner, to all Intents and Purposes, as any other Trustee of this Act, or as the Trustee in whose Room or Stead he shall be so elected could or might have done.

Qualification of Trustees.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or shall be Heir Apparent of some Person possessed of some Estate in Lands of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate of the Value of Two thousand Pounds; nor shall any such Person be capable of acting in the Execution of this Act (save and except in administering the Oath or Affirmation following to the other Trustees) until he shall have taken and subscribed the Oath or Affirmation following before any Two or more of the said Trustees, who are hereby authorized and required to administer the same; (that is to say,)

Oath.

'I do swear [*or, being one of the People called Quakers,* 'do solemnly affirm], That I truly and *bonâ fide* am in my own Right '[*or* in the Right of my Wife, *as the Case may be,*] in the actual Possession or Enjoyment of Lands, Tenements, or Hereditaments of the clear 'yearly Value of One hundred Pounds [*or* am Heir Apparent of *A. B.*, 'who, to the best of my Knowledge and Belief, is possessed of an Estate 'in Lands, Tenements, or Hereditaments of the clear yearly Value of 'One hundred and fifty Pounds, *or* possessed of a Personal Estate of 'the Value of Two thousand Pounds], and that I will truly, faithfully, 'and impartially act in the Execution of the Trusts and Powers reposed 'in me by virtue of an Act passed in the Fifty-ninth Year of the Reign of

'King

'King George the Third, intituled *An Act* [*here set forth the Title of this Act*]. So help me GOD.'

Penalty on acting not being qualified, &c.

And if any Person not being so qualified shall act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record in *Ireland*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act (although not duly qualified as aforesaid) previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Persons holding any Place of Profit not to act as Trustees.

VIII. And be it further enacted, That no Person or Persons appointed or to be appointed a Trustee or Trustees for putting this Act into execution, who shall have or accept of any Place or Office of Profit arising out of or by reason of any Tolls or Duty by this Act granted, or who shall be interested or concerned in any Contract or Contracts, or a Lessee or Lessees, Farmer or Farmers of the Tolls granted by this Act, shall be capable of acting as a Trustee or Trustees in the Execution of this Act.

Innkeepers, Victuallers, &c. incapable of acting.

IX. Provided always, and be it further enacted, That no Innkeeper, or Person or Persons who shall keep any Victualling House, Alehouse, or other House of public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors, by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said respective Trustees, or of collecting the Tolls hereby granted and made payable, and to be collected on the said Road, during such Time as he, she, or they shall be such Innkeeper, or shall keep such Victualling House, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cider, or Beer, Ale, Spirituous or other Strong Liquors, by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person to collect such Tolls who shall not be under any such Incapacity.

Trustees may act as Justices, except where personally interested.

X. And be it further enacted, That such of the said respective Trustees as are or shall be Justices of the Peace shall and may, in their respective Jurisdictions, and they are hereby empowered, to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in Cases where they shall be personally interested.

First Meetings of Trustees.

XI. And be it further enacted, That the Trustees of the First of the said Divisions shall meet at *Hillsborough* on the Third *Monday* next after the passing of this Act, at Twelve of the Clock at Noon; and that the Trustees of the Second of the said Divisions shall meet at *Belfast* on the Fourth

Fourth *Monday* next after the passing of this Act, at the same Hour; and in case Five or more of such respective Trustees shall not assemble to form a Meeting on either of those Days respectively, then and in such Case there shall be a Meeting of the said Trustees holden at the said respective Places on the *Monday* following each of those Days, and so *toties quoties*, until there shall be a Meeting of the said respective Trustees at the same Hour; and at such respective Times and Places the same Trustees respectively shall proceed to carry this Act into execution; and that it shall and may be lawful for them, at such respective Meetings, and at their several Meetings to be holden for the Purpose of carrying this Act into execution, from Time to Time to adjourn themselves, and appoint their next Meeting to be holden at the same Places respectively, or at any other Places upon or near to the said Road, as to them the said Trustees shall seem convenient, and at such Times as to them shall seem proper; and the said Trustees shall at their several Meetings defray their own Expences.

Trustees to defray their Expences.

No Act valid unless at a Meeting.

XII. And be it further enacted, That no Act of the said respective Trustees shall be or be deemed to be good, valid, or effectual unless the same be done at some Meeting to be holden in pursuance of this Act (except as herein-after excepted); and that all the Powers and Authorities by this Act granted to the said respective Trustees shall and may be exercised from Time to Time by the major Part of them who shall attend at any Meeting to be holden in pursuance of this Act, the Number of such Trustees present at such Meeting not being less than Five; and all the Orders and Proceedings of the major Part of the respective Trustees present at such their several Meetings shall have the same Force and Effect as if the same were made or done by all such Trustees for the Time being, except in the Cases herein particularly directed to be done by a greater or less Number; and at every Meeting of the said respective Trustees a Chairman shall and may be appointed, and when and as often as it shall happen that there shall upon any Question be an Equality of Votes at any such Meeting (including the Vote of the Chairman), then and in such Case it shall and may be lawful to and for the Chairman to give the decisive or casting Vote.

Chairman to be appointed, and to have a casting Vote.

Meetings on Emergencies.

XIII. And be it further enacted, That if it shall at any Time or Times be thought necessary by Two or more of the said respective Trustees, that a Meeting of the Trustees of either of the said Divisions should be holden for the Purposes of this Act, then and in every such Case the Clerk of either of the said Divisions, on an Order in Writing signed by Two or more of the said Trustees of such Division, mentioning the Time and Place and Purpose of such Meeting, being given to him or left at his last or usual Place of Abode, shall forthwith give Notice of such Meeting in One or more of the *Belfast* public Newspapers (the Time of such Meeting not being less than Seven Days after such Notice), and all Proceedings of the said respective Trustees at such Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment.

No Order to be revoked unless a Majority of Three Trustees concur.

XIV. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the said respective Trustees holden in pursuance of this Act shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose, nor unless Notice, specifying

fying the Revocation or Alteration intended to be made, be inserted in One or more of the *Belfast* public Newspapers at least Seven Days before such subsequent Meeting, nor unless a Majority of Three of the respective Trustees present at such subsequent Meeting shall decide in favour of such Revocation or Alteration.

Proceedings to be entered in Books.

XV. And be it further enacted, That the said Trustees for each of the said Divisions shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Books, being signed by the Chairman or Clerk then present, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, and Actions touching or concerning any thing done in pursuance of this Act; and that such Books shall at the said Meetings of the said Trustees, and at all other seasonable Times, be kept open and liable to the Inspection of all and every of the said Trustees; and that any of the said Trustees shall and may have and take Copies thereof or Extracts therefrom.

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

XVI. And be it further enacted, That the said respective Trustees, or any Five or more of them, shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their respective Treasurers or Clerks for the Time being, for each of the said respective Divisions, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of each of the said Divisions of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees or any of them, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said respective Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case either of the said Treasurers or Clerks shall refuse to permit or shall not permit the said Trustees or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Treasurer or Clerk shall forfeit and pay any Sum of Money not exceeding Ten Pounds, to be levied and recovered in manner herein-after mentioned.

Trustees to appoint Officers, &c.

XVII. And be it further enacted, That the Trustees of each of the said Divisions may and they are hereby empowered, by Writing under their Hands, to appoint a Treasurer or Treasurers, Clerk or Clerks, and a Collector or Collectors, of the Tolls, and a Surveyor or Surveyors, and also such other Officers and Persons, in each of the said Divisions, for the Execution of this Act, as they the said Trustees shall think proper; and from Time to Time to make such Rules, Orders, and Regulations for the good Conduct and well governing of every such Treasurer, Clerk, Collector, Surveyor, and all such other Officers and Persons, and from Time to Time to remove such Officers and Persons respectively, as the said respective Trustees shall see Occasion; and out of the Monies to be received by

virtue

virtue of this Act to allow and pay such Salaries and Allowances to the said Officers and other Persons as they the said respective Trustees shall think reasonable, not exceeding the yearly Sum of Forty Pounds to any such Collector or Collectors, nor to such Surveyor or Surveyors exceeding the Sum of Twenty Shillings *per* Day during such Time or Times as he or they shall be respectively employed, nor to any other such Officer or Person exceeding Fifty Pounds yearly.

Treasurer not to act as Clerk, nor Clerk as Treasurer.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said respective Trusteees to appoint as Treasurer for the Purposes of this Act the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, to be the Clerk to the said respective Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with Costs of Suit, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Trustees to take Security from the Treasurer, &c.

Officers to Account.

XIX. And be it further enacted, That the said respective Trustees shall and they are hereby required to take such sufficient Security from every such Treasurer and other Officer, for the due Execution of his Office, as they shall think proper; and all such Officers so to be appointed shall under their Hands, at such Time and Times and in such Manner as the said Trustees respectively shall direct, deliver to the said respective Trustees, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said respective Trustees, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer for each of the said Divisions shall quarterly on the First *Monday* of *February*, *May*, *August*, and *November* respectively, or at the Meeting of the said respective Trustees then next following (although not thereunto required), lay his Accounts before the said respective Trustees, in order that the same may be audited, passed, and allowed by them, if approved; and if any such Officer shall refuse or neglect to make and render any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payments as aforesaid, or shall refuse or wilfully neglect to deliver to the said respective Trustees, or to such Person or Persons as they shall respectively appoint to receive the same, within Three Days next after being thereunto required by the said respective Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act,

Treasurer to account quarterly on Oath.

Punishment of Officers refusing to account, &c.

or give Satisfaction to the said respective Trustees respecting the same; then and in every such Case, upon Complaint made by the said respective Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, Town, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to produce Vouchers relating thereto, or that any Books, Papers, and Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction of the County, City, Town, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said respective Trustees for such Money, and shall have paid such Composition as the said Trustees are hereby empowered to make and receive, and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be so committed for Want of sufficient Distress shall, by virtue of this Act, be detained in Prison for a longer Space of Time than Six Calendar Months; but such Commitment to Prison shall not be deemed a Discharge for any Money due from such Officer, nor exonerate his Surety or Sureties from the Payment thereof.

Trustees and Surveyors to have the like Powers as any Overseer of the public Roads.

XX. And be it further enacted, That the said respective Trustees and their Surveyor and Surveyors of the said Road shall have and they are hereby invested with the like Powers and Authorities in respect to the Road directed to be amended and kept in repair by virtue of this Act as any Overseer appointed by any Law or Statute in force and effect in that Part of the United Kingdom called *Ireland*, for altering, amending, making, or repairing public Roads, are invested with.

On the Death, &c. of a Collector, Trustees may nominate

XXI. And be it further enacted, That it shall and may be lawful to and for any Two or more of the said Trustees in each of such Divisions respectively, and they are hereby required, upon the Death, Neglect, Refusal, or Incapacity to act of any Collector of the Tolls hereby granted, by Writing

another until the next Meeting.

Writing under their Hands, to nominate and appoint some other fit Person in his or her Place, until the next Meeting of the Trustees of the said Road, which Person so to be nominated and appointed shall have the like Power and Authority, and be accountable in the same Manner in all respects, as the Person in whose Room or Stead he or she shall be so nominated and appointed; and if any Collector of the said Tolls who shall be discharged from his or her Office by the said Trustees shall refuse to deliver up the Possession of the Toll House, Buildings, and Appurtenances which he or she shall possess or enjoy in right of his or her Appointment to that Office within Three Days after Notice given to him or her, or left at such Toll House, in Writing under the Hands of the said Trustees, or any Two or more of them, or if the Wife or Family of any such Collector who shall die as aforesaid, or any other who shall be in possession of the Premises, by any Means whatsoever, shall refuse to deliver up such House, Buildings, and Appurtenances within Six Days after such Notice of a new Appointment being made as aforesaid shall have been given to him, her, or them, or left at such Toll House, signed by any Two or more of the said Trustees, then and in either of the said Cases it shall and may be lawful to and for any Justice of the Peace for the County, Town, or Place where such Toll House shall stand or be, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistants as shall be necessary, to enter such Toll House and Premises in the Day-time, and to remove all Persons who shall be found therein, together with their Goods and Chattels, out of such Toll House and other Premises, and to put the new appointed Collector in possession thereof.

If discharged Collector refuses to deliver up Toll House, &c. any Justice may cause him to be removed.

Actions to be brought in the Name of the Treasurer or Clerk, or of Trustees, who are not to be personally liable to Costs.

XXII. And be it further enacted, That the said Trustees for each of the said Divisions of the said Road may sue and be sued in the Name or Names of their Treasurer or Clerk, or in the Name or Names of any One of the said Trustees on behalf of the said Trustees respectively, and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be brought or commenced, nor by the Act of such Person or Persons, done without the Consent of the said respective Trustees or any Five or more of them, at a Meeting to be holden in pursuance of this Act; but no Treasurer, Clerk, or Trustee, or any or either of them, shall be subject to the Payment of any Debt, Costs, or Expences on account thereof, but all such Debt, Costs, and Expences shall be defrayed out of the Money arising by virtue of this Act collected or received by the said Trustees.

Trustees empowered to erect Turnpikes and Toll Houses, and receive Tolls.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees for each of the said Divisions of the said Road to order to be erected such and so many Turnpikes to secure the Tolls hereby granted upon or across any Part of each of the said Divisions of the said Road, and on or near the Sides thereof, or in, near, unto, or across any Lanes or Ways leading or that may hereafter lead out of the same, and to erect or cause to be erected such and so many Toll Houses and Turnpikes as they shall think proper, not expending on each Toll House and Gate a Sum exceeding One hundred and fifty Pounds; and it shall and may be lawful to and for the said respective Trustees and they are hereby empowered to purchase and take Lands sufficient for such Toll House or Toll Houses, not exceeding One Rood *Irish* Plantation Measure for each, with necessary Accommodations thereto, and from Time

to Time to remove, alter, or discontinue such Turnpikes and Toll Houses, or any of them, as they the said respective Trustees shall from Time to Time think needful and expedient; and it shall and may be lawful to and for the said Trustees to demand and take or cause to be demanded and taken at the said Turnpikes the Tolls following, in lawful Money of the United Kingdom as current and reckoned in *Ireland*, before any Carriage, Horse, or other Beast or Cattle shall be permitted to pass through the same; (that is to say,)

Tolls. For every Horse or other Beast of Draught drawing any Coach, Berlin, Landau, Landalet, Vis-a-Vis, Chariot, Chaise, Phaeton, Curricle, Cabriolet, Calash, Chair, Gig, Tilbury, Dog Cart, Caravan, Jaunting Car, Hearse, Litter, or other such Carriage, when drawn by Four or more Horses or other Beasts of Draught, the Sum of Sixpence Halfpenny; and when drawn by Two or Three Horses or other Beasts of Draught, the Sum of Eight-pence; and when drawn by One Horse or other Beast of Draught, the Sum of Ten-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Dray, or other such Carriage having more than Two Wheels, and the Streaks or Shoeings of all such Wheels set on or fastened with Nails, Bolts, or Screws countersunk and flat headed so as not to project above One Eighth of an Inch beyond the Surface of such Streaks or Shoeings, when such Wheels shall be of the Breadth of Six Inches or more, the Sum of Three Halfpence; when of the Breadth of Four Inches and less than Six Inches, the Sum of Two-pence; when of the Breadth of Three Inches and less than Four Inches, the Sum of Three-pence; and when of a less Breadth than Three Inches, the Sum of Five-pence:

For every Horse or other Beast of Draught drawing any Cart or Car or other such Carriage with Two Wheels, having the Axletree fixed to the Body thereof, and the Streaks or Shoeings of all such Wheels set on or fastened as aforesaid, when such Wheels shall be of the Breadth of Four Inches or more, if such Cart, Car, or other such Carriage shall be drawn by One Horse or other Beast of Draught, the Sum of Sixpence; and if drawn by Two or more such Horses or other Beasts of Draught, the Sum of Five-pence each; and when such Wheels shall be of a less Breadth than Four Inches, the Sum of Sixpence; and if any such Cart, Car, or other such Carriage shall have a rolling Axletree fixed to the Wheels thereof, the Sum of Eight-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Dray, or other such Carriage, or any Cart, Car, or other such Carriage, when the same shall have any Streak or Shoeing of any Wheel thereof not so set on or fastened as aforesaid, the Sum of One Shilling; and when the same shall also have a rolling Axletree fixed to the Wheels thereof, the Sum of One Shilling and Three-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Hogs, Calves, Sheep, Lambs, or Goats the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number:

Tolls vested in the Trustees.

Which said respective Tolls shall be and they are hereby declared to be vested in the said Trustees, and a Table thereof shall be put up and continued at each and every Turnpike erected on the said Road; and it shall and may be lawful to and for the several Collectors of the said Tolls to demand, collect, and receive the Tolls hereby granted; and if any Person or Persons subject to the Payment of any of the said Tolls shall after Demand thereof made by any such Collector neglect or refuse to pay the same or any Part thereof, it shall and may be lawful to and for such Collector to seize and distrain or cause to be seized and distrained any Carriage, Horse or Horses, or other Beasts or Cattle chargeable with the said Tolls, or their respective Bridles, Saddles, Harness, or Accoutrements, or any Part or Parts thereof, but no such Bridle shall be seized or distrained without the Horse or Beast; and if such Tolls, and the reasonable Charges of such Seizure and Distress and detaining and keeping the same, shall not be paid within Two Days next after such Seizure and Distress made, the Collector so seizing and distraining shall and may sell or cause to be sold the Carriage or Carriages, Horse or Horses, Beasts, or other Cattle, and their Bridles, Saddles, Harnesses, or Accoutrements, so seized and distrained, or any of them, at or near the Turnpike where the said Tolls ought to have been paid, rendering the Overplus (if any), upon Demand, to the Owner or Owners thereof, after such Tolls, and all reasonable Charges attending the distraining, keeping, and selling the same, shall be deducted and paid.

Remedy for Recovery thereof.

Tolls vested in Trustees of each Division respectively.

XXIV. Provided always, and be it enacted, That such of the said Tolls as shall arise on the First Division of the said Road shall be and are hereby vested in the Trustees for the said First Division, and such of the said Tolls as shall arise on the Second Division of the said Road shall be and are hereby vested in the Trustees of the said Second Division, and shall be applied for the Purposes of this Act in manner herein directed.

Collectors may measure the Dimensions of Wheels.

XXV. And be it further enacted, That it shall and may be lawful to and for the respective Collectors of the said Tolls, in case he, she, or they shall think proper, to measure or cause to be measured the Breadth or Dimensions of the respective Streaks or Shoeings of all or any of the Wheels of each and every Waggon, Wain, Dray, Cart, Car, or other such Carriage, and of the Nails, Bolts, or Screws thereof, before any such Waggon, Wain, Dray, Cart, Car, or other such Carriage shall be permitted to pass through any Turnpike or Turnpikes erected or to be erected on the said Road; and if any Person or Persons shall refuse to permit the same to be so measured, or shall obstruct the said respective Collectors in measuring the same, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

For preventing Toll Collectors from taking undue Tolls.

XXVI. And be it further enacted, That all and every Toll Collector, being a Lessee of the said Tolls, or appointed either by the said respective Trustees, or by any such Lessee or Lessees, to collect the Tolls by this Act granted, shall and he or she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate immediately on his or her coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black

Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he or she shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the respective Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder, any Person or Persons from reading such Christian or Surname, or shall refuse to tell his or her Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse to give a Ticket denoting the Payment of the said Toll, and naming and specifying the several Gate or Gates freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

For settling Disputes concerning Tolls.

XXVII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls, or the Charges of making, keeping, or selling any Distress, it shall and may be lawful for the Collector, or the Person so distraining, to retain such Distress, or the Money arising from the Sale thereof, (as the Case may happen,) until the Amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress, be ascertained by some Justice of the Peace for the County or Place wherein such Dispute shall happen to arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained.

Turnpikes vested in the Trustees.

XXVIII. And be it further enacted, That all such Right and Property in the several Turnpikes, Toll Houses, and other Buildings on either of the Divisions of the said Road as was vested in the Trustees acting under the said recited Acts, and also all the Right and Property of the several Turnpikes, Toll Houses, and other Buildings that may be erected on either of the said Divisions of the said Road by virtue of the said recited Acts or of this Act, with the Ground, Fences, and Appurtenances thereto respectively belonging, and of all Milestones, Tables of Tolls, and Posts erected

or to be erected, and also of all Materials, Tolls, and Implements which have been or shall be provided for making, altering, and repairing the said Road, by virtue of the said recited Acts or this Act, shall be vested in and be the Property of the respective Trustees appointed by virtue of this Act, and they are hereby respectively empowered to bring or cause any Action or Actions to be brought, and any Bill or Bills of Indictment to be preferred, against any Person or Persons who shall steal, break down, take away, injure, or spoil any such Turnpikes, Toll Houses, or other Buildings, Fences, Milestones, Tables of Tolls, Posts, or any such Materials, Tools, or Implements; and in all such Actions and Bills of Indictment respectively it shall be and be deemed and taken to be sufficient to state generally, that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Trustees of the First Division or Second Division (as the Case may be) of the Road leading from *Banbridge* to *Belfast*, without particularly stating or specifying the Name or Names of all or any of such Trustees.

No Toll to be taken for crossing the Road.

XXIX. And be it further enacted, That no Toll shall be taken or demanded at any Toll Gate or Turnpike on the Side or Sides of any Part of the said Road for any Horse, Cattle, or Carriage which shall only cross the said Road or any Part thereof, or shall not pass above One hundred Yards thereon, unless such Crossing shall be with Intent to evade the Payment of Toll at any of the said Turnpikes or Toll Gates, and the Payment of such Toll shall be thereby evaded.

Collectors of Tolls to be competent Witnesses.

XXX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls or any of them, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be disqualified from giving Evidence in any such Dispute, Suit, or Litigation, by reason of such his, her, or their Appointment.

Collectors to give Tickets denoting Payment of Tolls.

XXXI. And be it further enacted, That upon Payment of the said Tolls the Collector or Receiver thereof shall and he or she is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

Tolls to be paid only Once a Day.

XXXII. And be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any of the said Toll Gates within either of the said Divisions of the said Road, such Person shall, upon producing a Note or Ticket denoting the Payment thereof on that Day (which Note or Ticket the Collector or Collectors of the said Tolls is and are hereby required to deliver *gratis*, on Demand, to every Person paying the said Tolls), be permitted to pass Toll-free with the same Horse, Cattle, Beast, and Carriage through the same and every other Toll Gate within such Division, at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock in the Night to Twelve of the Clock in the next succeeding Night.

XXXIII. Pro-

Tolls to be paid within each Division.

XXXIII. Provided nevertheless, and be it further enacted, That no Person or Persons who shall have paid Toll within One of the Divisions of the said Road shall be thereby freed from the Payment of Toll within the other of such Divisions, but that the whole of the Tolls hereby granted shall be received and collected within each of such Divisions.

Persons having paid Tolls at any One of the Gates beween Toans Gate and Belfast to pass free through the others.

XXXIV. Provided also, and be it further enacted, That any Person or Persons who shall have paid Toll at any of the Toll Gates that are or may be erected on the said Road between the Town of *Belfast* and the present Gate called *Toans Gate*, or any Gate instead thereof, including such last-mentioned Gate, shall be freed from the Payment of any further or additional Toll at any other of such Gate or Gates, in the same Manner as if such other Gate or Gates had been within the same Division of the said Road.

Tolls to be paid on a fresh Hiring.

XXXV. Provided always, and be it further enacted, That the said Tolls shall be paid in respect of all Horses or other Beasts of Draught drawing any Mail Coaches, Stage Coaches, Long Coaches, or Diligences, carrying Passengers for Hire, each Time they shall pass through any Turnpike or Toll Gate on the said Road, as herein-before provided; and that the said Tolls shall be paid in respect of all Horses or other Beasts of Draught drawing any other Carriages; and of all Saddle and other Horses or Beasts of Burthen let or carrying Passengers for Hire, each Time they shall pass through any such Turnpike or Toll Gate after a fresh Hiring.

Power to reduce the Tolls.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the Trustees of each of the said Divisions of the said Road, and they are hereby empowered, at a Meeting to be holden for that Purpose, from Time to Time to lessen or reduce all or any of the said Tolls, either at all or any One or more of the Toll Gates for the Time being at which such Tolls shall be payable, and in such Manner as to them shall seem fit and convenient, and to cause such reduced Tolls to be continued and taken for and during such Time as they the said respective Trustees shall think proper; and afterwards, at any Meeting to be holden as aforesaid, from Time to Time, if they the said respective Trustees shall see Occasion, to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the several Rates granted by this Act, or made payable by any Act or Acts of Parliament now or hereafter to be in force with respect to Overweight or otherwise: Provided always, that until the whole of the Money to be borrowed on the Credit of the said Tolls to be collected on each of the said Divisions shall have been paid and discharged, such Tolls shall not be lessened or reduced, without the Consent of the Person or Persons entitled to Five Sixth Parts of the whole of the Money then remaining due upon the Credit thereof.

Penalty for evading Tolls.

XXXVII. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Lands, Grounds, or Hereditaments (not being the Owner or Owners, or Occupier or Occupiers thereof, or any of his, her, or their Family or Servants) lying near any Turnpike or Toll Gate which shall be erected by virtue of this Act (the same not being a public Highway); or if any Owner or Occupier of such Lands, Grounds, or Hereditaments shall knowingly permit or suffer any Person or Persons (not being his, her, or their Servant

vant or Servants, or of his, her, or their Family), with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same, with Intent to evade the said Tolls or any of them; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, with Intention to evade the Payment of the said Tolls or any Part thereof; or if any Person or Persons shall fraudulently pass through any such Turnpike or Toll Gate with any Horse, Beast, or other Cattle without Payment of Toll, or shall take off or cause to be taken off any Horse, Beast, or other Cattle from any Carriage, or having passed through any such Turnpike or Toll Gate shall afterwards add or put an additional Horse or Horses, Beast or Beasts, to such Carriage, with Intent to evade the Payment of the said Tolls or any Part thereof; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

The Royal Family exempted from Toll.

XXXVIII. Provided always, and be it further enacted, That this Act shall not extend to charge with Toll any Horses or Carriages attending His Majesty or any of the Royal Family.

Exemptions from Tolls.

XXXIX. And be it further enacted, That no Toll shall be demanded or taken for any Horse or other Beast drawing any Carriage going for or returning laden or unladen, having been laden only with Stones, Gravel, or other Materials for the repairing of the said Road, or any of the Highways or public Roads or Bridges in the Parishes or Places in which the Road hereby intended to be repaired and improved, or any Part thereof, doth lie; or any Dung, Lime, or Limestone, Mould, Soil, or Compost of any Kind, for the manuring of any Garden or other Land or Ground; nor shall any Toll be taken, demanded, or received for any Carriage or Cattle going for the Purpose of or returning from plowing, sowing, tilling, or cultivating any Land or Ground, or going for or returning unladen, or only laden with Potatoes or Turf, or for any Plough, Harrow, Waggon, Cart, Car, Dray, or other Implement of Husbandry, or for any Horse or other Beast or Cattle drawing or carrying the same, in order for the repairing thereof, or using the same in Husbandry; or for any Horse or other Beast or Cattle going to or returning from Water or Pasture, if within One Mile, or going to be or returning from being shoed or farried; or for the Horses of Soldiers on their March or on Duty, or Carriages or Horses or other Beasts employed in carrying the Arms or Baggage of such Soldiers, or returning back empty from carrying the same; nor for any Waggon, Wain, Cart, Car, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor shall any Toll be demanded or taken for or in respect of any Horse, Cattle, or Beast carrying any Passenger, or drawing any Coach, Chaise, Chariot, Gig, or other Carriage, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Down* and *Antrim*, or either of them, or of a Burgess or Burgesses to serve in Parliament for the said Boroughs of *Lisburn* and *Belfast*, or either of them, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions

aforesaid, not being entitled to the same, or shall make use of any Fraud whatsoever, whereby the Payment of the Tolls granted by this Act, or any Part thereof, shall be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, whereof one Moiety shall be applied towards repairing or amending the said Road, and the other Moiety thereof shall be paid to the Use of the Informer.

Exempting Carriages carrying His Majesty's Stores from Overweight.

XL. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, Car, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Tolls may be let.

XLI. And be it further enacted, That it shall and may be lawful to and for the Trustees of each of the said Divisions of the said Road, and they are hereby enabled and authorized, at any Meeting, to let or farm the Tolls to be collected by virtue of this Act on their Division of the said Road, or any Part thereof, to any Person or Persons whomsoever, for any Term not exceeding the Term of Three Years, at and for the largest yearly Sum that can be reasonably gotten for the same, upon causing Ten Days Notice of their Intention to let or farm such Tolls to be inserted in some or One of the Newspapers published at *Belfast* Ten Days at least before such Meeting, and so often as the said Paper shall be published within the said Ten Days; provided that the Leases, Contracts, or Agreements of or for the same be in Writing, and be duly executed by the Lessee or Lessees, Farmer or Farmers, of such Tolls, with or without Sureties, and also by any Five or more of the said respective Trustees; and the Rent which shall be agreed to be paid for the said Tolls shall be made payable and shall be paid to the Treasurer to the said Trustees respectively monthly, and sufficient Security shall be given for the Payment of such Rent to the Satisfaction of the said respective Trustees, or in default thereof, every such Lease, Contract, or Agreement shall be null and void to all Intents and Purposes whatsoever.

Lessees of Tolls invested with the same Powers as Collectors.

XLII. And be it further enacted, That during such Time as the said Tolls or any Part thereof shall be leased, demised, or in farm to any Person or Persons whomsoever it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she, or they shall by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as the said respective Trustees, or as any Collector of the said Tolls appointed by the said Trustees, is hereby invested with.

Tolls may be compounded for.

XLIII. And be it further enacted, That it shall and may be lawful to and for the said respective Trustees to compound from Time to Time with any Person or Persons, for any Period not exceeding One Year, for any Carriages, Horses, Beasts, or Cattle passing on the said Road, or on any Part or Parts thereof, for all or any of the Tolls to be paid in respect of such Carriages, Horses, Beasts, or other Cattle, and all such Composition Money shall be paid in advance quarterly; and in default thereof every such Composition shall be null and void to all Intents and Purposes whatsoever.

Trustees may enter into Contracts for repairing the Road or furnishing Materials.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees of each of the said Divisions and they are hereby empowered to enter into any Contract or Contracts for the repairing, altering, and widening of the said Road, or of any Part or Parts thereof, or for furnishing Materials, or for any Purpose or Purposes relative to the Execution of this Act; but no such Contract or Contracts shall be entered into unless Fourteen Days Notice at the least shall be given, previous to the entering into the same, in some One or more of the public Newspapers published at *Belfast* aforesaid, expressing the Purpose or Purposes of such Contract or Contracts, in order that any Person or Person willing to undertake the same may make Proposals for that Purpose to be offered to the said respective Trustees at a certain Time and Place in such Notice to be mentioned; and the said respective Trustees shall and they are hereby required to take Security from every such Contractor for the due Performance of his or her Contract; and every such Contract shall be signed by Three of the said respective Trustees, and by the Person or Persons contracting to perform such Works respectively, and either with or without Sureties, which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees.

Such Contracts not to be for more than Twenty-one Years.

XLV. And be it further enacted, That no such Contract or Contracts shall be deemed good, valid, or effectual if the same shall have been made for a longer Space or Term than Twenty-one Years from the Time of entering into such Contract or Contracts.

Trustees may compound for Breach of Contract.

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

Trustees may borrow Money on Security of Tolls.

XLVII. And for the more speedy raising such further Money as may be necessary for the Purposes of this Act, be it further enacted, That it shall and may be lawful to and for the said respective Trustees and they are hereby empowered from Time to Time, at any Meeting at which not less than Ten shall be present, to borrow and take up at Interest such Sum or Sums of Money as they shall respectively judge necessary for the Purposes of this Act, not exceeding the Sum of Two thousand Pounds for each of

the

the said Divisions, on the Credit of the Tolls arising by virtue of this Act on each of the said Divisions, and by Writing under their Hands and Seals to assign over the respective Tolls hereby granted, or any Part thereof, and the several Turnpikes and Toll Houses erected or to be erected on the said Road (the Charges of such Assignments to be paid out of the said Tolls), for any Term during the Continuance of this Act, as a Security for the Repayment of such Sum or Sums of Money, with Interest for the same, to the Person or Persons who shall advance and lend such Money, his, her, or their Executors, Administrators, and Assigns, such Interest to be paid and payable by equal half-yearly Payments at the Dwelling House of the Treasurer to the said respective Trustees for the Time being; all which Assignments shall be in the Words or to the Effect following:

Form of Mortgage of Tolls.

'BY virtue of an Act of Parliament made in the Fifty-ninth Year of the Reign of King *George* the Third, intituled [*set forth the Title of this Act*], we whose Names are hereunto subscribed and Seals affixed (being Trustees acting in execution of the said Act for the Division of the said Road), in consideration of the Sum of to the Treasurer of the said Division of the said Road in hand paid by *A. B.*, do hereby grant, bargain, sell, and demise unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act within the said Division of the said Road, and also of the Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum charged and advanced or to be charged or advanced on the Credit of the said Act, to the Trustees of the same Division, to be had and holden from the Day of the Date hereof for and during the Continuance of the said Act, unless the said Sum of with Interest after the Rate of *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our Hands and Seals this Day of in the Year of our Lord .'

Copies thereof to be entered in a Book.

And all such Assignments shall be numbered, commencing with Number One, and so proceeding in an Arithmetical Progression ascending; and Copies of all such Assignments, and the Numbers thereof respectively, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said respective Trustees, and such Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and all Assignments which shall be made in Manner and Form aforesaid shall be good, valid, and effectual to all Intents and Purposes whatsoever; and all Persons to whom such Assignments respectively shall have been made as aforesaid, or who shall be entitled to the Money thereby respectively secured, may from Time to Time assign and transfer the same Security or Securities respectively, and all Benefit and Advantage thereof, and all their Right, Title, and Interest to the Principal and Interest Money thereby respectively secured, or any Part thereof, to any Person or Persons whomsoever, by Writing under their Hands and Seals in the Words or to the Effect following:

Mortgages may be transferred.

Form of Transfer.

'I *A. B.*, being entitled to the Sum of secured to Executors, Administrators, and Assigns, by virtue of an Assignment bearing Date the Day of under the Hands and Seals of the Trustees acting in execution of an Act of Parliament made in the Fifty-ninth Year of the Reign of King *George* the Third, intituled [*set forth the Title of this*

'*this*

'*this Act*], for the Division of the said Road, upon the Credit
'of the said Act, do hereby transfer all my Right and Title in and to the
'same, and all Principal and Interest Money now due and owing thereon,
'unto *C. D.* of Executors, Administrators, and Assigns.
'Dated this Day of in the Year of
'our Lord .'

Notice of Transfer to be given to the Clerk.

And every such Transfer shall be produced and notified to the Clerk to the said respective Trustees within Two Calendar Months next after the Date thereof, who shall cause an Entry or Memorandum to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned, to be transferred in the said Book or Books to be kept for entering the said original Assignments to be made by virtue of this Act, and for which Entry the Clerk who shall enter the same shall be paid Sixpence, and no more; and after such Entry made every such Transfer shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and after such Entry or Memorial made thereof as aforesaid it shall not be in the Power of the Person or Persons making such Transfer to make void, discharge, or release the same or the Monies thereby due, or any Part thereof; and all Persons to whom such Assignment or Transfer shall be made as aforesaid shall be, in proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Toll Houses in equal Degree one with another, and shall have no Preference in respect of the said Priority of advancing any such Monies, or of the Dates of such Mortgages or Assignments.

Creditors to be paid by Ballot.

XLVIII. And in order that no Preference may be given to any Person or Persons who shall advance or lend any Money upon the Credit of the said Tolls, be it further enacted, That the said respective Trustees shall, when and as often as there shall be an Overplus of Money received by virtue of this Act equal to the Sum of Fifty Pounds, after Payment of the Interest of the Money borrowed by virtue of this Act, and of the several Charges and Expences of and carrying this Act into execution (if there shall be more Creditors than One), cause the Numbers of all Assignments granted and then in force for securing the Principal Monies lent and advanced upon the Credit of the said Tolls, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form, as near as may be, and be put into a Box or Wheel, and the Number or Numbers of the said Assignments or Securities shall be drawn separately out of the said Box or Wheel by the Clerk to the said respective Trustees; and after every such Ballot the said Trustees shall cause Notice signed by their Clerk to be given to or left at the last or usual Place or Places of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and where there is only One Creditor a Notice shall be given Three Calendar Months to such Creditor of the Intention of the said respective Trustees to pay him or her as aforesaid, and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same will be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Three Calendar Months after the Day of giving or leaving such Notice as aforesaid, and the Interest of the Principal Money to be so paid off shall, from and after the Day to be

so

so specified, cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice and not paid, but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day to be so specified, shall nevertheless be payable on Demand.

Application of the Tolls and Money to be borrowed.

XLIX. And be it further enacted, That all the Costs, Charges, and Expences relative to or attending the obtaining and passing of this Act, with Interest for the same, shall be paid and discharged in preference to all other Payments whatsoever, and the same shall be paid in equal Portions by the said Trustees of the First and Second Divisions of the said Road out of the first Money which shall arise or be received by virtue of this Act; and the Remainder of all such Monies arising upon or from each of the said respective Divisions of the said Road shall from Time to Time be respectively applied by the Trustees of each such respective Division in keeping down the Interest of the Principal Monies by them respectively borrowed or raised under or by virtue of the Powers of this Act, or on the Credit thereof, and in making, amending, diverting, widening, altering, straightening, improving, maintaining, and keeping in repair the said respective Divisions of the said Road, and in otherwise putting this Act into execution, and afterwards in repaying the Principal Monies to be by them the said Trustees respectively borrowed or raised under or by virtue of this Act upon the Credit of the Tolls arising on each of the said respective Divisions of the said Road, and to and for no other Use or Purpose whatsoever.

The Tolls arising at Toans Gate to be divided between the First and Second Committees.

L. Provided nevertheless, and be it further enacted, That the Trustees of the Second of the said Divisions of the said Road, by whom the Tolls and Profits of the said Gate commonly called *Toans Gate*, or any Gate to be erected in lieu thereof, will be received under the Authority of this Act, do and shall from Time to Time, and at all Times during the Continuance of this Act, account with and pay to the Trustees of the First of such Divisions One full Third Part of all such Tolls and Profits, the same to be paid by Four equal quarterly Payments in every Year, (that is to say,) on the First *Monday* in *February*, *May*, *August*, and *November* respectively; the First Payment thereof to be made on such of the said Days as shall happen next after the passing of this Act.

Trustees may make and divert the Road.

LI. And be it further enacted, That it shall be lawful for the said Trustees for each of the said Districts of Road, and they are hereby fully authorized and empowered, to make and repair, and from Time to Time to widen, divert, shorten, vary, and alter, the Course or Path of any Part or Parts of the said Road through any Waste Grounds, Commons, or uncultivated Lands, without making Satisfaction for the same, and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Damage they shall sustain thereby; and for that Purpose it shall be lawful for the said respective Trustees to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments which the said respective Trustees shall judge necessary for the Purposes aforesaid for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road through such Lands or Here-

ditaments; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all other Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, to contract and agree with the said respective Trustees for Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them all or any such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or Lessees for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall lawfully do by virtue or in pursuance of this Act.

In diverting Road not to deviate more than 100 Yards without Consent.

LII. Provided always, That it shall not be lawful for the said respective Trustees, in making, diverting, turning, varying, or altering the Course or Path of any Part of the Road comprised in this Act, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration; any thing herein contained to the contrary hereof in anywise notwithstanding.

Where Persons interested neglect or refuse to treat.

LIII. And be it further enacted, That if any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in possession of Lands or Hereditaments through which any Part of the said Road is intended to be made, widened, diverted, turned, or altered, shall for the Space of Ten Days next after such Notice given or left as aforesaid neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said respective Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County in which the Land shall be situated from the Neighbourhood of the Place where such Lands and Hereditaments do lie; and in order thereto the said Trustees respectively are hereby empowered

empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury and examine upon Oath all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath any One or more of the said respective Trustees is and are hereby empowered to administer); and such respective Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damages and Recompence they the said respective Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury, and such Verdict and Inquisition, Order and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or Remainder, in Fee, or in Fee Tail, General or Special, or for Life or Lives, or for Years determinable on any Life or Lives, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all and every other Person or Persons whomsoever; and for summoning and returning such Juries the said respective Trustees are hereby empowered to issue their Warrant to the Sheriff of the County in which the Lands shall be situated, requiring him to impannel, summon, and return an indifferent Jury of Twenty-four Persons from the Neighbourhood of the Place where such Lands and Hereditaments lie, qualified to serve upon Juries, to appear before the said Trustees respectively at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said respective Trustees shall and they are hereby empowered and required to swear, or cause to be sworn, Twelve Men, who shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Six; and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said respective Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, or appearing shall refuse to be sworn and examined, or to give Evidence, or shall otherwise wilfully misconduct themselves in giving their Evidence, so that

Trustees to issue a Warrant to the Sheriff, to impannel a Jury.

Trustees may impose Fines on Sheriff Jurymen, or Witnesses, making default, &c.

that no One Fine be more than Five Pounds on any One Person for any One Offence.

Expences of the Jury and Witnesses how to be paid.

LIV. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Direction or Authority of this Act shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any Loss or Damage to be by him or them sustained, than what shall have been agreed to and offered by the said Trustees respectively before the summoning and returning of the said Jury or Juries as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said respective Trustees out of any Money which shall then be in his Hands, or out of any Money to be received by virtue of this Act; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees respectively before the summoning or returning of the said Jury or Juries as a Recompence and Satisfaction for any such Right, Interest, or Property in such Lands or Hereditaments, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said respective Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some One Justice of the Peace for the County where the Lands shall be situated, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said respective Trustees by the Ways and Means herein-after mentioned or provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said respective Trustees in manner aforesaid.

Money allowed for Lands how to be charged or tendered.

LV. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties respectively entitled thereto, or to their Agents, and upon Payment thereof, or depositing the same in the Bank of *Ireland* as herein-after directed (as the Case may be), and after Fourteen Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their or any of their respective usual Places of Abode, or with the Tenant or Tenants in possession of such Lands or Hereditaments,

then such Lands or Hereditaments shall be laid into and made Part of the said Road, in such Manner as the said Trustees respectively shall direct, and shall be by them, or such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a Common Highway, and be from thenceforth Part of the said Road for ever thereafter.

Trustees not to take down Houses, &c.

LVI. Provided always, and be it further enacted, That the Power or Authority by this Act given to the said respective Trustees shall not extend to the taking down or injuring any Dwelling House or other Building, or to the taking in of any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or Plantation, or Nursery of Trees, planted Lawn, or Bleach Green, or of any Part or Parts thereof, without the Consent in Writing of the Owners or Proprietors thereof, and other Persons interested therein, first had and obtained.

Application of Compensation where amounting 200*l.* and upwards.

LVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the High Court of Chancery of *Ireland*, to be placed to his Account *ex parte* the Trustees for executing this Act respectively, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Government Securities; and in the meantime, and until the said Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of such Government Securities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so

hereby directed to be purchased in case such Purchase or Settlement had been made.

Application of Compensation where less than 200*l.* and not less than 20*l.*

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

Application where less than 20*l.*

LIX. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said respective Trustees shall think fit; or in case of Infancy or Lunacy, then to his or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Title, or Owners entitled not being found.

LX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises to the Satisfaction of the said respective Trustees, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said respective Trustees to order the said Sum or Sums of Money so awarded to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, and Hereditaments [describing them], subject to the Order, Control, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition,

shall be and is hereby empowered, in a summary Way of proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Ireland* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of disputed Title, Person in Possession to be entitled to the Money according to such Possession.

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

Court of Chancery may order reasonable Expences of Purchases to be paid.

LXII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said respective Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Trustees empowered to sell Ground not wanted for the Purposes of this Act.

LXIII. And whereas, by reason of the diverting of some Part or Parts of the said Road in manner herein-before mentioned, the said respective Trustees may happen to be seised of some Piece or Pieces of Ground or Hereditaments over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said respective Trustees to sell and dispose of such Pieces

or

or Parcels of Ground and Hereditaments, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said respective Trustees, before they shall sell and dispose of any such Piece or Pieces of Ground as aforesaid, shall first offer the same for Sale to the Person or Persons whose Lands shall adjoin to the old Road; and if such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof as hereinafter mentioned), or shall refuse (except with respect to and on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which the Lands shall be situated (who are hereby respectively empowered to take the same), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by and on the behalf of the said respective Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said respective Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner herein-before directed with respect to the disputed Value of the Premises to be purchased by the said respective Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said respective Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said respective Trustees of such Piece or Parcel of Road or Ground as aforesaid shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

For getting Materials for repairing the Road.

LXIV. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of each of the said Divisions of the said Road, and to and for all such Persons as they shall respectively appoint, to search for Quarries, cut, dig for, get, gather, and take away any Furze, Heath, or Stone, provided the Quarry from whence such Stone shall be taken be opened at the Time when such Stone shall be so taken and quarried, Gravel, Sand, or other Materials, for altering, amending, making, or repairing the said Road, out of or from any Common or Waste Ground, River, or Brook in any Parish, Townland, Hamlet, Division, District, or Place in or near which any Part of the Road hereby directed to be made, amended, altered, or repaired shall be, or in any adjoining Parish, Townland, Hamlet, Division, District, or Place, without paying any thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or other Persons as aforesaid may, by Order of Two or more Justices of the Peace

Peace for the County in which the Lands shall be situated, search for, cut, dig, get, gather, and take away any such Materials as aforesaid in, off, from, and out of the private Lands, Fields, or Grounds of any Person or Persons in any Parish, Townland, Hamlet, Division, District, or Place in which any Part of the said Road, doth lie, where the same may be had or found, such Lands, Fields, or Grounds not being a Garden, planted Lawn, Bleach Green, Orchard, Yard, Park, or Paddock, or Field inclosed with a Wall made of Lime, Mortar, and Stone, or Brick, of the Height of Five Feet at the least, Walk or Walks, or Avenue to a House, or any Wood or Plantation, or Piece of Ground planted and set apart as a Nursery for Trees, making or tendering such Satisfaction for the Damages done thereby to the Owners and Occupiers of such Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Grounds, as the said respective Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers or any of them, concerning such Damages, it shall and may be lawful to and for any Two or more Justices of the Peace of the County or Place where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away, on Six Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payment and Damages, and the Judgment or Order of the said Justices shall be final and conclusive upon all Parties.

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

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

Penalty on taking away Materials belonging to the Trustees.

LXVI. And be it further enacted, That if any Person or Persons whomsoever shall remove or take any Stones or Gravel or other Materials laid upon the said Road for the Repair thereof without the Order of the said respective Trustees or their Surveyor or Surveyors for that Purpose, or if any

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

Surveyor may make Drains;

LXVII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and to and for any Person or Persons whom he or they shall appoint, by Order of the said respective Trustees, to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Road in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for altering, amending, or keeping in repair any Part of the said Road, and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Road (not being a Garden, planted Lawn, Bleach Green, Orchard, Yard, Park, Paddock, Wood, Plantation, planted Walk, or Avenue to any House) to be made use of as a public Highway whilst the narrow or ruinous Parts are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively through and into which any such Drain shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said respective Trustees; and in case any Difference shall happen between such Owners or Occupiers and such Trustees touching such Damage, then and in every such Case any Two or more Justices of the Peace for the County or Place where such Lands are situate shall, upon Application made to them for that Purpose, hear, settle, and determine the same by Oath of the Parties or other Witness or Witnesses, and shall also assess and award to either Party, as they shall see Occasion, the Costs and Charges attending such Application, and their Determination therein shall be final and conclusive.

making reasonable Satisfaction.

In case of Difference the Matter to be settled by Two Justices.

Surveyor may remove Annoyances.

LXVIII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Obstructions, Annoyances, and Nuisances on any Part or Parts of the said Road by Rails, Steps, Side Posts, or other Posts, and also by Filth, Dung, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains running into, along, or out of any Part of the said Road to the Prejudice thereof, and to make the same as large and deep as he or they shall think proper, and to cleanse any Ditch or Watercourse next adjoining to

any Part of the said Road, and to cut down or lop any Branches, Shrubs, or Bushes growing in or overhanging any Part of the said Road, or in or within Ten Feet of the Hedges or Banks adjacent thereto, in case the Person or Persons occasioning such Obstruction or Annoyance, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down or lop such Branches, Shrubs, or Bushes, shall refuse or neglect to do so for the Space of Ten Days next after Notice in Writing given for that Purpose signed by the said Surveyor or Surveyors; and such Surveyor or Surveyors may cause the same to be removed, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person shall not, upon Demand, pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person, in like Manner as herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the said Annoyances any Person shall again offend in the like Manner, every Person so offending shall for every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Twenty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Gates not to swing towards the Road.

LXIX. And be it further enacted, That all Gates hereafter to be made and placed in any Field or Ground adjoining any Part of the said Road shall be made and hung to open and swing inward towards such Field or Ground, and not towards the said Road; and that it shall be lawful for the said respective Trustees to order all such Gates as are now erected or may hereafter be erected, and open and swing outward towards the said Road, to be altered and made to open and swing inward, as the said respective Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed so as to open and swing outward towards the said Road shall, after Ten Days Notice from the Surveyor of the said Road, requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inwards, refuse or neglect to make such Alterations, or after such Alteration shall have been once made shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Penalty on drawing Timber or Stone on the Road otherwise than upon a Wheel Carriage.

LXX. And be it further enacted, That if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheel Carriage, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage to drag upon any Part of such Road to the Prejudice thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may measure the Road and set up Milestones.

LXXI. And be it further enacted, That it shall be lawful for the said Trustees to cause the said Road to be measured, and Milestones to be set up at or near the Sides thereof at the End of One Mile from each other, and Posts to be erected to denote the Distance of every such Post from any Town or Place, as the said Trustees shall respectively think fit; and also to cause to be erected Guide Posts upon such Parts of the said Road where

Penalty on damaging Milestones, &c.

where the same are crossed or joined by other Roads, and also Tables of the Tolls at each Turnpike Gate, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate, or deface any Milestone, Table of Tolls, or Post erected or to be erected on any Part of the said Road, or any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully break, throw down, or injure any Stone or Stones, or Parapet Wall or Walls on the Side or Sides of any Bridge or Bridges, Arch or Arches, on any Part or Parts of the said Road, or any Rails, Gates, or Fences adjoining such Bridge or Bridges, Arch or Arches, every such Person shall forfeit and pay any Sum not exceeding Five Pounds for each Stone, Table of Tolls, Post, or Parapet Wall, Rail, Gate, or Fence, so broken, thrown down, injured, or destroyed, or on which any Letters, Figures, or Marks shall be so obliterated or defaced, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

For preventing Annoyances, &c.

LXXII. And be it further enacted, That if any Person shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on or drive or lead any Horse, Beast, Cattle, or Carriage over or upon, any Footpath or Causeway made or to be made on the Side or Sides of any Part of the said Road; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways; or if any Person shall plough over or drag any Plough upon any Part of the said Road, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Road to the Prejudice thereof; or if any Person shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road with any Instrument, so as to damage the said Road, or any Part thereof, without the Consent of the said Trustees, or of their Surveyor or Surveyors; or if any Person shall leave any Waggon, Wain, Cart, Car, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, on the said Road, without some reasonable Cause, to be allowed by the Justice before whom the Person so offending shall be summoned or conveyed in order to his Conviction, or except (with regard to such Waggon, Wain, Cart, or other Carriage) during such reasonable Time as the same shall be loading or unloading, and standing as near the Side of the said Road as conveniently may be, in, upon, or on the Side of the said Road (with or without any Horse or Beast harnessed or yoked thereto), or shall spread any Skins or Linen or Cloths to dry, or shall winnow any Corn, or keep a Dog or Dogs without a Five Pounds Log hanging from his or their Necks, within One hundred Feet of the Centre of any Part of such Road, or shall lay any Turf, Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyance whatsoever, upon any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or Annoyance of any Person or Persons travelling thereon, or shall play Bullets or at Football or make Bonfires on the said Road, or shall set fire to or let off or throw any Squib, Rocket, or Firework whatsoever; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

LXXIII. And

Drivers of Carriages punishable for wilful Neglect.

LXXIII. And whereas Accidents may happen, and great Mischiefs may be done upon the said Road, by the Negligence or wilful Misbehaviour of Persons riding Horses or driving Carriages thereon; be it therefore further enacted, That if any Person shall ride any Horse or other Beast, or shall lead or drive any Carriage, on the said Road, save and except on that Side of the Road situate on his or her Left Hand when meeting any other Carriage, or shall prevent any other Carriage from passing him on the said Road; or if the Driver of any Cart, Car, Dray, Wain, or Waggon, or other such Carriage, shall ride upon any such Carriage on the said Road, not having some other Person on Foot or on Horseback to guide the same (save and except all such Carriages as are conducted by some Person holding the Reins of the Horse or Horses or other Beast or Beasts drawing the same); or if the Driver of any Carriage whatsoever on any Part of the said Road shall by Negligence or wilful Misbehaviour cause any Hurt or Damage to any Person or Carriage passing along such Road, or drive or ride furiously thereon, or in passing in the same Direction any Carriage shall not drive and pass on the Right Hand Side thereof, or in meeting any Carriage shall not drive on the Left Hand Side thereof, leaving such other Carriage on the Right, or shall quit the said Road, and go on the other Side of the Hedge or Fence inclosing the same, or wilfully be at such a Distance from such Carriage, while it shall be passing on such Road, that such Driver cannot have the Direction or Government of the Horse or Horses or other Beast or Beasts drawing the same, or shall by Negligence or wilful Misbehaviour prevent, hinder, or interrupt the free Passage of any other Carriage, or of any of His Majesty's Subjects on the said Road; or if any Person, after having blocked or stopped any Waggon, Cart, or other Carriage in going up any Hill or rising Ground, shall not immediately remove from the said Road the Stone or other Thing with which such Waggon, Cart, or other Carriage shall have been so blocked or stopped; or if any Person driving or acting as the Driver of any Coach, Post Chaise, or other Carriage let for Hire, or of any Cart, Car, Dray, Wain, or Waggon or other such Carriage, and committing any Offence or Offences against this Act, shall refuse to discover (on being thereunto required by any Person or Persons whomsoever) the true Christian Name or Names and Surname or Surnames of the Owner or Owners, Proprietor or Proprietors of such Coach, Post Chaise, Cart, Car, Dray, Wain, Waggon, or other Carriage respectively, and also his or her Place of Abode; then and in every such Case every such Driver so offending shall for every such Offence, on being convicted thereof either by his own Confession or by the View of a Justice of the Peace, or by Oath of any credible Witness or Witnesses, forfeit and pay any Sum not exceeding Forty Shillings, in case such Driver shall not be the Owner or Proprietor of such Coach, Post Chaise, Cart, Car, Dray, Waggon, or other Carriage; and in case such Driver shall be the Owner or Proprietor thereof, he shall forfeit and pay any Sum not greater than Five Pounds; and it shall and may be lawful to and for any Person or Persons whomsoever who shall see any such Offence committed to seize and apprehend, and also to and for any Person or Persons whomsoever to assist in seizing and apprehending, every such Driver so offending, and by the Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them into the Custody of a Constable or other Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the County,

Town, or Place where the Offence shall be committed, to be dealt with according to Law.

Penalty on obstructing Execution of this Act.

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

Punishing Persons swearing falsely.

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

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

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

Indemnity to Trustees and others acting under colour of the former Acts since their Expiration.

LXXVII. And whereas the Powers, Authorities, and Provisions of the said recited Acts have long since expired, and the Trustees under the said Acts, not being aware thereof, have continued to collect the Tolls granted by the said last-recited Act, and to lay out and apply the same as if such Acts, and all the Powers, Authorities, and Provisions therein contained, had remained in full force, and by reason thereof the said Trustees, although acting therein for the Benefit of the Public, may be liable to Actions and Suits, and to account for the Tolls so collected, and it is therefore just and necessary that such Trustees should be indemnified; be it therefore enacted, That all the Trustees and Persons, whether appointed under the said Acts, or since the expiring thereof, in manner directed by the said Acts, who have done any such Matters or Things authorized by the said Acts, or any or either of them, to be done, or under colour thereof have exercised any of the Powers or Authorities therein contained as if such Acts had remained in full force, and all Persons who have collected any Tolls authorized by the said Acts since the same have expired under any Authority given by such Trustees or Persons, and all Trustees and other Persons who have applied or caused to be applied any such Tolls in manner authorized by the said Acts, shall be and each and every

every of them are respectively hereby indemnified for all such Acts, Matters, and Things, and all such Exercise of such Powers and Authorities, and for all such Collection and Application of Tolls, as would have been good, valid, and lawful under the Powers, Authorities, and Provisions of the said Acts if they or any of them had remained in full force and effect; and all such Acts, Matters, and Things so done as aforesaid, and all such Collection and Application of Tolls, shall be deemed and be as valid and effectual, and are hereby made, enacted, and declared to be as effectual, to all Intents and Purposes, as if such Acts, and all the Powers, Authorities, and Provisions therein contained, had continued in full force, and as if such Acts had not expired, but not further or otherwise.

Trustees under this Act empowered to settle the Accounts of the Treasurer under recited Acts.

LXXVIII. And whereas it is just and proper that the Trustees appointed by virtue of this Act should be authorized to audit, examine, and adjust the Accounts of the Treasurer or Treasurers and other Officer or Officers of the Trustees who have acted under or by virtue or colour of the said recited Acts, and to receive or pay (as the Case may be) the Balances which may be justly due and owing in respect of such Accounts; be it therefore further enacted, That it shall and may be lawful to and for the said Trustees appointed by virtue of this Act for the First Division of the said Road to audit, examine, and adjust the Accounts of the Treasurer or Treasurers and other Officer or Officers of the Trustees who have acted by virtue or under colour of the said recited Acts for the said First Division, as mentioned in such Acts, and to allow to such Treasurer or Treasurers and other Officer or Officers all such Sums of Money as he or they may have paid or become liable to pay, and would have been entitled to be allowed, in case the said recited Acts had continued in full force, and to pay the Balance or Balances, if any, out of the Money to be received by virtue of this Act; and on the other hand, if the Balance or Balances shall be against the Person or Persons so accounting, then to receive such Balance or Balances, and apply the same in the Manner herein-before directed with respect to the Tolls to be received by virtue of this Act; and that in like Manner it shall and may be lawful to and for the Trustees appointed by virtue of this Act for the Second Division of the said Road to audit, examine, and adjust the Accounts of the Treasurer or Treasurers and other Officer or Officers of the Trustees who have acted by virtue or under colour of the said recited Acts for the Second and Third Divisions of the said Road, as mentioned in such Acts, and to allow to such Treasurer or Treasurers and other Officer or Officers all such Sums of Money as he or they may have paid or become liable to pay, and would have been entitled to be allowed, in case the said recited Acts had continued in full force, and to pay the Balance or Balances, if any, out of the Monies to be received by virtue of this Act; and on the other hand, if the Balance or Balances shall be against the Person or Persons so accounting, then to receive such Balance or Balances, and apply the same in the Manner hereby directed with respect to the Tolls to be received by virtue of this Act.

Treasurer may be compelled to acccount by Trustees.

LXXIX. And be it further enacted, That the respective Trustees hereby appointed shall have such and the same Powers for compelling the Treasurer or Treasurers and other Officer or Officers who have acted by virtue

virtue or under colour of the said recited Acts faithfully to account as aforesaid; and such Treasurer or Treasurers or other Officer or Officers shall be liable to such and the same Pains and Penalties in case he or they shall neglect or refuse to pass his or their Accounts, and pay over the Balances in manner aforesaid, as are herein-before contained with respect to the passing of the Accounts and the Payments of the Balances of the Treasurers to be appointed by virtue of this Act.

Trustees under this Act authorized to receive what is due in respect to Trustees under recited Acts.

LXXX. And be it further enacted, That as to the First Division of the said Road it shall and may be lawful for the Trustees to be appointed by virtue of this Act for such First Division to recover and receive, or compound for and settle, all Rents and Tolls or other Monies remaining unpaid to the said Trustees under the said recited Acts, or to their Treasurer or Treasurers, in respect of the Tolls so collected by them or their Lessees, as herein-before mentioned, for or in respect of such First Division; and as to the Second and Third Divisions of the said Road, as mentioned in the said recited Acts, it shall and may be lawful for the Trustees to be appointed by virtue of this Act for the Second Division of the said Road, as mentioned in this Act, to recover and receive, or compromise for and settle, all Rents or Tolls or other Monies remaining unpaid to the said Trustees under the said recited Acts, or to their respective Treasurers, in respect of the Tolls so collected by them or their Lessees, as herein-before mentioned, for or in respect of such Second and Third Divisions, as mentioned in the said recited Acts; and the said Sums of Money hereby authorized to be recovered and received or compounded for as aforesaid shall and may be recovered by any Action or Actions, in the Name or Names of the respective Treasurer or Treasurers to be appointed by virtue of this Act, in such Manner as if the Bonds or other Securities, or Contracts for the same, had been actually given to or made with, or as if such Monies respectively were due to, such last-mentioned Treasurer or Treasurers, and shall be paid and applied in such Manner as the Tolls hereby authorized to be collected are payable and applicable by virtue of this Act.

Trustees may compound for Debts *now due.*

LXXXI. And be it further enacted, That it shall be lawful for the Trustees appointed by virtue of this Act for the First Division of the said Road to settle, compromise, and compound, in any Manner they may think fit, any Debts or Sums of Money now due and owing or that are claimed to be due and owing from the Trustees who have acted by virtue or under colour of the said recited Acts for such First Division; and that in like Manner it shall be lawful for the Trustees appointed by virtue of this Act for the Second Division of the said Road to settle, compromise, and compound, in any Manner they may think fit, any Debts or Sums of Money now due and owing or claimed to be due and owing from the Trustees who have acted by virtue or under colour of the said recited Acts for the Third Division of the said Road, as mentioned in such Acts; and that the said respective Trustees hereby appointed shall and may pay the Composition Money out of any Monies to be received by virtue of this Act which may remain in their Hands after the several Payments herein-before directed.

Recovery and Application of Penalties.

LXXXII. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act imposed (the Manner of levying and recovering whereof

whereof is not hereby otherwise particularly directed), shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hand and Seal of any Justice of the Peace for the County where the Offence shall happen (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party or upon the Evidence of any credible Witness upon Oath); and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned, upon Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures, when recovered (if not herein-before directed to be otherwise applied), shall be paid to the Treasurer to the said respective Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Town, or Place where the Offence shall be committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months nor less than Ten Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

Form of Conviction.

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

'BE it remembered, That on this Day of in the Year of the Reign of is convicted before of His Majesty's Justices of the Peace for the of having [*as the Offence shall be,*] and I [*or* we] the said do adjudge him [her *or* them] to forfeit and pay for the same the Sum of . Given under my Hand and Seal [*or* our Hands and Seals] the Day and Year aforesaid.'

Allowing an Appeal to the Quarter Sessions.

LXXXIV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, such Person or Persons shall or may appeal to the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the County or Place within which the Matter of Appeal shall arise next after the Expiration of Three Calendar Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Thirty Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said respective Trustees, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, with sufficient Securities, conditioned to try such Appeal and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination

therein, and to award such Costs to either of the Parties, or otherwise, as they shall judge proper; and every such Determination shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Distress not to be unlawful for Want of Form.

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

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

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

Plaintiff not to recover without Notice or after Tender of Amends.

LXXXVII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act unless Notice in Writing shall have been given to the Defendant or Defendants, Thirty Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action shall have been brought; and in case no such Tender shall have been made it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXXXVIII. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall arise, and not elsewhere; and if any such Action or Suit shall be brought before Thirty Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid,

then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs therein, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Public Act.

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

Commencement and Continuance of the Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1839.