ANNO QUINTO

GULIELMI IV. REGIS.

****

Cap. ii.

An Act for making, maintaining, and repairing a Turnpike Road from the Town of *Belfast* to the Town of *Crumlin* in the County of *Antrim*.

[13th *April* 1835.]

WHEREAS a considerable commercial Intercourse at present exists between the Town of *Belfast* and the Town of *Crumlin* in the County of *Antrim*, and the same would be materially increased if an easy and direct Line of Communication were established between the said Towns: And whereas such Line, independently of opening to the Market of *Belfast* the large and extensive Grain Country which surrounds the Town of *Crumlin*, would also have the Effect of establishing a direct Intercourse between the Lough of *Belfast* and *Lough Neagh*, and shortening considerably the Distance between the Town of *Belfast* and the Town of *Antrim*, lying on the great Road leading to *Ballymena*, *Ballymoney*, *Coleraine*, and *Londonderry*: And whereas Parts of the present Line are almost inaccessible by laden Cars and Carriages, the Elevation in some Places exceeding One Foot in Seven, and the same is in other respects incommodious and inconvenient for the Traffic existing upon it: And whereas it is expedient to improve the said Line by making in several

Places Deviations therefrom, and by appropriating such Parts of the present Road as may be considered judicious and necessary; and the Grand Jury of the County of *Antrim* have approved of the said intended Line, and directed certain Trustees, with others herein-after mentioned, to adopt such Measures as they may consider expedient for obtaining an Act of Parliament for establishing a Turnpike upon the said improved Line: And whereas such Improvement will require the Expenditure of a considerable Sum of Money, which can only be raised by placing Turnpikes and levying Tolls, as well on the appropriated Parts of the old Road as on the Deviations therefrom intended to be made: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Honourable *George Hamilton Chichester* commonly called Earl of *Belfast*, the Honourable *John Bruce*, *Richard O'Neill*, the Honourable *Hercules Robert Pakenham*, *James Emerson Tennent*, *Henry Lyons*, *Samuel Thompson*, *Charles William Armstrong*, *Henry Halliday*, *Edward Johnston*, *Henry Adair*, *William Wallace Legge*, *John Rowan*, *John M'Cance*, *Thomas Montgomery*, *Alexander Stewart* the elder, *John Francis Ferguson*, *James Blair*, *John Holmes Houston*, *Robert Macauley*, *Michael Andrews*, *Robert Thompson*, *Thomas Mackey*, *John Charters*, *William John Moore*, *Arbuthnot Emerson*, *James Macauley*, *James Murray*, *James Moore*, and *John Charley*, and their Successors, to be elected as herein-after mentioned, together with such other Persons as shall be elected and appointed additional Trustees under the Provisions herein-after contained, shall be and they are hereby appointed Trustees for the Execution of this Act, with full Power and Authority for making, diverting, altering, improving, repairing, amending, maintaining, regulating, and keeping in repair the said Road from *Belfast* to *Crumlin* aforesaid, and also for repairing, amending, and keeping in repair such Parts of the present old Road from *Belfast* to *Crumlin* aforesaid as the said Trustees may deem necessary to be repaired, amended, and maintained, and for erecting Toll Houses and Toll Gates, and taking Tolls thereon, and for putting the several other Powers contained in this Act into execution: Provided always, that the said Road from *Belfast* to *Crumlin* shall be considered to commence at the new Mail Coach Road leading from *Belfast* to *Antrim* at or near the Lying-in Hospital at the North End of *Donegall Street* in the Town of *Belfast* aforesaid, and end at the North Side of the Bridge built across the *Crumlin* River at the North Entrance to the said Town of *Crumlin*.

Trustees appointed.

Power to appoint additional Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting to be holden in pursuance of this Act, and they are hereby empowered, at any Time or Times, to elect any Number of additional Trustees, who shall have the same Power and Authority for carrying this Act into execution as if they had been hereby nominated and appointed; provided always, that the Number of such additional Trustees shall not exceed Ten in the whole.

III. And

Election of new Trustees on Vacancies occurring.

III. And be it further enacted, That upon the Death, Refusal or Disability, Resignation or Nonattendance at any Meeting held in pursuance of this Act for Twelve Calendar Months of any of the said Trustees hereby appointed, or their Successors to be elected in manner herein-after mentioned, to act in the Execution of this Act, then and in every such Case it shall and may be lawful for the surviving and remaining Trustees and they are hereby required from Time to Time to elect and appoint, by Ballot, One other Person to be a Trustee in the Room of each Trustee so dying, or refusing or being incapable of acting, or so resigning or not attending any Meeting of the said Trustees for Twelve Calendar Months as aforesaid; and Notice of the Time and Place of the Meeting for every such Election shall, by the Clerk of the said Trustees for the Time being, be inserted in One of the Newspapers published or circulated in the Town of *Belfast* Seven Days at least before such Meeting; and every Person so elected a new Trustee as aforesaid is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as if he had been originally appointed a Trustee in and by this Act.

Qualification of Trustees.

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

Oath of Qualification.

'I *A. B.* do swear, [*or, being one of the People called Quakers or Moravians*, do solemnly affirm,] that I truly and *bonâ fide* am in my own Right [*or*, in the Right of my Wife, *as the Case may be*,] entitled to and in the actual Possession of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, [*or*, am Heir Apparent of *A. B.*, who, to the best of my Knowledge and Belief, is possessed of such an Estate of the clear yearly Value of Two hundred Pounds, *or*, am Son of *A. B.*, who is a Peer,] 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 Fifth Year of the Reign of King *William* the Fourth, intituled *An Act* [*here set forth the Title of this Act*].

'So help me GOD.'

Penalty on Trustees acting without Qualification.

And if any Person not being so qualified, or not having taken and subscribed such Oath, or, being a Quaker, not having made and subscribed such Affirmation, in manner as aforesaid, or being disqualified as in and by this Act is mentioned, shall act as a Trustee in the Execution of this Act, every such Person so offending shall, for every such Offence,

Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed; and every such Person so sued 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 had acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of all and every Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid, previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

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

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

Proceedings of Trustees.

VI. And be it further enacted, That no Act of the said 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 is herein-after mentioned); and all the Powers and Authorities by this Act granted by the said 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 every Meeting not being less than Five; and all the Orders and Proceedings of the major Part of the Trustees present at such their several Meetings shall have the same Force and Effect as if the same were made and done by all such Trustees for the Time being (save and except as is herein-after mentioned); and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and so often as it shall so

happen that there shall be an Equality of Votes at any such Meeting upon any Question (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.

Trustees may act as Justices.

VII. And be it further enacted, That such of the 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 such Cases where he or they shall be personally interested.

Meetings of Trustees.

VIII. And be it further enacted, That the said Trustees shall meet at the Sessions Court House or some other convenient Place in the said Town of *Belfast* on the Third *Friday* after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Forenoon and Two in the Afternoon; and at such Meeting the said Trustees shall proceed to carry this Act into execution, and shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden there, or at any other Place near the said Road, as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day within Fourteen Days then next following, to be holden at the same Place; and any Three or more of the said Trustees shall cause Notice thereof to be inserted in one Newspaper at least published in the County of *Antrim* Five Days at least before the Day to which such Meeting shall be so adjourned; and the said Trustees shall at their several Meetings defray their own Expences, except any Sum not exceeding Ten Shillings *per Diem* for the Use of the Room where they shall meet.

Meetings on Emergencies.

IX. And be it further enacted, That if after any Adjournment of any Meeting as aforesaid it shall at any Time or Times be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case any Two or more of the said Trustees (or the Clerk to the said Trustees, by an Order in Writing signed by such Two or more of the said Trustees, mentioning the Time, and Place, and Purpose of such earlier Meeting,) shall forthwith give Notice of such earlier Meeting, by inserting the same in a Newspaper or Newspapers published or circulated in the County of *Antrim*, and of the Time and Place of holding such Meeting (such Time not being less than Six Days after such Notice); and all Proceedings of the said Trustees at such earlier Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment.

Annual General Meetings to be held.

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

No Order to be revoked unless at a Meeting for the Purpose, nor unless Two Thirds of the Number concur.

XI. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the 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 the Revocation or Alteration intended to be made shall have been previously inserted, in the Names of any Two or more of the said Trustees, in some Newspaper published or circulated in the County of *Antrim* at least Ten Days before such subsequent Meeting, or unless a Majority of Two Thirds of the Trustees present at such subsequent Meeting shall decide in favour of such Revocation or Alteration, and a greater Number of Trustees shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment, or Proceeding were had or made.

Books to be kept of the Proceedings of Trustees.

XII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being; in which Book or Books all Acts, Orders, and Proceedings of the Trustees relative to the Execution of this Act, and the Names of all such Trustees as shall be present at each of their several Meetings, shall be regularly entered; and all Entries in such Book or Books are hereby required to be and shall be signed by the Chairman and Clerk then present; and the said Book or Books, and also the Book or Books herein-after directed to be kept for the entering of the Receipts or Disbursements of Money, or for registering Securities and Assignments or Transcripts thereof, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Accounts to be kept of Receipts and Disbursements.

XIII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books, together with the Book or Books in which the Proceedings of the Trustees shall have been entered, shall at all the Meetings of the said Trustees be open and liable to the Inspection of all and every of the said Trustees, and of the Creditors on the Tolls hereby granted and made

made payable, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit any of the said Trustees or Creditors to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, on being duly summoned and convicted thereof before any of His Majesty's Justices of the Peace for the County of *Antrim* respectively.

Power to appoint and remove Officers.

XIV. And be it further enacted, That the said Trustees may and they are hereby required and empowered to appoint a Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors of the Tolls by this Act granted and made payable, and a Surveyor or Surveyors of the said Road, and all such other Officers and Persons, 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 or Persons respectively as the said Trustees shall see Occasion, and appoint others in the Room of such of them as shall be removed, or shall die or resign, or refuse or neglect to perform or become incapable of performing their Duty; and the said Trustees shall and may, out of the Monies to be received by virtue of this Act, allow and pay such Salaries and Allowances (provided that no such Salary or Allowance do exceed the Sum of One hundred Pounds *per Annum* to any one Officer or Servant) to the said Officers and other Persons as the said Trustees shall think reasonable.

On the Death of a Collector, the Trustees may nominate another until the next Meeting.

XV. And be it further enacted, That it shall and may be lawful to and for any Three or more of the said Trustees, although not assembled at any Meeting, upon the Death, Neglect, Refusal, or Incapability to act, of any Collector of the Tolls hereby granted, by Writing under their Hands, to nominate and appoint some other fit Person in his or her Place until the next Meeting of the said Trustees of the said Road; which Person so to be nominated and appointed shall have the like Power and Authority, and be accountable in the same Manner in all respects as the Person in whose Room or Stead he or she shall be so nominated and appointed; and if any Collector or Deputy Collector of the said Tolls who shall be discharged from his or her Office by the said Trustees shall refuse to deliver up the Possession of the Toll House, Buildings, and Appurtenances which he or she enjoyed in right of his or her Appointment to that Office, within Two Days after Notice given to him or her, or left at such Toll House, in Writing under the Hands of the said Trustees or any Three or more of them, or if the Wife, Servants, or Family of any such Collector who shall die or be discharged as aforesaid, or any other Person who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such House, Buildings, and Appurtenances within Two Days after Notice of such new Appointment being made as aforesaid shall have been given to him, her, or them, or left at such Toll House,

If discharged Collector refuse to deliver up Possession, any Justice may cause him to be removed.

signed

signed by any Three or more of the said Trustees, then and in any or either of the said Cases it shall or may be lawful for any Justice of the Peace for the County, Town, or Place where such Toll House shall stand, by Warrant under his Hand and Seal, to order any Constable or Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Premises in the Daytime, 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 said Trustees or new appointed Collector of the said Tolls in Possession thereof.

Officers to give Security.

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

Treasurer and Clerk not to be the same Person.

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

Officers to account.

XVIII. And be it further enacted, That the Treasurer, Clerk, Collector or Collectors, Surveyor, and each and every other Officer and Person who have been or shall hereafter be appointed for the Execution of this Act, shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, by

Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, true and perfect Accounts, in Writing under their respective Hands, 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 him, her, or them had, collected, and received by virtue of this Act, and how much and to whom and for what Purpose the same and every Part thereof hath been expended and disbursed, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and he or she is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her, to the said Trustees, or to such Person or Persons as they or any Five or more of them shall authorize to receive the same; and every such Treasurer shall, on the First Day of *September* yearly, or at a Meeting of the said Trustees then next following (although not thereunto required by the said Trustees), lay his Accounts before the said Trustees, in order that the same may be audited, passed, and allowed by them, if approved of; which Account shall be then published in some Newspaper printed or circulated within the County of *Antrim*; and all the said Officers or Persons so accounting as aforesaid shall verify their said Accounts; and if any such Officer or Person shall refuse or neglect to render and deliver or to verify such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Fourteen Days next after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint being made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Two Justices of the Peace for the County, City, or Place wherein such Officer so refusing or wilfully neglecting shall be and reside, such Justices may and they are hereby authorized and required to issue a Summons under their Hands and Seals for the Officers or Persons so refusing or wilfully neglecting to appear before them; and upon his or her appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if, upon the Confession of the Party against whom such Complaint shall be made, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justices are hereby empowered to administer), it shall appear to such Justices that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of or remain due from any such Officer or Person, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands and Seals, to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Officer or

Person respectively; and if no Goods and Chattels of such Officer or Person respectively can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if such Officer or Person shall not appear before the said Justices at the Time and Place appointed for that Purpose without some reasonable Excuse, or if appearing shall refuse or neglect to make out and deliver to the said Justices such Account in Writing as aforesaid, such Justices may and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Officer or Person to the Common Gaol or House of Correction of the County, City, Town, or Place where he or she shall be or reside, there to remain without Bail or Mainprize until he or she shall have delivered up the Vouchers and Receipts relating to the aforesaid Accounts, and shall have paid all the Money which shall happen to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the Trustees for such Money and Charges, and shall have paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and which Composition the said Trustees are hereby empowered to make and receive, and until he or she shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees: Provided always, that no such Person who shall be committed for Want of sufficient Distress shall, by virtue of this Act, be detained in Prison for a longer Space of Time than Six Calendar Months; but such Commitment to Prison shall not be deemed a Discharge from any Money due from such Officer or Person, or exonerate his or her Sureties.

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

XIX. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing relating to the Execution of this Act, in the Name of their Clerk or Treasurer for the Time being, or in the Name of any One of the said Trustees; and no Action or Suit to be commenced by or against the said Trustees in the Name or Names of any One of such Trustees, their Clerk or Treasurer for the Time being, shall abate or be discontinued by the Death or Removal of any such Trustee, Clerk, or Treasurer, or any of them, or by the Act of any such Trustee without the Consent of the said Trustees; but that the Trustee, Clerk, or Treasurer in whose Name such Action or Suit shall have been so brought shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent, in such Action or Suit, as the Case may be: Provided always, that every such Trustee, Clerk, or Treasurer in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceeding shall be had, taken, prosecuted, continued, or defended in pursuance of this Act shall be fully reimbursed and paid out of the Monies arising by virtue of this Act all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action, Suit, Prosecution, Information, or Appeal, or other Proceeding, he shall pay, bear, sustain, expend, or be put to or may become chargeable with or liable for, or be fairly entitled to by reason of being so made Plaintiff, Prosecutor, Defendant, Informant,

Appellant,

Appellant, or Respondent, and shall not be disqualified from being a Witness by reason of his so being Plaintiff, Prosecutor, Informant, Defendant, Appellant, or Respondent, as aforesaid.

Trustees and Surveyors to have the like Power as Overseers of Public Roads.

XX. And be it further enacted, That the said Trustees, and their Surveyor or 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 amending, making, or repairing Public Roads, is invested with.

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

XXI. And be it further enacted, That the Right and Property of and in the several Turnpikes, Toll Houses, Toll Gates, and other Buildings to be erected by virtue of this Act, with the Ground, Fences, and Appurtenances thereunto respectively belonging, and all Materials for building and repairing the same, and for repairing the said Road, or any Part thereof, and all Fences and Rails erected or to be erected and set up by the said Trustees upon, near, or on the Sides of the said Road respectively, and all Milestones, Direction Posts, Tables of Tolls, and Posts erected or to be erected by the said Trustees, and also all Materials, Tools, and Implements, Articles and Things which shall be purchased, collected, or provided by virtue of this Act, shall be vested in and be the Property of the said Trustees appointed by virtue of this Act, and they are hereby empowered to sell and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, and to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall steal, break down, damage, take away, injure, or spoil any such Turnpikes, Toll Gates, Toll Houses, Fences, Rails, Milestones, Tables of Tolls, Posts, Conveniences, Appurtenances, Materials, or Articles, or disturb them the said Trustees, or their Agent or Servant, in the Possession thereof; in all which Actions or Bills of Indictment respectively it shall be deemed and taken to be sufficient to state generally that such Turnpikes, Toll Gates, Toll Houses, Fences, Rails, Articles, Goods, Chattels, Thing or Things for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment be preferred, is or are the Property of "The Trustees of the *Belfast* and *Crumlin* Turnpike Road," without particularly stating or specifying the Name or Names of all or any of the said Trustees.

Power to erect Gates, Toll Houses, &c.

XXII. And be it further enacted, That it shall be lawful for the said Trustees to erect and set up or build, or cause to be erected, set up, or built, upon, in, or across the said Road, or on the Sides thereof, or any Part thereof, when and where and as they shall think expedient, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and enclose on the Sides of the said Road suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre

Acre each, as they shall think necessary; and also to make convenient Watering Places on the Sides of the said Road, and to sink Pumps and divert Water thereto for such Purpose; and also to erect convenient Seats for Foot Passengers on the Sides of the said Road, and from Time to Time to take down and remove or alter or discontinue the same or any of them, as they the said Trustees shall think proper to direct or appoint.

Power to remove Toll Gates, &c.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered, from Time to Time, at any Special Meeting to be holden for that Purpose, of which Meeting public Notice specifying the Time and Place for holding such Meeting, and the Purpose thereof, shall have been given in some Newspaper or Newspapers published or circulated in the County of *Antrim*, and also by affixing a Copy of such Notice on all the Turnpikes, Toll Gates, and Side Bars which shall be then standing on the said Road, Fourteen Days previously to such Meeting, to order and direct any Turnpikes, Toll Gates, or Side Bars to be removed and placed elsewhere, upon, across, or by or on the Sides of the said Road, in such Situations as to them the said Trustees may appear fit or eligible.

Lamps to be lighted at Toll Houses.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees to order and direct One or more Lamp or Lamps to be placed and erected on or against or in front of each and every of the Toll Houses on the said Road, and also to order and direct at what Times of the Year and during what Hours such Lamp or Lamps, or any of them, shall be kept lighted; and all and every the Collector and Collectors of the Tolls on the said Road, and also all and every the Lessees or Lessee thereof, who shall neglect or omit to observe and fulfil the Order of the said Trustees in respect to the keeping and lighting of such Lamp or Lamps, shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Neglect or Omission; and in case any Person shall damage or injure any Lamp or Lamps to be placed and set up as aforesaid, or extinguish the Lights therein, such Person shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Power to take Tolls.

XXV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls or Sums of Money hereinafter mentioned, or such Sum or Sums, not exceeding the following Sums or Tolls respectively, as they the said Trustees at any of their Meetings shall from Time to Time appoint and order, at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars or Chains, which shall or may be erected, provided, placed, standing, or being by virtue of this Act in, upon, across, or on the Side or Sides of the said Road, or any Part or Parts thereof, on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say,)

For each and every Horse or other Beast drawing any Coach, Berlin, Landau, Vis-a-Vis, Jaunting Car, Gig, Curricle, Chariot, Chaise, Phaeton, Cabriolet, Calash, Chair, Caravan, Hearse, or Litter, the Sum of Sixpence: Tolls.

For each and every Horse or other Beast of Draught drawing any Waggon, Wain, Dray, or other such Carriage (not being a Cart or Car), having the Streaks or Shoeings of all the Wheels thereof respectively of the Breadth of Five Inches or more, and having all such Streaks or Shoeings set on or fastened with Nails, Bolts, or Screws so countersunk and flat-headed that no Nail, Bolt, or Screw therein shall project beyond the Surface of such Streaks or Shoeings respectively, the Sum of Three-pence:

For each and every Horse or other Beast of Draught drawing any Waggon, Wain, Dray, or other such Carriage (not being a Cart or Car), having the Streaks or Shoeings of all the Wheels thereof respectively of the Breadth of Four Inches and less than Five Inches, and having all such Streaks or Shoeings so set on or fastened as aforesaid, the Sum of Four-pence:

For each and every Horse or other Beast of Draught drawing any Waggon, Wain, Dray, or other such Carriage (not being a Cart or Car), having the Streaks or Shoeings of all the Wheels thereof respectively of the Breadth of Three Inches and less than Four Inches, and having all such Streaks or Shoeings so set on or fastened as aforesaid, the Sum of Sixpence:

For each and every Horse or other Beast of Draught drawing any Waggon, Wain, Dray, or other such Carriage (not being a Cart or Car), having any Streak or Streaks, Shoeing or Shoeings, of any Wheel or Wheels thereof respectively of a less Breadth than Three Inches, or having any such Streak or Streaks, Shoeing or Shoeings, not so set on or fastened as aforesaid, the Sum of One Shilling:

For each and every Horse or other Beast of Draught drawing any Cart or Car, or Timber Carriage commonly called a Timber Wheel, having the Streaks or Shoeings of all the Wheels thereof respectively of the Breadth of Three Inches or more, and having such Streaks or Shoeings set on or fastened with Nails, Bolts, or Screws so countersunk or flat-headed that no Nail, Bolt, or Screw therein shall project beyond the Surface of such Streaks or Shoeings respectively, the Sum of Three-pence:

For each and every Horse or other Beast of Draught drawing any Cart or Car, or Timber Carriage, having any Streak or Streaks, Shoeing or Shoeings of any Wheel or Wheels thereof respectively of a less Breadth than Three Inches, and having all such Streaks or Shoeings so set on and fastened as aforesaid, the Sum of Four-pence:

For each and every Horse or other Beast of Draught drawing any Cart or Car, or Timber Carriage, having any Streak or Streaks, Shoeing or Shoeings of any Wheel or Wheels thereof respectively not so set on or fastened as aforesaid, the Sum of Five-pence:

For each and every Horse or other Beast of Draught drawing any Carriage other than a Carriage called or known by the Name of a Timber Carriage, upon which any Piece of Timber or Plank exceeding Twenty Feet in Length shall be carried, Treble the

aforesaid Toll, according to the Breadth of the Wheel of such Carriage:

For every Horse, Mule, or Ass, laden or unladen, the Sum of Three-pence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Three Shillings and Four-pence *per* Score; and so in proportion for any greater or less Number:

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

And for every Millstone Three Shillings and Nine-pence:

For every Carriage not immediately attached to and drawn by Animals the same Toll as a similar Carriage drawn by Two Horses:

And for each and every other Horse or other Beast of Draught drawing any other Carriage, Cart, or Conveyance not herein-before particularized, the Sum of Sixpence.

Limiting the Number of Tolls.

XXVI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be deemed or construed to extend, to empower the said Trustees, or any Collector or Collectors to be by them appointed for that Purpose, to take more than One full Toll in any One Day for or in respect of the passing of any Horse, Beast, or other Cattle, or Carriage, for passing over the whole of the said Road from *Belfast* to *Crumlin*.

No more than One Toll to be demanded on the same Day at any Gate.

XXVII. Provided also, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable any Collector of the said Tolls to demand or take any more than One Toll on any One Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) for or in respect of the same Horse or other Beast or Cattle, Carriage or other Thing, passing or repassing through the same or any other Gate or Turnpike erected or to be erected on the said Road within Ten Miles of any other Gate or Turnpike on the said Road, on the Production of a Ticket denoting that such Toll had been paid on that Day for or in respect of such Horse, Beast, or Cattle, at any Gate or Turnpike on the said Road within Ten Miles thereof; which Ticket every such Collector is hereby required to deliver *gratis* on the Payment of such Toll.

Horses drawing Stage Coaches, &c. to pay each Time of passing.

XXVIII. And be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts of Draught drawing any Stage Coach or Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing and repassing through any Toll Gate on the said Road, in like Manner as if no Toll had been before paid thereat: Provided nevertheless, that no further or additional Toll shall be payable in respect of the Horses or other Beasts drawing any Stage Coach, Caravan, Stage Waggon, or other Stage Carriage, on account only of the Horses or other Beasts drawing the same having been changed.

Post Horses to pay on each fresh Hiring.

XXIX. And be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of every Horse or other Beast let or travelling for Hire, whether laden or unladen, or drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Road on the same Day, whenever and as often as a fresh Hiring shall take place.

Post Chaises returning empty not to pay Toll.

XXX. Provided always, and be it further enacted, That all Horses travelling for Hire, having passed through any Turnpike Gate erected or to be erected on the said Road, drawing any Carriage or Car in respect of which any Toll shall have been paid, on returning through the Turnpike Gate or Gates at which the Toll shall have been paid, either without such Carriage or drawing such Carriage or Car, the same being empty, and without a fresh Hiring, shall be permitted to repass Toll-free, although such Horses or Carriages shall not have passed through the said Turnpike Gates on the same Day; provided that such Horses so travelling shall return before Nine of the Clock on the Morning succeeding the Day on which they first passed the said Gate at which the Toll shall have been paid.

If Horses have passed through a Gate not drawing, and return drawing a Carriage, the Toll paid on the Horses to be deducted.

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

Tolls to be paid upon Carriages affixed to others.

XXXII. And whereas Coaches, Chaises, Carts, and other Carriages sometimes pass through Turnpike Gates affixed, tied, or secured to Waggons or Carts, and Horses are sometimes sent under the Charge of the Drivers of such Waggons and Carts, and are fastened thereto; and it is expedient to determine what Tolls such Coaches, Chaises, Carts and other Carriages, and Horses, ought to pay on passing through such Gates; be it therefore enacted, That the same Toll, and no more, shall and may be demanded and taken for and in respect of any Coach, Chaise, or other Carriage passing through any Turnpike Gate on the said Road, fixed, tied, or secured to any other Carriage, as if the same had passed through drawn by two Horses; and for or in respect of any Cart or other Carriage whatsoever with Two Wheels only passing through any Turnpike Gate on the said Road, so affixed, tied, or secured to any Waggon or Cart as aforesaid, the same Toll, and no more, shall and may be demanded and taken for and in respect of such Cart or other Carriage with Two Wheels only as if the same had passed through drawn by One Horse only; and where any Horse shall be fastened to but not used in drawing any Waggon, Cart, or other Carriage, such Horse shall not be liable to a higher Toll than a single Horse; provided that if any Coach, Chaise, Cart, or other Carriage so fixed, tied, or secured to any Waggon or Cart shall have

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any Goods conveyed therein other than the Harness thereto belonging, and such Articles of Package as may be necessary for the Protection of such Carriages, the same shall be liable to Double the Toll hereby imposed.

Power to reduce the Tolls.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby empowered, at a Meeting to be held for that Purpose, of which One Calendar Month's Notice shall be given in Writing, to be affixed on all the Turnpike Gates which shall be then erected upon the said Road, and in some Newspaper circulated in the County of *Antrim*, from Time to Time to lessen and reduce all or any of the Tolls granted by this Act, for and during such Time as the said Trustees shall think proper; and afterwards, at any Meeting to be held as aforesaid, from Time to Time, as they shall see Occasion, again to raise the same to any Sum or Sums of Money not exceeding in the whole the several Rates or Tolls granted by this Act: Provided nevertheless, that where the whole Money borrowed on the Credit of the said Tolls or any Part thereof shall not have been paid and discharged, no such Tolls shall be lessened or reduced without the Consent of the Person or Persons entitled to Five Sixth Parts of the Money remaining due upon such Tolls.

Restriction as to erecting Toll Gates on the Side of the Road.

XXXIV. And be it further enacted, That no Toll Gate shall be erected on the Side of the said Road unless the same be ordered by the Trustees at a Meeting of which Fourteen Days public Notice shall have been given in Writing affixed upon all the Toll Gates erected on the said Road, and also in some public Newspaper circulated in the County of *Antrim*, and unless Five Trustees at least shall sign the said Order at such Meeting.

If Trustees cause Gates to be erected contrary to Act, Justices may order them to be removed.

XXXV. And be it enacted, That if the said Trustees shall exceed their Power by erecting or continuing any Gate or Gates, Turnpike or Turnpikes, where they have not any Power by virtue of this Act to erect such Gate or Gates, Turnpike or Turnpikes, it shall and may be lawful for the Justices of the Peace for the Limit where any such Gate or Gates, Turnpike or Turnpikes, is or shall be erected, in their General Quarter Sessions assembled, upon Complaint of such Excess of Power in such Trustees, in a summary Way to hear and determine whether such Power has been exceeded, and if such Power has been exceeded, to order the Sheriff of the County, who is hereby authorized and required to execute such Order, to remove any such Gate or Gates, Turnpike or Turnpikes.

Collectors may measure the Dimensions of Wheels.

XXXVI. 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, before any such Waggon, Wain, Dray, Cart, or Car, or other such Carriage, shall be permitted to pass through any Turnpike or Turnpikes erected or to be erected on the said Road.

XXXVII. And

Trustees to put up a Table of Tolls.

XXXVII. And be it further enacted, That the said Trustees shall and they are hereby required to put up, or cause to be put up, and afterwards to be continued, at each and every Toll Gate on the said Road which shall be erected by virtue of this Act, within One Calendar Month after such Toll Gate shall have been erected, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List or Account of all the Tolls payable at every such Gate, distinguishing the several Tolls to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated, and also a List of the several Gates which shall be cleared by the Payment of Toll at the Toll Gate or Bar where such Table of Tolls shall be affixed; and in case there shall at any Time or Times be more than One Gate, the said Trustees shall also provide or cause to be provided Tickets denoting the Payment of Toll, and on such several Tickets shall be named and specified the Name of the Gate at which the same respectively shall be delivered, and also the Names of the several Gates freed by such Ticket, One of which Tickets shall be delivered *gratis* to the Person on paying the Toll; and on the Production of such Ticket at any Gate or Gates therein mentioned to be cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered the Person producing the same shall pass through the Gate or Gates therein mentioned without paying any further or additional Toll.

Trustees not to demand Toll but when Table remains affixed.

XXXVIII. And be it further enacted, That it shall not be lawful for the said Trustees to demand or take, or cause to be demanded or taken, any Toll for or in respect of any Passenger, Horse, Mule, Ass, or other Beast at any Toll Gate but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate: Provided always, that if at any Time or Times, and when and so often as such painted Toll Board as aforesaid shall be wilfully or maliciously removed, stolen, taken away, or defaced, then and in each and every such Case it shall and may be lawful for the said Trustees to demand and take, or cause to be demanded and taken, such Tolls as are by this Act made payable in the same Manner as though such painted Toll Boards had not been so wilfully or maliciously removed, stolen, taken away, or defaced as aforesaid; and the said Trustees are hereby required, within Fourteen Days from the Time that such painted Toll Board shall have been so maliciously removed, stolen, taken away, or defaced as aforesaid, to replace and put up, or cause to be replaced and put up, at such Gate or Gates where such painted Toll Boards shall have been so wilfully or maliciously removed, stolen, taken away, or defaced as aforesaid, such a painted Toll Board as is herein-before required by this Act to be put up.

Tolls vested in Trustees.

XXXIX. And be it further enacted, That the said Tolls shall be and they are hereby declared to be vested in the said Trustees; and the said respective Sums herein respectively granted or made payable shall be demanded and taken in the Name of and as Toll by such Person or Persons as the said Trustees shall from Time to Time authorize and

Power to recover Tolls.

appoint to receive the same; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Collector or other Person or Persons authorized to receive the same, neglect or refuse to make Payment thereof or any Part or Parts thereof, it shall be lawful for the said Collector or other Person or Persons so authorized to collect such Tolls, by himself or themselves, or his or their Assistants or Servants, to take, seize, and distrain any Horse, Cattle, or Beast upon which any Toll by this Act is imposed, or any Carriage in which the same shall be drawing, or the Loading, Harness, and Accoutrements of any such Horse, Cattle, or Beast (except the Bridle or Reins separate from such Horse or Beast), or any of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, and if such Toll, and the reasonable Charges of such Distress, and of keeping the same, shall not be paid within the Space of Four Days next after the Day of making such Distress, the said Collector or other Person or Persons so distraining shall and may, at any Time or Times thereafter, sell by Public Auction (Notice in Writing of such intended Sale having been affixed at the Toll Gate where such Distress was made, and at the Two nearest Toll Gates on the said Road, Three Days at least before such Sale,) the Horse, Cattle, Beast, Carriage, Goods, and Chattels so distrained, and out of the Money which shall arise by such Sale pay or retain such Tolls and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any), upon Demand, to the Owner or Owners thereof.

For settling Disputes concerning Tolls.

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

XLI. And

Collectors not to be incompetent Witnesses.

XLI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, shall not be incompetent, on account of his or their being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

Power to erect Weigh Houses.

XLII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered, to erect or cause to be erected on any Part or Parts of the said Road contiguous or near to any of the Toll Gates whereon any Weigh House or Weigh Houses, with the necessary Apparatus for weighing all Waggons, Wains, Drays, Carts, Cars, and other Carriages of Burthen, with all Manner and Kind of Loading thereon; and in lieu of the Tolls herein-before mentioned and directed to be taken and paid on the said Road to demand and take the Toll at the said Gates by the Ton Weight of Twenty Hundred Weight to the Ton: Provided always, that the Tolls so to be taken and paid at such Gate shall not exceed Four-pence by the Ton Weight if the Shoeing of the Wheels of such Carriage be flat and not less in Breadth than Three Inches, nor Eight-pence *per* Ton if the Shoeing of the Wheels be less in Breadth than Three Inches, and so in proportion for any greater or less Weight; and that it shall and may be lawful for the Collector of the Tolls on the said Road, and for the Surveyor and other Persons employed thereon, to stop and detain all such Carriages at the several Toll Gates on the said Road for the Purpose of weighing the same.

Penalty for evading Tolls.

XLIII. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, upon which any Tolls by this Act are imposed, pass through any Land or Ground within the Distance of One Mile from any Toll Gate or Turnpike which shall be erected by virtue of this Act, the same not being a public Road, and such Person not being the Owner or Occupier, or Servant or One of the Family of the Owner or Occupier of such Land or Ground, or if any Owner or Occupier of such Land or Ground shall knowingly permit or suffer any Person or Persons, except as aforesaid, with any Horse, Beast, or other Cattle, to pass through the same, with Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or if any Person or Persons shall give to or receive from any Person or Persons other than a Collector of the said Tolls any Ticket by this Act directed to be given by a Collector of the said Tolls, or shall forge, alter, or counterfeit any such Ticket, or shall forcibly or fraudulently pass through any Toll Gate or Turnpike as aforesaid with any Horse, Cattle, or Beast, or shall at any Time or Times take off or cause to be taken off any Horse, Cattle, or Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Road, so as to increase the Number of Horses or other Beasts drawing the said Carriage after the same shall have passed through any Toll Gate, whereby the Payment of Toll, or any of the said Tolls,

or

or any Part thereof, shall be evaded, or if any Person or Persons shall leave or cause to be left upon or near to any Part of the said Road any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, every such Person so offending in any of the Cases aforesaid, and being lawfully convicted thereof, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted; one Moiety whereof shall be paid to the Informer or Informers, and the other Moiety thereof to the Treasurer of the Trustees of the said Road, to be applied for the Purposes of this Act.

Exemptions from Tolls.

XLIV. And be it further enacted, That no Tolls shall be demanded or taken on the said Road for any Horses or Carriages belonging to His Majesty, or attending any of the Royal Family, or returning after having so attended; or for any Horses or Carriages employed in the Conveyance of His Majesty's Mails, or returning after being so employed; or for any Horse, Ox, or other Beast, or any Cart or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Lime, Timber Trees, Wood, Gravel, or other Materials for making or repairing the said Road, or making or repairing any Bridge thereon, or any of the Highways in the several Parishes, Townlands, or Districts running directly into or crossing the said Road between the Toll Gates at or near its extreme Ends situate at *Crumlin* and *Belfast* aforesaid; or for every Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, having been employed only in carrying or conveying on the same Day, any Dung, Soil, Compost, or Manure (save and except Lime) for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry (unless laden also with some other Thing not hereby exempted from Toll), or any Corn in the Straw or Potatoes which have grown or arisen on Land in the Occupation of the Owner of any such Corn in the Straw or Potatoes, and which have not been bought, sold, or disposed of, or in going to be sold or disposed of; nor for any Person or Persons, Carriage or Carriages, Horse or Horses, conveying Corn for the Purpose of having the same ground in any of the Manor Mills, to be laid up or consumed in the Houses, Out-offices, Barns, or Yards of the Owners thereof, and not for Sale; nor for any Horses, Beasts, or other Cattle when going to or returning from being shoed or farried, or to or from Work in cultivating the Lands or Grounds within the same Parishes or Townlands through which the said Road shall pass, or going to or returning from Pasture or Watering Places, provided that such last-mentioned Exemption shall only extend to such Cattle as shall not pass upon the said Road more than Two Miles in going to or returning from Water or Pasture; nor shall any of the Tolls hereby granted be demanded or taken for any Horse, Ox, or other Beast which shall only cross such Road, and shall not pass above One hundred Yards thereon; or for any Horse, Mule, or other Beast or Carriage when going to or returning from the Funeral of any Person or Persons who shall die and be buried in any of the same Parishes

or Townlands through which the said Road shall pass; nor for any Horses belonging to Officers or Soldiers upon their March or upon Duty, nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of such Officers or Soldiers, or carrying any wounded, sick, or disabled Officers or Soldiers, or returning empty after having been so employed, provided such Horses, Cattle, or Carriages shall return empty; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to His Majesty, or to and for the Use of His Majesty's Forces; nor for any Horse furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them; nor Carriages conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person or Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; nor for any Horse or Carriage used by or conveying any Constable or Policeman, or any Magistrate commanding and accompanying such Constable or Policeman, provided that such Horse or Carriage be used by such Magistrate, Constable, or Policeman while on Duty, and that such Constable or Policeman be dressed in his proper Uniform and Accoutrements at the Time of claiming such Exemption as aforesaid; nor for any Horse, Cart, or Carriage employed only in carrying or conveying any Vagrant or Prisoner sent by legal Warrant for a Criminal Offence; nor for any Horses or Carriages carrying or conveying any Person or Persons going to or returning from voting at any Election for a Knight or Knights of the Shire to serve in Parliament for the said County of *Antrim* on the Day or Days of such Election, or on the Day before or Day after such Election shall begin and be concluded.

Penalty for improperly claiming Exemptions.

XLV. And be it further enacted, That if any Person or Persons shall by any fraudulent, false, or collusive Means whatsoever claim or take the Benefit of any of the Exemptions from Toll in this Act contained, or otherwise fraudulently evade or endeavour to evade Payment of the Tolls hereby imposed, or if any Person or Persons claiming Exemptions from the Payments of the Tolls hereby granted, or any Part thereof, shall refuse or decline to tell his or her Name and Place of Residence to the Collector or Collectors at any Gate or Gates at which such Exemptions shall be claimed, or shall give a false Name or Place of Residence, every Person so offending, and being lawfully convicted thereof, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted, and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Tolls payable on Waggons going empty

XLVI. Provided always, and be it further enacted, That for the preventing of Frauds on the Toll Collectors by Waggons, Carts, or other Carriages passing empty, or loaded only with Implements necessary for

for Road Materials, &c. to be repaid when returning laden.

for the more convenient Carriage of or for loading or unloading Manure or Materials for the Repair of any Turnpike Road or Highway, through Turnpike Gates, under Pretence of going for such Manure or Materials, the Owner or Driver of every such empty Waggon, Cart, or Carriage claiming the same Exemptions or any of them shall in all Cases pay the Toll in respect of such Waggon, Cart, or other Carriage before the same shall be permitted to pass through such Turnpike Gate, and the Collector of such Toll shall thereupon deliver to such Owner or Driver a Ticket to be marked "Manure Exemption" or "Road Materials" (as the Case may be), with the Name of the Gate, and the Date when delivered, and the Amount of the Toll so paid; all which Sum or Sums so paid shall be repaid to the Owner or Driver of such Waggon, Cart, or other Carriage, upon his or their returning with such Waggon, Cart, or other Carriage so laden as aforesaid, and producing such Ticket; and every Collector of such Toll refusing to give such Ticket on receiving the Toll, or refusing or neglecting to return the same Toll upon the Return of such Waggon, Cart, or other Carriage so laden, and Re-delivery of the "Manure Exemption" or "Road Materials" Ticket, as the Case may be, shall for every such Offence, forfeit and pay to the Owner of such Waggon, Cart, or other Carriage a Penalty of not more than Five Pounds upon Conviction thereof before One or more Justice or Justices of the Peace for the said County of *Antrim*, upon the Oath of One or more credible Witness or Witnesses.

Toll not to be taken on account of Baskets, &c. being in Waggons or Carts laden with Manure, &c.

XLVII. And be it further enacted, That the Owner or Driver of any Waggon, Cart, or other Carriage laden with Manure for Land, or Materials for any Turnpike Road or Highway lying within the Parishes or Town Lands, and through which the said Road shall pass, passing through any Turnpike Gate, shall not be liable to pay any Toll, nor shall any Toll be demanded for such Carriage so laden, or the Cattle drawing the same, by reason only of any empty Basket or Baskets, empty Sack or Sacks, or Spade, Shovel, or Fork necessary for loading or unloading such Manure or Materials, being in or upon any such Waggon, Cart, or other Carriage, in addition to such Manure or Materials, if the Loading thereof is substantially Manure for Land or Materials for the Repair of any Turnpike Road or Highway as aforesaid.

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

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered, at any Meeting, having had Fourteen Days previous Notice thereof inserted in a Newspaper published or circulated in the said County of *Antrim*, from Time to Time to lease or demise all or any of the Tolls to be collected by virtue of this Act, and all or any of the Toll Houses, Conveniences, and Appurtenances thereto belonging, for any Time not exceeding Two Years, upon public Bidding, to the highest Bidder, and for the best Rent or Price that can be gotten for the same, payable at such Times and in such Manner, and with, under, and subject to such Covenants, Conditions, and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit; and at such Letting the Trustees present shall have and be entitled to One or more Biddings for the Tolls, either by themselves

or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm all or any of such Tolls at the best Rent that can be reasonably gotten for the same; provided that the Leases, Contracts, or Agreements for the same be in Writing, and be duly executed by the Lessee or Lessees, Farmer or Farmers of such Tolls, and also by any Five or more of the said Trustees, and that the said Trustees have a Counterpart or Counterparts of such Lease or Leases, and take such other sufficient Security for Payment of the Rents to be reserved by and for the Performance of the Covenants to be contained in such Lease or Leases as the said Trustees or any Five or more of them shall think proper.

Lessees invested with Power to collect Tolls.

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

For preventing Misconduct of Toll Collectors.

L. And be it further enacted, That each and every Toll Collector, being a Lessee of the Tolls authorized to be collected upon the said Road, or appointed or continued, either by the said Trustees or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate erected or to be erected by virtue of this Act, shall and he or she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters in the Front or on some other conspicuous Part of the Toll House or Toll Gate, and so that the same shall appear to public View, immediately on his or her coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of Breadth in proportion, and painted either in White Letters on a Black Ground, or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall be on Duty; and every such Collector shall place on the Front of the Toll House or Toll Houses, or Gate or Gates at which such Collector shall be stationed, the Board herein-before directed to be provided by the Trustees, containing the usual Name of the Turnpike Gate where the Board shall be so affixed, and also the List of the Tolls payable at such Gate; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid,

aforesaid, or shall demand and take, or shall cause to be demanded or taken, any Toll not authorized by this Act to be taken, or a greater or less Toll than authorized to be taken by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand or take, or cause to be demanded or taken, a Toll from any Person or Persons who shall be exempt from the Payment thereof, and shall claim such Exemption, or shall refuse to permit or suffer, or shall in any way hinder, any Person or Persons from reading the Inscriptions on such Boards respectively, or shall refuse to tell his or her Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and having named and specified thereon the several Gates freed by such Payment, in case the same shall be demanded, or shall unnecessarily detain any Passenger or Passengers, or shall make use of any abusive Language to any Trustee, Traveller, Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds, nor less than 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.

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

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

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

Tolls may be compounded for.

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

Trustees may enter into Contracts for making or repairing the Road.

LIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered, to enter into any Contract or Contracts for the making, repairing, and amending of the said Road, or 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 have been given previous to the entering into the same, in some Newspaper published or circulated in the said County of *Antrim*, expressing the Purpose or Purposes of such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered to the said Trustees at a certain Time and Place in such Notice to be mentioned; and the said Trustees shall and they are hereby required to take Security from every such Contractor for the due Performance of his, her, or their Contract; and every such Contract shall be signed by Five or more of the said Trustees, and by the Person or Persons contracting to perform such Works respectively; which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk of the said Trustees: Provided always, that no such Contract or Contracts shall be deemed good, valid, or effectual, if the same shall have been made for a longer Space of Time than Five Years from the Time of entering into such Contract or Contracts.

No such Contracts to be made for more than Five Years.

Trustees may compound for Breach of Contract.

LIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, from Time to Time and at all Times hereafter, to compound and agree with any Person or Persons on account of any Breach or Nonperformance of such Contract or Contracts, for any 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.

Maps, &c. to remain in the Custody of the Clerks of the Peace.

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

Trustees not to deviate more than 100 Yards from Plans.

Houses, &c. not to be taken or injured without Consent of Owners.

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

Trustees not to deviate more than 100 Yards from the present Line without Consent;

LVII. And be it further enacted, That it shall not be lawful for the said Trustees, in deviating, turning, or altering the Course or Path of any Part or Parts of the said intended Road, to deviate more than One hundred Yards from the present Line or Course of the said Road without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands or Grounds which may be affected by any such Diversion or Alteration, save and except as specified in the said Map or Plan and Book of Reference.

nor to purchase Buildings, &c. after Five Years, without Consent.

LVIII. And be it further enacted, That in case the said Trustees shall not purchase such Houses and other Premises within the Space of Five Years from the passing of this Act, then and in such Case it shall not be lawful for the said Trustees to purchase any of the said Houses or other Premises so remaining unpurchased, without the Consent in Writing of the Owners thereof for that Purpose first had and obtained.

LIX. Pro-

Road to be made, notwithstanding Errors in Map, &c.

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

Trustees may borrow Money on Security of the Tolls.

LX. 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 any Five or more of the said Trustees, and they are hereby empowered, from Time to Time to borrow and take up at Interest on the Credit of the Tolls arising on such Road, such Sum or Sums of Money as they shall from Time to Time judge necessary for the Purposes of this Act, and, by Writing under their Hands and Seals, to demise, mortgage, or assign over the 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 Mortgages or 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, or to the Grand Jury of the County of *Antrim*, in case the said Grand Jury shall agree to make such Advance, or guarantee the Payment of the same, to any other Person or Persons whomsoever, or in case the said Grand Jury shall agree to guarantee the Interest to accrue due on any such Loan, such Interest to be paid and payable by equal Quarterly Payments at the Dwelling House of the Treasurer to the said Trustees for the Time being; all which Assignments shall be in the Words or to the Effect following; (that is to say,)

Form of Security.

‘ BY virtue of an Act passed in the Fifth Year of the Reign of King *William* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], We, whose Names are hereunto subscribed and Seals affixed [*being Five or more of the Trustees acting in the Execution of the said Act*], in consideration of the Sum of to the Treasurer of the Trustees of the said Road in Hand paid by *A. B.*, do hereby grant, bargain, sell, and demise unto the said *A. B.*, his [*or* her] Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, 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 or advanced, or which may at any Time be charged

‘ and

‘ and advanced, on the Credit of the said Act, to be had and holden
‘ from the Day of in the Year of our Lord
‘ , 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 of Securities to be entered in a Book.

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

Securities may be transferred.

Form of Assignment.

‘ I *A. B.* [*or*, I *C. D.*, Assignee, Executor, or Administrator of
‘ *A. B.*, *as the Case may happen*,] do hereby assign and transfer
‘ this Mortgage Security, with all my Right and Title to the Prin-
‘ cipal Money thereby secured, and all Interest now due and here-
‘ after to grow due upon the same, unto *E. F.*, his [*or*, her] Executors,
‘ Administrators, and Assigns. Dated this Day of
‘ One thousand eight hundred and .

‘ (Signed) *A. B.* [*or*, *C. D.*]

‘ Witness, *G. H.*’

Transfers to be notified to the Clerk, and entered in a Book.

And every such Transfer shall be produced and notified to the Clerk of the said Trustees within Two Calendar Months next after the Date thereof, who shall cause an Entry or Memorial 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 the Sum of Two Shillings and 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 any Person or Persons making such Transfer to make void, release, or discharge the same, or the Monies thereby due, or any Part thereof; and all Persons to whom such Assignments or Transfers 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 Priority of advancing any such Monies, or of the Dates of such Mortgages or Assignments: Provided nevertheless, that before any Sum or Sums of Money shall be taken up or borrowed, Fourteen Days Notice at the least shall be given of the Intention of borrowing such Money, by inserting the same in some Newspaper published or circulated in the said County of *Antrim*.

Notice to be given previously to borrowing Money.

LXI. Provided always, and be it enacted, That the said Trustees shall not be personally liable to or subject to be charged with the Payment of any Sum or Sums of Money by reason of their having signed or executed any Lease, Mortgage, or Assignment by way of Mortgage, or other Security to be made by virtue of or in pursuance of this Act: Provided also, that in case any Action, Suit, or Prosecution shall be brought or commenced against any such Trustee for any thing done by virtue of or in pursuance of this Act, all the Costs, Charges, and Expences of defending such Action, Suit, or Prosecution, or which such Trustee shall incur in consequence thereof, shall be defrayed out of the Tolls accruing on the said Roads or any of them.

Trustees not to be personally liable.

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

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

LXIII. And be it further enacted, That it shall be lawful for the said Trustees to apply for the Loan of the Whole or any Part of the Sums necessary for the Purposes of this Act, to the Commissioners for carrying into execution an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for the Extension and Promotion of Public Works in* Ireland; and in case the said Commissioners shall lend and advance to the said Trustees acting under this Act such Sum or Sums as shall be specified in the Application of the said Trustees, the said Trustees shall secure to the said Commissioners, in such Manner as the said Commissioners shall think fit, the Amount of the Sum or Sums so advanced, with such Interest thereon as herein mentioned, by Mortgage of the Tolls by this Act authorized to be collected, such Mortgages to be made pursuant to the Provisions of the said last recited Act.

Trustees may borrow Money of Commissioners for Public Works.

LXIV. And be it further enacted, That Interest shall be paid on the Amount of the Money so to be advanced by the said Commissioners to the Trustees acting under this Act, or on so much thereof as shall for the Time being remain due and unpaid, after such Rate, not exceeding

Payment of Money borrowed, and Interest.

exceeding Five Pounds *per Centum per Annum*, as shall be agreed upon by and between the said Commissioners and the Trustees acting in the Execution of this Act; and the Principal Money so advanced shall be repaid by means of a Sinking Fund, to be established as directed by the said last-mentioned Acts, or any of them.

If the Commissioners of Public Works do not think the Security of the Tolls sufficient, the Grand Jury of Antrim may present a Sum as a collateral Security.

LXV. And be it further enacted, That in case the said Commissioners shall not deem the Security which may be offered by the said Trustees sufficient to authorize the Advance of a Sum of Money on the Credit of the Tolls hereby imposed, the Grand Jury of the said County of *Antrim* are hereby empowered, if they shall think fit, to present such an annual Sum, to be raised on the said County, as may be sufficient, together with the Tolls hereby imposed, to pay and discharge the Principal and Interest of any Sum which may be advanced by the said Commissioners: Provided always, that Notice in some Newspaper circulated in the said County, of the Intention of such Trustees to make Application for such Presentment Fourteen Days before the same shall be made, shall be deemed and taken to be sufficient Notice thereof; any Law or Custom to the contrary notwithstanding.

Application of Tolls and Money borrowed.

LXVI. And be it further enacted, That all the Monies which shall arise and be produced from the Tolls by this Act granted, together with the Monies which shall from Time to Time be borrowed in pursuance of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and shall be applied by them to and for the several Uses, Intents, and Purposes, in Order and Manner following; (that is to say,) in the first place, in Payment of all the Costs, Charges, and Expences preparatory and relative to the soliciting, obtaining, and passing of this Act, or in anywise incident thereto, with lawful Interest for the same; in the second place, in defraying the Expences of making, repairing, widening, and amending the said Road, and of erecting and maintaining necessary and convenient Bridges, Turnpike Gates, Bars, Toll Houses, and other Buildings upon the said Road, and of executing the several other Powers and Purposes of this Act; in the third place, in paying the Interest accruing upon the several Principal Sums of Money due and owing on the Credit of the Tolls collected and to be collected on the said Road by virtue of this Act, and of the several Sums of Money which shall be due and owing on the several Securities made in pursuance of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums for the Time being due on such Securities as aforesaid.

Trustees may turn or alter the Course of any Part of the Road.

LXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby fully empowered, from Time to Time as they shall think proper, to divert, widen, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the Road intended to be made, repaired, improved, and maintained under or by virtue of this Act, and that any Variation of Road may be made of any Width not exceeding One hundred Feet through any Common or Waste Ground without making any Satisfaction for the same, and through any private or enclosed Lands, Grounds, or

Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may sustain thereby; and for that Purpose it shall and may be lawful to and for the said Trustees, or for their Clerk, or any other Person or Persons by them duly authorized and deputed for that Purpose by Order of a Meeting of the said Trustees, to treat, contract, and agree with the Owners of and Persons interested in any Lands, Tenements, or Hereditaments, for the Purchase of a Right of Way in Perpetuity across or over the same, and for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road through such Lands, Tenements, or Hereditaments; and the said Lands, Tenements, or Hereditaments, or any Part thereof, shall and may, by Order and Direction of the said Trustees, be laid into and made Part of the said Road in such Manner as the said Trustees shall think convenient, and shall, by such Person or Persons as they shall order and appoint, be sufficiently drained, ditched, and fenced out for that Purpose; and it shall and may be lawful for the said Trustees and their Surveyor and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon such Lands, and to stake out and make the said Road in such Manner as the said Trustees shall think proper, without being subject to be deemed a Trespasser or to any Fine or Penalty by reason of such Entry as aforesaid; and after the said Lands and Grounds shall be so drained, ditched, and fenced out, the same shall, to all Intents and Purposes whatsoever, become and be and be deemed and taken to be a public and common Highway, and to be Part of the Road to be amended, widened, and kept in repair by virtue of this Act; and after any such Lands shall be made Part of such Road as aforesaid, the Lands or Grounds comprised in or constituting any former Road in lieu whereof such Lands or Grounds shall be used as aforesaid shall revert to the Owners of the adjoining Grounds, in case the Grand Jury of the said County shall think fit to shut up and discontinue the same.

Trustees may apply to Grand Juries for a Presentment to alter, &c.

LXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees to give Notice Three several Times in some Two or more of the Newspapers published or circulated in the County of *Antrim*, and also in the *Dublin Gazette*, that Application is intended to be made at any ensuing Assizes to be held for the said County of *Antrim*, to the Grand Jury of the same, for a Presentment of One Shilling, to make, widen, alter, and repair the said Road hereby intended to be made, repaired, and amended, and upon such Notice being given, the said Grand Jury of the County of *Antrim* shall and may, and they are hereby empowered, at such Assizes, to present the said Sum of One Shilling respectively to the said Trustees, and it shall then be lawful for any Owner or Occupier of Ground into, through, over, or upon which any Part of the said Road is to be made, altered, or widened, to traverse the same for Damages only at such Assizes as aforesaid, and such Traverse shall be tried at the same Assizes, and the Jury then and there impannelled to try the same shall true Verdict give where any and what Damages shall thereby accrue to the Traverser; and upon the Damage so found being paid to the Traverser, or deposited with the Treasurer of the said County of *Antrim*, for the Use of the

said Traverser, it shall be lawful for the said Trustees to proceed in the Execution of the said Presentment, without Interruption from any Person or Persons whatsoever; and it shall be lawful for the said Grand Jury, and they are hereby respectively empowered, to present such Sum or Sums of Money so found as Damages to be raised off the County of *Antrim*.

Road made by Grand Jury Presentments deemed Part of the Road hereby directed, and to be subject to the Regulations of this Act.

LXIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to adopt any Line of Road which shall be made by Grand Jury Presentments as Part of an Improvement to the Road hereby directed to be made and maintained, and that thereupon every such Line, and the Improvements, Alterations, or Variations thereby made, shall be and be deemed to be a Part of the Road hereby placed under the Direction and Management of the said Trustees; and every such Presentment Road shall be subject to all the Enactments, Provisions, and Regulations in this Act contained.

Trustees may purchase Lands, &c. for the Purpose of making or improving the Road.

LXX. And be it further enacted, That it shall and may be lawful to and for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any Lands, Tenements, Hereditaments, and Premises over which it may be necessary to purchase a Right of Way as aforesaid, for making, widening, diverting, altering, and improving the said Road, and also for making all necessary Fences on the Sides of the said Road respectively, and for keeping the same in repair for the Purchase of such Right of Way, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful to and 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, or any Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every other Person or Persons whomsoever who are or shall be seised of and interested in their own Right, and to and for all and every other Person or Persons whomsoever who are or shall be seised of or interested in any such Lands, Tenements, Hereditaments, and Premises, or who shall sustain any Damage as aforesaid, to sell, and convey by Conveyance, Lease and Release, or Bargain and Sale, to be inrolled, unto the said Trustees, a Right of Way in Perpetuity over all or any such Lands, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purpose aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall, without Fine or Recovery, and notwithstanding any Estate Tail or other Estate, Title, or Interest then subsisting in such Lands, Tenements, Hereditaments, and Premises, be good, valid, and effectual to convey to such Trustees such Right of Way in Perpetuity, any Law,

Statute,

Statute, Usage, or other Matter to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons shall be and they are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

In case of Persons refusing to treat, or not agreeing, a Jury to settle the Compensation.

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

determinable on any Life or Lives, as well as all and every Person and Persons whatsoever.

Trustees may issue Warrants to the Sheriff to impannel a Jury.

LXXII. And be it further enacted, That for summoning and returning such Juries the said Trustees are hereby empowered to issue their Warrant or Warrants, signed by any Three or more of them, to the Sheriff of the County wherein such Lands, Tenements, Hereditaments, and Premises do lie, commanding him or them to impannel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy 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 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 Purpose aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve: Provided always, that all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record in *Dublin* is or shall be by Law entitled to; and the said Trustees acting in the Premises are hereby empowered from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, or his Deputy, Bailiff or Bailiffs, Agent or Agents, making default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who without sufficient Excuse shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall without sufficient Excuse refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no One Fine be more than Ten Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person for One Offence.

How Expences of Jury and Witnesses are to be paid.

LXXIII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act shall give in a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right of Way over any such Lands, Tenements, Hereditaments, and Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for such Right of Way, or for any Loss or Damage as aforesaid, then and in every such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, after

having been ascertained and settled by some Justice of the Peace for the County or Place where the Cause of Dispute shall arise, not interested in the Matter in question, who is hereby authorized to examine and settle the same, shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his or their Hands, or out of any Monies to be received by virtue of this Act; 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 or on behalf of the said Trustees before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right of Way over any such Lands, Tenements, Hereditaments, and Premises, or Losses or Damages as aforesaid, then and in every such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne or paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences shall be ascertained and settled by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question, who is hereby authorized and required to examine and settle the same, and shall and may deduct the same 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 whatsoever, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees in manner aforesaid.

Power to enter and take Possession of Lands, &c. on Payment or Tender of Purchase Money.

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

and

and of every other Person whomsoever therein, and shall be discharged from all Incumbrance affecting the same.

Trustees may dig and use the Lands as if they had the Fee Simple thereof.

LXXV. Provided also, and it is hereby further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging the Lands and Hereditaments taken by them for the Purposes of this Act, and also of erecting any Toll House or other Building, or of building any Bridge thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands and Hereditaments.

Application of Compensation Money, if amounting to 200*l*.

LXXVI. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of a Right of Way as aforesaid in or over, or for any Damage or Loss done by the Exercise of the Powers and Authorities of this Act to, any Lands, Tenements, Hereditaments, and Premises to be taken or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, or Administrator, Husband, Guardian, Committee, or other Trustees for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or Cestuique Trust, or to any other Person or Persons whose Lands, Tenements, Hereditaments, and Premises are limited in strict or other Settlement, or to any Person or Persons under any other Disability or Incapacity whatever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the High Court of Chancery in *Ireland*, to be placed to his Account *ex parte* the Trustees for carrying this Act into execution; 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, Hereditaments, and Premises, in or towards the Discharge of any Debt or Debts, or such Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, Hereditaments, and Premises, or affecting other Lands, Tenements, and Hereditaments standing settled therewith to the same or to the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, Hereditaments, and Premises, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, Hereditaments, and Premises which shall be so taken or used as aforesaid stood settled and limited, or such of them as at the Time of making such Conveyance or 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, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Government

ment Securities; and in the meantime, and until the said Government Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Government Securities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, Hereditaments, and Premises so taken or used.

Where less than 200*l.*, and amounting to 20*l.*

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

Where under 20*l.*

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

In case of not making out a good Title, or if Persons cannot be found,

LXXIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any such Right of Way as aforesaid, Lands, Tenements, Hereditaments, and Premises to be taken and used under and by virtue

the Purchase Money to be paid into the Bank.

virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to any such Lands, Tenements, Hereditaments, and Premises be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there to the Credit of the Parties interested in the said Lands, Tenements, Hereditaments, and Premises (describing them), subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or the Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall appear just and reasonable; and the Cashier or Cashiers of the Bank of *Ireland* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning or specifying therein for what and for whose Use the said Sum or Sums of Money is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank of *Ireland* as aforesaid.

In case of disputed Titles.

LXXX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any such Right of Way as aforesaid, in or over any Lands, Tenements, Hereditaments, and Premises, or to any Government Securities to be purchased with any such Money, or the Dividends or Interest of any such Government Securities, the Person or Persons who shall have been in Possession of any such Lands, Hereditaments, and Premises at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, Hereditaments, and Premises according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the 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, Hereditaments, and Premises, or some Estate or Interest therein.

Court may order reasonable Ex-

LXXXI. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation

Corporation entitled to any Lands, Tenements, Hereditaments, and Premises to be taken or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied to the Purchase of other Lands, Tenements, Hereditaments, and Premises to be settled to the like Use in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the said Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, and of reinvesting such Money in the Purchase of Land to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

pences of Purchases to be paid by the Trustees.

LXXXII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away from any Grand Jury the Power or the Obligation to repair any Part of the Road to which this Act is specially applicable, but that it shall and may be lawful for the Grand Jury of the County of *Antrim*, and they are hereby required, to present from Time to Time such Sums, to be levied on the County at large, as shall appear to be necessary, in consequence of a Deficiency in the Tolls, for repairing any Part of the said Road, or for making or repairing the Bridges, Quay Walls, Pipes, and Gutters thereon, or the Footpaths thereto, and also for repairing such Parts of the old Road as now are or shall be used as a public Road, although a Turnpike or Turnpikes may be erected thereon, provided it shall appear that the Receipts of such Turnpike or Turnpikes are not sufficient for defraying the Expence of such Repairs; such Presentment or Presentments to be made on the like Applications and subject to the like Enquiries, Conditions, and Forms for accounting as are ordained and required by the Acts now in force for making and repairing of Roads.

Power of Grand Juries not to be affected.

LXXXIII. And be it further enacted, That it shall and may be lawful for the said Trustees or their Surveyor or Surveyors, and for all such Persons as they shall respectively appoint, to search for, cut, dig, gather, and take away any Materials for making or repairing the said Road, or for other the Purposes of this Act, out of any common River or Brook, not being within Fifty Yards of any Bridge, Dam, Weir, or Jetty, or out of or from any Waste or Common in any Parish, Townland, or Place in which any Part of such Road may lie, or in any adjoining Parish or Place, and to haul, draw, or carry away any such Materials when got over any Common without paying any thing for the same, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors or other Person or Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be so taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands and Grounds for or with such Materials; and also that such Surveyor or Surveyors or other Persons as aforesaid may, by Order of the said

For getting Materials to repair the Road.

said Trustees, (such Order to be made at some Meeting of the said Trustees to be holden in pursuance of this Act, and a Copy thereof to be given to such Surveyor or Surveyors or other Person or Persons, attested and signed by the Clerk to the said Trustees), search for, cut, dig, get, gather, and take away any such Materials as aforesaid in, off, from, and out of the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, (such Lands, Fields, and Grounds not being a Garden, walled-in Orchard, Yard, Park, or Paddock or Field inclosed with a Wall made of Lime Mortar, Stone or Brick, of the Height of Five Feet at least, Walk or Walks, or Avenue to a House, or any Piece of Ground planted or set apart as a Nursery for Trees, or any Bleach Green,) making or tendering such Satisfaction for such Materials, as well as for the Damages done to the Soil 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 repairing the said Road shall be carried, according to their respective Rights and Interests in the said Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners 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, City, or Place where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away, on Application made to them for that Purpose, and Two Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payment and Damages; and the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

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

LXXXIV. 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 any Materials for repairing such Road out of or from any inclosed Lands or Grounds until Ten Days Notice in Writing, signed by the Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees, or any Two or more Justices of the Peace acting for the County, City, or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case 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.

Power to contract for Lands to get Materials.

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

Penalty on taking away Materials gathered for the Road.

LXXXVI. And be it further enacted, That if any Person or Persons whomsoever shall remove or take away any Stones or Gravel or other Materials laid upon the said Road for the Repair thereof, without the Order of the said Trustees, or their Surveyor or Surveyors, Contractor or Contractors, for that Purpose, or if 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 Trustees, or their Surveyor or Surveyors, in any Land, Fields, Grounds, Rivers, or Brooks, for the Purpose of altering or amending the said Road, or any Part or Parts thereof, or shall get or take away any Stone, Gravel, or Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for altering or amending the said Road or any Part thereof, before the said Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein for the Space of Six Weeks, except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his, her, or their own private Use only, and not for Sale, every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds, to be recovered by the Surveyor or Surveyors of the said Road, or by the Treasurer or Treasurers, Clerk or Clerks of the said Trustees, by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures.

Repositories for Materials may be provided.

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

Power to make Causeways.

LXXXVIII. And be it further enacted, That it shall be lawful for the said Trustees to make and keep in repair, or cause to be made and kept in repair, any Causeway or Causeways for the Use of Foot Passengers in, upon, or on the Sides of the said Road, in such Manner as

as they shall think proper, and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of any Part of the said Road, (not being the Site or Ground whereon any House or Houses stand, nor being a Yard, Garden, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees,) to be made use of by all Passengers, Cattle, and Carriages as a Public Road whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively for the Damages they shall or may thereby sustain as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damages between such Owners or Occupiers and such Trustees, that then it shall and may be lawful for any Two or more Justices of the Peace acting in and for the said County of *Antrim*, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and finally determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Ditches shall be made by Occupiers of Lands for keeping the Road dry.

LXXXIX. And be it further enacted, That Ditches, Drains, or Watercourses of a sufficient Depth and Breadth for the keeping of the said Roads dry, and conveying the Water from the same, shall be made, scoured, cleansed, and kept open, and sufficient Trunks, Tunnels, Plats, or Bridges shall be made and laid where any Carriageways or Footways lead out of the said Roads into the Lands or Grounds adjoining thereto by the Occupier or Occupiers of such Lands or Grounds; and every Person or Persons who shall occupy any Lands or Grounds adjoining to or lying near the said Road through which the Water hath used to pass from the said Road shall and is and are hereby required, from Time to Time as often as Occasion shall be, to open, cleanse, and scour the Ditches, Watercourses, and Drains for such Water to pass without Obstruction; and every Person making default in any of the Matters or Things aforesaid, after Ten Days Notice to him, her, or them given, shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Surveyors to make Drains, &c.

XC. And be it further enacted, That it shall and may be lawful to and for the Surveyor and Surveyors of the said Road, and to and for any Person or Persons whom he or they shall appoint, by Order of the said Trustees, to cut or 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 amending or keeping in repair any Part of the said Road, and also to make a Way or Ways through the Lands or Grounds adjoining to any narrow or ruinous Part or Parts of the said Road, (not being a Garden, walled-in Orchard, Yard, Park, Paddock, planted Walk or Avenue to any House,) to be made use of as a public Highway whilst the narrow or ruinous Parts of the said Road are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively through and into which any

such Drains 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 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 the Justices of the Peace, at the First General or Quarter Sessions of the Peace to be holden for the said County next after the Expiration of Ten Days from the Time of doing such Damage, shall and they are hereby authorized and required to hear, settle, and determine the same, and their Determination therein shall be final and conclusive.

In case of Non-payment of Compensation for Damage, &c., the same to be levied by Distress of the Goods vested in the Trustees or their Treasurer.

XCI. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices; which Warrant any Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and all the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain out of any Monies which he shall have received or shall receive in pursuance of this Act all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Penalty for encroaching on the Sides of the Road.

XCII. And be it further enacted, That if any Person shall encroach on the said Road by making or causing to be made any Dwelling House or other Building within Thirty Feet of the Centre thereof, or any Hedge, Ditch, or other Fence on or at the Sides of the said Road, so as to reduce the Width or confine the Limits thereof, or shall have any Gate or Rail in any such Fence, which, when open, shall swing toward or project into or over any Part of the said Road, or shall make any Drain, Gutter, Sink, or Watercourse across, or otherwise

otherwise break up or injure the Surface of the Road or any Part thereof, or shall place any Sluice or Dam in any Brook or Watercourse whereby the said Road or any Part thereof shall be flooded or injured, every Person so offending shall forfeit for every such Offence the Sum of Forty Shillings to such Person as shall give Information of the same, and it shall be lawful for the said Trustees to cause all such Dwelling Houses, Buildings, Hedges, Fences, Gates, Rails, Sluices, or Dams to be taken down, and such Ditches, Drains, Sinks, or Watercourses to be filled up, at the Expence of the Person or Persons to whom the same shall belong; and it shall be lawful for any One or more Justice or Justices of the Peace for the County or Place where such Offence shall be committed, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, Fences, Gates, Rails, Sluices, and Dams, and filling up of the Ditches and Drains aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus, if any, to the Owner, on Demand.

For removing Annoyances and Nuisances.

XCIII. And be it further enacted, That it shall be lawful for the said Trustees or their Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to pull down and remove any Windmill or Windmills which shall after the passing of this Act be erected within One hundred Feet of the Centre of any Part of the said Road, and to remove and prevent all Annoyances by Timber, Stone, Carriages, Cars, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, Water, or other Things being laid on any Part of the said Road, or upon Open, Common, or Waste Land within Eighty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Road, in case the Owners thereof shall neglect to remove the same within Twenty-four Hours after Notice in Writing signed by any Two Trustees or their Surveyor, or given to such Owner, or left at his last or usual Place of Residence for that Purpose, or in case the Owner is not known, then after a like Notice affixed for Three Days on the nearest Turnpike Gate, and to turn any Watercourse, Sinks, or Drains running along, into, or out of the said Road to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourse or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think necessary, and to cut down or lop any Branches, Shrubs, or Bushes growing on or over the said Road, or in the Hedges or Banks adjacent thereto respectively, at proper Seasons of the Year, and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Eight Feet, in case the Owners or Occupiers of the Premises shall, for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Branches, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, in such Manner as the said Trustees or their Surveyor or Surveyors shall require, and the Charges thereof, and of removing any Annoyance (to be settled by any One or more of His Majesty's Justices of the Peace for the County or Place where such Part of the Road shall be), shall be reimbursed to the said Surveyor

Surveyor by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if, after the Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Names of Owners to be painted on Waggons, &c.

XCIV. And for the better Discovery of Offenders, be it further enacted, That the Owner or Owners of every Waggon, Wain, Cart, Car, or other such Carriage who shall be resident in any of the Parishes or Townlands through which the said Road shall pass shall, from and after the First Day of *January* next after the passing of this Act, paint or cause to be painted, in One or more straight Line or Lines upon some conspicuous Part of the Right or off Side of his, her, or their Waggon, Wain, Cart, Car, or other such Carriage, or upon the off Side Shafts thereof, before the same shall be used on any Part of the said Roads, his, her, or their Christian and Surname, and the Place of his, her, or their Abode, or the Christian and Surname and Place of Abode of the principal Partner or Owner thereof, at full Length, in large legible Letters, not less than One Inch in Height, and continue the same thereupon so long as such Waggon, Wain, Cart, or other Carriage shall be used upon any of the said Roads; and every Owner and Proprietor of any Waggon, Wain, Cart, Car, or other Carriage, who shall use or allow the same to be used on any of the said Roads without the Names and Descriptions painted thereon as aforesaid, or who shall paint or cause to be painted any false or fictitious Name or Place of Abode on such Waggon, Wain, or Cart, or other Carriage, shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings.

Drivers of Waggons or Carts not to ride thereon, unless some other Person on Foot guide the same.

XCV. And whereas many Accidents happen and great Mischiefs are frequently done upon Streets and Highways, being Turnpike Roads, by the Negligence or wilful Misbehaviour of Persons driving Carriages thereon; be it therefore enacted, That if the Driver of any Waggon or Cart of any Kind shall ride upon any such Carriage on the said Roads, not having some other Person on Foot or on Horseback to guide the same (such light Carts as are usually driven with Reins, and are then conducted by some Person holding the Reins of the Horse or Horses, not being more than Two drawing the same, excepted); or if the Driver of any Carriage whatsoever on any Part of the said Roads shall, by Negligence or wilful Misbehaviour, cause any Hurt or Damage to any Person or Carriage passing or being upon the said Roads, or shall quit the Road and go on the other Side of the Hedge or Fence inclosing the same, or wilfully be at such Distance from such Carriage, or in such Situation whilst it shall be passing upon any Part of the said Roads, that he cannot have the Direction and Government of the Horses or Cattle drawing the same; or if any Person shall drive or act as the Driver of any such Coach, Post Chaise, or other Carriage let for Hire, or Waggon, Wain, or Cart not having the Owner's Name as hereby required painted thereon, or shall refuse to discover the true Christian and Surname of the Owner or principal Owners of such respective Carriage; or if the

Driver of any Waggon, Cart, Coach, or other Carriage whatsoever, meeting any other Carriage, shall not keep his or her Carriage on the Left or near Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Roads or any Part thereof, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage or of any Person on any of the said Roads; every such Driver so offending in any of the Cases aforesaid, and being convicted of any such Offence, either by his own Confession, the View of a Justice of the Peace, or by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace for the County of *Antrim*, or for the County where such Offence shall be committed, or where such Offender shall be apprehended, shall for every such Offence forfeit any Sum not exceeding Forty Shillings, in case such Driver shall not be the Owner of such Carriage, and in case the Offender be the Owner of such Carriage, then any Sum not exceeding Five Pounds, and in either of the said Cases, in default of Payment, be committed to the House of Correction or Common Gaol of the County of *Antrim* for any Time not exceeding Six Months, unless such Forfeiture shall be sooner paid; and every such Driver offending in either of the said Cases shall and may, by the Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed, and shall be conveyed before any Justice of the Peace for the County of *Antrim*, to be dealt with according to Law; and if any such Driver, in any of the Cases aforesaid, shall refuse to discover his Name, it shall and may be lawful for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the House of Correction or Common Gaol in the said County of *Antrim* or County of the Town of *Carrickfergus*, there to be kept to hard Labour for any Time not exceeding Three Months, or to proceed against him for the Penalty aforesaid by a Description of his Person and the Offence only, without adding any Name or Designation, but expressing in the Proceedings that he refused to discover his Name.

Carts, &c. not to be driven by Persons under Thirteen Years of Age.

XCVI. And whereas a Number of Carts and Waggons, and frequently more than One, are intrusted to the Care of Children who are unable to guide the Horses drawing the same; be it therefore enacted, That no Cart or Waggon travelling on the said Roads shall be driven by any Person or Persons who shall not be of the full Age of Thirteen Years, under a Penalty not exceeding Five Pounds, to be paid by the Owner of such Cart or Waggon.

Penalty on Persons hauling Timber on the Road.

XCVII. 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 Roads, 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 for every such Offence shall forfeit and pay any Sum

Sum not exceeding Five Pounds, to be recovered in the same Manner as the other Penalties in this Act.

Cattle straying, &c. on the Road to be impounded.

XCVIII. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast, or Cattle of any Kind, shall at any Time be found tethered, or wandering, straying, or lying about the said Road or any Part thereof, (except on such Parts as pass through or over any Common or Waste or Uninclosed Ground,) it shall be lawful for the Surveyor, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the Common Pound of the Parish, Townland, or Place where the same shall be found, or in such other Place as the said Trustees shall provide for that Purpose, and the said Beasts there to detain until the Owner or Owners thereof shall, for every such Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Two Shillings, together with the reasonable Charges and Expences of impounding and keeping the same, to the Treasurer, Clerk, or Surveyor of the said Road, to be by him applied to the Use of and in aid of the Tolls of the said Road; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, Notice thereof having been first given to the Owner, if known at the Time, or if not known by affixing written Notices on the Two next Toll Gates on the said Road nearest to the Place where the same shall be impounded, it shall be lawful for any One or more Justices of the Peace of the County or City where the Offence shall have been committed, to order any such Horse, Ass, Sheep, Swine, or other Beast or Cattle to be sold, except where it shall be made to appear to such Justice or Justices that the Horse, Ass, Sheep, Swine, or other Beast or Cattle impounded escaped from any Inclosure by any Gate or Fence being wilfully or negligently left open or destroyed by any Person not being Owner or Occupier of such Inclosure, or employed by such Owner or Occupier, in which Case such Justice or Justices may remit the Penalty; and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been; and in case the Owner thereof shall not be known, and no Application shall be made for the Money arising from such Sale within Twenty-one Days after the Sale shall have taken place, the said Money shall be applied, after deducting the said Charges and Expences, in the same Manner as the said Penalty of Two Shillings is herein-before directed to be applied: Provided always, that no Owner of any Horses, Asses, Sheep, Swine, or other Beasts or Cattle impounded as aforesaid shall in any Case pay more than the Sum of Five Pounds, over and above the Charges and Expences of impounding and keeping the same, for any Number of Horses, Asses, Sheep, Swine, or other Beasts or Cattle impounded at One Time.

Punishment of Persons guilty of Pound Breach.

XCIX. And be it further enacted, That in case any Person or Persons shall rescue or release, or attempt to rescue or release, any Cow, Horse, Ass, Swine, or other Beast or Cattle which shall be seized for the

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

Mile Stones and Direction Posts to be set up.

C. And be it further enacted, That the said Trustees shall cause Stones or Posts to be set up or placed in or near the Sides of the said Road at the Distance of One Mile from each other, denoting the Distance of any and every such Stone or Post from any Town or Place, and also such Direction Post at the several Roads leading out of any such Road, or at any Crossings, Turnings, or Terminations thereof, with such Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead, of such Height or Size, and to be erected in such Situations as they the said Trustees shall think proper, and also to cause to be painted in legible Characters on some Wall or Board at the Entrance of every Town or Village the Name of such Town or Village; and shall also cause Stones to be put up marking the Boundaries of Parishes where such Boundaries shall cross the said Road, and from Time to Time to repair or renew such Stones, Posts, and Boards, and keep and continue legible the Inscriptions on such Stones, Posts, Walls, and Boards respectively; and if any Person or Persons shall wilfully break, cut down, pull up, or damage any such Posts, Stones, or Boards, or shall obliterate, deface, spoil, or destroy all or any of the Letters, Figures, or Marks which shall be inscribed or painted thereon, or on any such Walls, and be thereof convicted before any Justice of the Peace for the County of *Antrim* by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Power to stop up certain Ways.

CI. And whereas the repairing, altering, and improving of the said Road may render useless and unnecessary certain Lanes, Ways, or Footpaths; be it therefore enacted, That it shall be lawful for the said Trustees at any Meeting, and they are hereby authorized, by Order under their Hands and Seals, to stop up and discontinue, at the Expiration of Four Calendar Months after the Date of such Order, any of such Lanes, Ways, or Footpaths which may become

useless or unnecessary in consequence of making, repairing, altering, and improving the said Road, and the same shall, at the Expiration of the said Four Calendar Months, cease to be Common Highways to all Intents and Purposes whatsoever: Provided always, that Notice in Writing of such Order having been made as aforesaid shall be affixed on the Door of the Church of the Parish in which the said Lanes, Ways, or Footpaths shall be, for Three *Sundays* next after making such Order, and also inserted in some Newspaper circulated in the County of *Antrim*, for the Purpose of enabling any Person who may be aggrieved by making such Order to appeal against the same, as herein-after provided.

Penalty for injuring the Road, &c., or committing Nuisances.

CII. And be it further enacted, That if any Person or Persons whomsoever shall wilfully pull up, injure, or damage any of the Posts, Boards, Milestones, or Tables of Tolls, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon, or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp Post or Lamp Iron, set up or affixed by Order of the said Trustees at or near any of the said Turnpike Gates, or in any other Part of the said Road, or shall cause or procure the same to be done; or if any Person or Persons, in attempting to evade the Payment of any of the aforesaid Tolls, or on any other Occasion, shall pull up, pull down, displace, or damage any Hedge, Wall, Bank, Ditch, Gate, or Stile, or cause the same to be done; or if any Person or Persons shall wilfully pull up, remove, injure, or damage any other Posts, Rails, or Fences now or at any Time hereafter to be placed or put up by Order of the said Trustees, or their Surveyor or Surveyors, either by the Side or Sides of the said Road, at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of this Act, in order to prevent Accidents, or to protect and preserve any Hedge or Quickset, or any Part or Parts thereof, or shall wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches, or otherwise damage any of the Bridges or Arches now or hereafter to be erected along the said Road; or shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Tree or Piece of Timber, or any Stone, which shall be conveyed upon a Wheel Carriage or Wheel Carriages, to drag upon any Part of such Road to the Prejudice thereof, or to project beyond the Width or Outside of the Wheels of such Carriage, or shall, without being thereto authorized by the Surveyor or Surveyors for the Time being acting under this Act, shovel up, scrape together, or carry away any Stones, Gravel, Sand, or other Material, Slush, Dirt, Mire, Drift, or Soil from off any Footway or Causeway being Part of or adjoining to the said Road, or from or off any other Part or Parts of the said Road; or if any Person or Persons shall ride upon or wilfully drive any Waggon, Cart, or other Carriage upon, along, or against any such Footway or Causeway, or any other Way or Ways already made or to be made upon the said Road for the Use of Foot Passengers, or shall wilfully lead, ride, or drive any Horse or other Cattle, Sheep or any Swine, or any Cart or Carriage thereon, or shall wilfully or carelessly

lessly cause any Damage to be done to such Footway or Causeway; or if any Person or Persons driving any Pigs or Swine upon the said Road, shall suffer such Pigs or Swine to root up or damage the said Road, or any Part thereof, or the Fences, Hedges, Banks, or Copse on either Side thereof; or if any Person or Persons shall wheel any Hurdle, Truck, or Wheelbarrow on any Foot or Cause Way adjoining to the said Road, or shall winnow or sieve any Corn within Fifty Feet of the Centre of any Part of the said Road, or shall in or upon any Part of the said Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, dress, or cut up any Beast, Sheep, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter House, Buildings, Butchers Shops, or Shambles, into the said Road or any Part thereof, or shall hoop, fire, cleanse, wash, or scald any Cask or Casks, or bind any Wheels, on any Part or Parts of the said Road, or in any exposed Situation near thereto, or shall hew, saw, or cut, or cause to be hewn, sawn, or cut, any Stone, Wood, or Timber, or shall shoe, farry, or bleed any Horse, Mule, or Ass (except in the Case of Accident), upon any Part of the said Road, or within Forty Feet of the Centre thereof; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize shall ride on the Shafts or any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, without having Reins to guide the Horse or Horses, Beast or Beasts, drawing the same, or on any of the Horses drawing the same, upon any Part of the said Road; or if any Person on Horseback, or driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, or Person on Horseback, shall not keep his Horse or Carriage on the Left or near Side of the said Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person or Persons shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever upon the said Road, or within Eighty Feet of the Centre thereof, or play at Football, Handball, Bowls, or any Game upon any Part or Parts of the said Road, to the Annoyance of any Passenger or Passengers; or if any Higgler, Hawker, Pedlar, Tinker, or other Person travelling with any Machine, Vehicle, Cart, or other Carriage, or with or without any Horse, Mule, or Ass, shall pitch any Tent, or encamp, or make any Fire upon or by the Sides of any Part of the said Road; or if any Blacksmith, or any other Person occupying a Blacksmith's Shop, having any Window to the Front next the said Road, shall not, by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into the said Road; or if any Person shall carry any Rods or Bars of Iron, Beams of Wood, Basket, Pannier, or other Matter or Thing across the Back of any Horse, Mule, or Ass, or across any Cart or Car or other Carriage passing along the said Road, so that the same or any of them shall project beyond the Distance of Thirty Inches on either Side of such Horse, Mule, or Ass, Cart, Car, or other Carriage; or if any Person shall leave any

Waggon,

Waggon, Wain, Cart, or other such Carriage longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not during such Time be placed as near to the Side of the said Road as conveniently may be; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart, or other Carriage in going up a Hill or rising Ground, leave or suffer to be or remain on the said Road or any Part thereof the Stone or other Thing with which any such Waggon, Wain, Cart, or other Carriage shall have been blocked or stopped; or if the Driver of any Waggon, Wain, Cart, or other Carriage shall wilfully or carelessly pull up, break, or damage any Post or Stone erected or to be erected for the Security of any Footway or Causeway on or adjoining to the said Road, or shall wilfully or carelessly drive the Wheel of any Carriage against the same, or shall lay any Piece of Timber, Packs of Wool, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or any other Matter or Thing whatsoever on any Part of the said Road, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Road, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; or if any Person or Persons shall otherwise wilfully hinder, obstruct, or prevent the free Passage on any of the said Footpaths, or shall lay or place on the Walls or Fences of the said Road, or on the Side thereof, for any Purpose whatsoever, any Wool, Woollen or Cotton Cloth, Warp or Linen, every such Person shall forfeit and pay, over and above the Damage, if any occasioned, any Sum not exceeding Forty Shillings for every such Offence, to be levied, recovered, and applied in the same Manner as other Penalties are by this Act directed to be levied, recovered, and applied; and such Offenders shall also pay to the said Trustees, or to their Treasurer or Treasurers, such Sum of Money as shall be a full Satisfaction for the Damage so done, which shall be settled or ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid, and shall and may be levied and recovered in like Manner as other Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied for the Purposes of this Act.

Gates to open inwards.

CIII. And be it further enacted, That no Door or Gate of any Building, Park, Paddock, Field, or Inclosure whatsoever shall be made to open into or towards any Part of the said Road, or of any Footpath belonging thereto, or be suffered to continue so to open, except the Hanging Post thereof shall be fixed or placed so far from the Centre of any Part of such Road as that no Part of such Door or Gate shall, when open, project over any Part of such Road or any Footpaths belonging thereto, and the Occupier or Occupiers of any Building, Park, Paddock, Field, or Inclosure having any Door or Gate opening outwards, contrary to the Meaning of this Act, shall, within Fourteen Days after Notice to him, her, or them given, either personally or in Writing from the Surveyor of the said Road, cause such Door or Gate to be hung so that no Part of the same, when open, shall project over any Part of such Road or any Footpath belonging thereto;

thereto; and in default thereof the Surveyor of the said Road is hereby authorized to cause the Door or Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County of *Antrim*, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Door or Gate, and shall also forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom the Conviction shall be made.

The Trustees may direct the using of Skid-Pans or Slippers.

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

Penalty on obstructing the Execution of this Act.

CV. And be it further enacted, That if any Person shall obstruct, hinder, or molest any of the said Trustees, or any Collector of the Tolls, Clerk, Surveyor, Workman, or other Person or Persons whomsoever who is or are employed in carrying this Act into execution, in the Performance of his, her, or their Duty, or of any of the Matters or Things to be done by virtue or in pursuance thereof; or if any Person or Persons, without having been duly elected and qualified as is required in and by this Act, shall exercise any of the Powers or Authorities hereby vested in the said Trustees, their Clerk, or any other Person or Persons appointed by the said Trustees for the Purpose of carrying this Act into execution; every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Collectors may detain unknown Persons guilty of Offences.

CVI. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, and other Officers under this Act; be it further enacted, That it shall and may be lawful to and for any of the said Trustees, Collec-

tors, Surveyors, or other Persons respectively, or their Assistants, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them before One or more Justice or Justices of the Peace for the County, City, or Place where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

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

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

Enforcing the Payment of Money subscribed.

CVIII. And be it further enacted, That if any Person or Persons shall agree to advance any Sum or Sums of Money to be employed in the making or repairing the said Road, and shall subscribe his, her, or their Name or Names to any Writing for that Purpose, every such Person shall be liable to pay every such Sum or Sums of Money so subscribed according to the Purport of such Writing; and in default of Payment thereof within Twenty-one Days after the same shall become payable according to the Purport of such Writing, and shall have been demanded by the Person to whom the same is made payable by such Writing, or if no Person be named therein for that Purpose by the Treasurer of the said Road, it shall and may be lawful for every such Treasurer or other Person to sue for and recover the same in any of His Majesty's Courts of Record, 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.

Recovery and Application of Penalties.

CIX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not otherwise particularly directed), shall, upon Proof of the Offences respectively before any Justice or Justices of the Peace for the County of *Antrim*, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels, and the Monies arising from such Penalties, Forfeitures, and Fines respectively, when paid and levied (if not otherwise directed to be applied by this Act), shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers of the

said Trustees of the said Road, to be applied for the Purposes of the said Road; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Four Days from the Time of taking any such Security, and such Security such Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise, as to him or them shall seem right and proper; but if upon Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath not nor have Goods and Chattels within the Jurisdiction of such Justice or Justices, sufficient whereon to levy all such Penalties and Forfeitures, Costs and Charges, such Justice or Justices may, at his or their Discretion, without issuing any Warrant of Distress, commit the Offender or Offenders to the Common Gaol of the said County of *Antrim*, or to any House of Correction within the same, there to remain without Bail or Mainprize, at hard Labour, for any Time not exceeding Three Calendar Months nor less than Fourteen Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Justices may proceed by Summons in the Recovery of Penalties.

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

Form of Conviction.

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

‘ County of Antrim, to wit. } BE it remembered, That on the Day of in the Year of our Lord ,
‘ *A. B.* is convicted before me *C. D.* [*or*, before us, *C. D.* and *E. F.*],

'One [*or* Two, *as the Case may be,*] of His Majesty's Justices of the 'Peace for the said County [*here specify the Offence, and when and 'where committed*], contrary to an Act passed in the Fifth Year of 'King *William* the Fourth, intituled [*here insert the Title of this 'Act*], for which Offence I [*or* we] adjudge the said *A. B.* to have 'forfeited the Sum of , or be committed to 'for the Space of . Given under my [*or* our] 'Hand and Seal [*or* our Hands and Seals] the Day and Year first 'above written.'

Allowing an Appeal to Quarter Sessions.

CXII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General Quarter Sessions of the Peace to be holden for the County, Division, or nearest Place within which the Matter of Appeal shall arise, the Person or Persons appealing having first given Twenty-one Days Notice in Writing at the least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Trustees, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, 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 Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, or otherwise, as they shall think proper; and all such Determinations shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Distress not unlawful for Want of Form.

CXIII. 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 Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such last-mentioned Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Persons guilty of Perjury.

CXIV. And be it further enacted, That if any Person or Persons upon any Examination on Oath or Affirmation before the said 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 or 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

such Pains and Penalties as by any Law in force and effect Persons guilty of wilful and corrupt Perjury are liable to.

Proceedings not to be removed by Certiorari.

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

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

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

CXVII. 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 such Cause of Action shall arise, and not elsewhere; and if any such Action or Suit shall be brought before Ten Days Notice shall be 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.

Public Act.

CXVIII. 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.

Continuance of this Act.

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

The

THE SCHEDULE to which this Act refers.

Notice of a Meeting of Trustees for ordering a Side Gate to be erected.

NOTICE is hereby given, that the Trustees of the Turnpike Roads under an Act passed in the Fifth Year of the Reign of King William the Fourth, "for making a Turnpike Road from Belfast to Crumlin," will meet at the House of ; at , on the Day of next, at the Hour of in the noon, in order to consult about erecting a Toll Gate on the Side of the said Turnpike Road at or near a Place called , across a certain Highway there leading to .

Dated the Day of .

A. B., Clerk to the said Trustees.

Order of the Trustees for erecting a Side Gate.

AT a Meeting of the Trustees of the Turnpike Roads under an Act passed in the Fifth Year of the Reign of King William the Fourth, for making a Turnpike Road from Belfast to Crumlin, in pursuance of Public Notice given upon all the Toll Gates erected on the said Road, and also in the Newspaper circulated in this Part of the Country for Days now last past, we do order that a Toll Gate shall be erected on the Side of the said Turnpike Road at or near a Place called , across a certain Highway there leading to , and that the following Toll be taken at the said Gate; videlicet [*here insert the particular Tolls to be taken at the said Side Gate*].

Notice for letting Tolls.

NOTICE is hereby given, that the Tolls arising at the Toll Gate [*or* Toll Gates, *if more than One*,] upon the Belfast and Crumlin Turnpike Road, called or known by the Name of the Gate, will be let by Auction to the best Bidder at the House of , at , on the Day of next, between the Hours of and , in the Manner directed by the Act passed in the Fifth Year of the Reign of His Majesty King William the Fourth, for making a Turnpike Road from Belfast to Crumlin, which Tolls produced the last Year the Sum of above the Expences of collecting them, and will be put up at that Sum. Whoever happens to be the best Bidder must

must at the same Time pay One Month in advance (if required) of the Rent at which such Tolls may be let, and give Security with sufficient Sureties to the Satisfaction of the Trustees of the said Turnpike Road for Payment of the Rest of the Money monthly [*or in such other Proportions as shall be directed*].

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

Order of Trustees for reducing the Tolls.

AT a Meeting of the Trustees of the Turnpike Roads under an Act passed in the Fifth Year of the Reign of King William the Fourth, for making a Turnpike Road from Belfast to Crumlin, held at , the Day of . We whose Names are subscribed, being or more of the Trustees acting under the said Act, being now assembled for reducing the Tolls authorized to be taken by and under the said Act, pursuant to Public Notice given for that Purpose in the Newspapers circulated in this Part of the Country, and also affixed upon all the Turnpike Gates erected upon the said Turnpike Road for upwards of One Calendar Month now last past, and having the Consent of the several Persons entitled to Five Sixth Parts of the Money now remaining due upon the Credit of the said Tolls this Day signified and proved to us, do hereby order that the Tolls granted by the said Act shall, from and after the Day of , be lessened and reduced in the following Manner [*here state the several Reductions proposed to be made*].

Warrant from a Justice of the Peace to enter the Toll Gate House and remove the Persons therein.

County of } To the [Constable], [Headborough], [Tithingman]
to wit. } of , in the said County.

WHEREAS Complaint hath been made unto me, *A. B.* Esquire, One of His Majesty's Justices of the Peace for the said County, upon the Oath of and other Evidence now produced to me, that *C. D.*, who now inhabits the Turnpike or Toll Gate House at upon the Turnpike Road leading from Belfast to Crumlin, and was appointed to collect the Tolls there, hath been duly discharged by the Trustees of the said Turnpike Road from any further collecting or receiving the Tolls arising at the said Gate, and hath refused, and still doth refuse, to quit the Possession of the said House; and the said *C. D.* having been summoned to appear before me this Day to shew cause why he should not be removed from the said House, and having shewn no sufficient Cause for that Purpose [*or*, not having appeared], I do hereby authorize and require you, with such Assistance as shall be necessary, to enter into the said Toll House or Turnpike

Pike House, and the Buildings belonging thereto, in the Day, and to remove the said *C. D.*, and all such Persons as shall be found therein, together with his and their Goods, out of such House and Buildings, and to put *E. F.*, the Person lately appointed by the Trustees to collect such Tolls, into the Possession thereof, for which this shall be your sufficient Warrant.

Given under my Hand and Seal this Day of .

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

Bond from the Surveyor.

WE *A. B.*, Surveyor of the Turnpike Roads under an Act passed in the Fifth Year of the Reign of King William the Fourth "for making a Turnpike Road from Belfast to Crumlin," and *C. D.* of , are bound to *E. F.* of , in the Sum of , to be paid to the said *E. F.*, his Executors, Administrators, and Assigns, for which Payment we hereby bind ourselves severally, and each of our Heirs, Executors, and Administrators. Dated the Day of .

The Condition of this Bond is such, that if the said *A. B.*, his Executors or Administrators, shall duly and faithfully account for, apply, and pay all and every the Sum and Sums of Money which hath come or shall come to his Hands as Surveyor of the Turnpike Road aforesaid, according to the Direction and true Intent and Meaning of the said Act, then this Bond to be void, or else to remain in full Force.

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

Summons for any Person or Persons to attend a Justice or Justices.

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

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

Given under my Hand this Day of .

Information

Information.

County of } BE it remembered, That on the Day
to wit. } of , *A. B.* of , in the said County, informeth me, , One of His Majesty's Justices of the Peace for the said County, that of , in the said County, [*here describe the Offence, with the Time and Place, and follow the Words of the Act as near as may be,*] contrary to the Statute made in the Fifth Year of the Reign of King William the Fourth, "for making a Turnpike Road from Belfast to Crumlin," which hath imposed a Forfeiture of for the said Offence. Taken the Day of , before me, *A. B.*

Form of Conviction.

County of } BE it remembered, That on the Day
to wit. } of , in the Year of the Reign of , and in the Year of our Lord , *A. B.* is convicted before me, , One of His Majesty's Justices of the Peace for the said County, for [*here specify the Offence, and when and where committed*], contrary to the Form of the Statute made in the Fifth Year of the Reign of King William the Fourth, "for making a Turnpike Road from Belfast to Crumlin;" and I do hereby declare and adjudge that the said *A. B.* hath forfeited for the said Offence the Sum of [*or* shall be committed to for the Space of , *as the Case may be*].

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

C. D.

Warrant to distrain for Forfeiture.

To the [Constable], [Headborough] *or* [Tithingman] of .

County of } WHEREAS *A. B.* of , in the said
to wit. } County, is this Day convicted before me, *C. D.*, Esquire, One of His Majesty's Justices of the Peace in and for the said County, upon the Oath of *G. H.*, a credible Witness, for that the said *A. B.* hath [*here set forth the Offence, describing it particularly in the Words of the Statute, as near as may be*], contrary to the Statute in that Case made and provided, by reason whereof the said *A. B.* hath forfeited the Sum of , to be distributed as therein is mentioned, which he hath refused to pay; these are therefore, in His Majesty's Name, to command you to levy the said Sum of by Distress of the Goods and Chattels of him the said *A. B.*, and if, within the Space of Days next after such Distress by you taken, the said Sum, together with the reasonable Charges of taking and keeping the same, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained,

trained, and out of the Money arising by such Sale, that you do pay One Half of the said Sum of to *E. F.* of , who informed me of the said Offence, and the other Half of the said Sum of to *J. K.*, the Surveyor of the Turnpike Road [*describing it*] where the said Offence [Neglect *or* Default] happened, to be employed towards the Repair of the said Road, returning the said Overplus, on Demand, to him the said *A. B.* (the reasonable Charges of taking, keeping, and selling the said Distress being first deducted); and if sufficient Distress cannot be found of the Goods and Chattels of the said *A. B.* whereon to levy the said Sum of , that then you certify the same to me, together with this Warrant.

Given under my Hand and Seal the Day of .

C. D.

Return of the Constable to be made upon the Warrant of Distress where there are no Effects.

I *A. B.*, Constable of the [Parish, *&c.*] of in the County of , do hereby certify and make oath, That by virtue of this Warrant I have made diligent Search for the Goods of the within named , and that I can find no sufficient Goods whereon to levy the within Sum of . As witness my Hand, the Day of .

A. B.

Sworn before me the Day and Year, *&c.*

C. D.

Commitment for Want of Distress.

County of to wit. } To the [Constable] of in the said County, and to the Keeper of the Common Gaol [*or* House of Correction] at in the said County.

WHEREAS *A. B.* of in the said County, was on the Day of convicted before me, *C. D.* Esquire, One of His Majesty's Justices of the Peace in and for the said County, upon the Oath of *E. F.*, a credible Witness, for that he the said *A. B.* [*here set forth the Offence*], contrary to the Statute made in the Fifth Year of the Reign of His Majesty King William the Fourth, "for making a Turnpike Road from Belfast to Crumlin," by reason whereof the said *A. B.* hath forfeited the Sum of : And whereas on the Day of in the Year aforesaid, I did issue my Warrant to the [Constable] of to levy the said Sum of by Distress and Sale of the Goods and Chattels of him the said *A. B.*, and to distribute the same according to the Directions of the said Statute: And whereas it duly appears to me, upon the Oath of the said [Constable], that the said [Constable] hath used his best Endeavours to levy the said Sum on the Goods and Chattels of the said *A. B.* as aforesaid,

but that no sufficient Distress can be had whereon to levy the same: These are therefore to command you the said [Constable] of aforesaid to apprehend the said *A. B.* and him safely to convey to the Common Gaol [*or* House of Correction] at in the said County, and there to deliver him to the Keeper thereof, together with this Precept. And I do also command you the said Keeper to receive and keep in your Custody the said *A. B.* for the Space of , unless the said Sum shall be sooner paid, pursuant to the said Conviction and Warrant; and for so doing this shall be your sufficient Warrant.

Given under my Hand and Seal the Day of , in the Year of our Lord .

C. D.

Notice of Appeal to the Quarter Sessions.

A. B., Take notice, That I intend to appeal to the next General Quarter Sessions of the Peace to be holden for the [County, *&c.*] of against an Order [Conviction, *or other Proceeding (as the Case may be), particularly specifying the Purport of such Order, and assigning the Grievance and Cause of Complaint*].

Dated the Day of .

C. D.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1835.