ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. lxxi.

An Act for altering and improving Part of the Turnpike Road leading from the City of *Dublin* to the New Packet Harbour of *Howth*, for the Conveyance of His Majesty's Mails; and for amending the several Laws relating to the said Road.

[20th *June* 1816.]

WHEREAS an Act was passed in the Parliament of *Ireland* in the Twenty-sixth Year of the Reign of His present Majesty, intituled *An Act for making, widening, and repairing the Road leading from the City of* Dublin *to* Malahide, *and for erecting Turnpike Gates, and receiving Tolls thereout in aid of the Barony Presentments, and for appointing Trustees for carrying the said Purposes into Execution:* 26 G. 3 c. 30.
And whereas another Act was passed in the said Parliament, in the Twenty-eighth Year of His Majesty's Reign, intituled *An Act for extending to the Roads leading to* Dublin, *through* Raheny *and* Clontarf, *the Provisions of an Act passed in the Twenty-sixth Year of His Majesty's Reign, intituled 'An Act for making, widening, and repairing the Road leading from* Dublin *to* Malahide, *and for erecting Turnpike Gates, and receiving Tolls thereout in aid of the Barony Presentments, and for appointing Trustees for carrying the said Purposes into Execution,' and also for continuing the said Act:* 28 G. 3. c. 48.
And whereas another Act was made in the said Parliament, in the Twenty-ninth Year of the Reign of His present Majesty, intituled *An Act* 29 G. 3. c. 24.

for rendering more effectual Two several Acts, one passed in the Twenty-sixth Year of His Majesty's Reign, intituled 'An Act for making, widening, and repairing the Road leading from the City of Dublin *to* Malahide, *and for erecting Turnpike Gates, and receiving Tolls thereout in aid of the Barony Presentments, and for appointing Trustees for carrying the said Purposes into Execution;' and the other Act passed in the Twenty-eighth Year of His Majesty's Reign, intituled 'An Act for extending to the Roads leading from* Dublin *through* Raheny *and* Clontarf, *the Provisions of an Act passed in the Twenty-sixth Year of His Majesty's Reign, intituled "An Act for making, widening, and repairing the Road leading from* Dublin *to* Malahide, *and for erecting Turnpike Gates, and receiving Tolls thereout in aid of the Barony Presentments, and for appointing Trustees for carrying the said Purposes into Execution," and also for continuing the said Act:'* And whereas an Act was passed in the said Parliament, in the Thirty-first Year of His Majesty's Reign, intituled *An Act for amending the several Laws for making, widening, and repairing the Road from* Dublin *to* Malahide, *and the other Roads leading to* Dublin, *over* Ballybough *Bridge, in the said Acts mentioned, and for enabling the Trustees for the said Purposes to borrow further Sums of Money for such Purposes, and for continuing the said Acts for a further Term, and for improving the Neighbourhood of* Ballybough *Bridge:* And whereas another Act was passed in the Thirty-second Year of the Reign of His present Majesty, intituled *An Act for enabling the Trustees for making, widening, and repairing the Road from* Dublin *to* Malahide, *and the other Roads leading to* Dublin, *over* Ballybough *Bridge, pursuant to several Acts of Parliament, more effectually to carry the said Acts into Execution:* And whereas another Act was passed in the Thirty-third Year of the Reign of His present Majesty, intituled *An Act for further amending the several Laws for making, widening, and repairing the Road from* Dublin *to* Malahide, *and the other Roads leading to* Dublin, *over* Ballybough *Bridge, and for enabling the Trustees for the said Purposes to borrow a further Sum, to complete a new Communication Eastward of* Ballybough *Bridge:* And whereas another Act was passed in the Thirty-eighth Year of the Reign of His present Majesty, intituled *An Act for granting certain Tolls, Rates, and Duties to be taken at the Turnpikes on the Roads leading over* Ballybough *and* Annesley Bridges, *in aid of the Barony Presentments, and in lieu of the Tolls formerly payable at such Turnpikes, and for amending the Laws for making, widening, and repairing the said Roads, and for making perpetual the several Acts of Parliament relating thereto:* And whereas, under the Provisions of an Act passed in the Forty-fifth Year of His present Majesty's Reign, intituled *An Act to amend the Laws for improving and keeping in Repair the Post Roads in* Ireland, *and for rendering the Conveyance of Letters by His Majesty's Post Office more secure and expeditious;* and of another Act passed in the Forty-sixth Year of His Majesty's Reign, intituled *An Act to provide for the Security and Expedition of the Conveyance of Letters by the Post in* Ireland; a Survey has been made, together with a Map and Estimate of all such Alterations in the Road leading from the City of *Dublin* to *Howth*, as are requisite to be made, to the new Packet Harbour of *Howth*, from a certain Part of the said Road near the Bridge of *Raheny* in the Parish of *Raheny*, as particularly described in the said Survey and Map, through the Lands called the *Whip Lands*, near *Raheny* in the Parish of *Raheny*, and the Lands of *Kilbarrack* in the Parish of *Howth*, and also through the Lands of *Burrowland*, or Part of the Warren and the Lands of

31 G. 3. c 50.

32G. 3. c. 37.

33G. 3. c. 26.

38G. 3. c. 41.

Survey made under Post Road Acts, 45 G. 3. c. 43. 46G. 3 .c .134. for improving the Road to the New Packet Harbour at Howth.

Howth, all in the said Parish of *Howth*, by cutting off Angles and forming a new Line of Road in lieu of certain Parts of the present Road: And whereas, for the speedy Conveyance of His Majesty's Mails from the City of *Dublin* to the said new Packet Harbour of *Howth*, it is expedient and necessary to amend the said several recited Acts made in the Twenty-sixth, Twenty-eighth, Twenty-ninth, Thirty-first, Thirty-second, Thirty-third, and Thirty-eighth Years of the Reign of His present Majesty, relating to the said Road leading from *Dublin* to *Howth*, and to enable the Trustees of the said Road to alter and improve the same according to the said Survey; but the Purposes aforesaid cannot be effected without the Aid of Parliament: 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 said Survey, Map, and Estimate shall, within One Month after the passing of this Act, be laid before the Trustees of the said Road by the Post Masters General of *Ireland*, or their Surveyor, and the said Trustees shall proceed without Delay to cause the Damage which may accrue to the Owners or Occupiers of any Ground, Houses, or Buildings, into or through which any Part of the said Turnpike Road shall be proposed to be widened, or through which any Alteration of the said Road shall be proposed to be made, to be ascertained by the Verdict of a Jury, according to such Powers as are given to the said Trustees in and by the said recited Acts, or any of them, as amended by this Act, and not by any Consent of or Agreement with such Owners or Occupiers, but by the Verdict of a Jury only.

Survey to be laid before the Trustees of the Road, who shall cause the Damages to Owners of Ground to be ascertained by a Jury, and not otherwise.

II. And be it further enacted, That no Person or Persons shall be impannelled or returned to serve on any Jury or Juries, to ascertain the Damages which may accrue to any Owner or Occupier of any Ground, House, or Building, into or through or over which any Part of the said Turnpike Road shall be proposed to be widened, or through which any Alteration thereof, or any new Line of Road, shall be proposed to be made, who shall be a Landholder or Landholders, or Inhabitant or Inhabitants of or in the Barony in which the Ground, House, or Building is situate which shall be the Subject of such Damages, or who shall not have an Estate of Freehold in Lands or Tenements within the said County of the Yearly Value of Fifty Pounds; and that it shall be a good Cause of Challenge to any Person impannelled and returned for such Purpose, that he is a Landholder or Inhabitant of the Barony where such Ground, House, or Building is situate, or that he hath not such Estate or Freehold as aforesaid.

Jurymen shall not be Landholders in or Inhabitants of the Barony where the Land to be valued is situated, and shall have a Freehold of 50*l.* per Annum.

III. And be it further enacted, That whenever any Trial or Proceedings shall be had for the ascertaining any such Damages, the said Trustees shall give Fourteen Days Notice of the Time and Place of summoning the Jury for the Purpose of such Trial or Proceedings, to the Secretary of the Grand Jury for the said County of *Dublin*, who is hereby required to attend to take Minutes of all such Proceedings, for the Information of the Grand Jury; and it shall be lawful for the said Secretary to challenge any Person impannelled on such Jury who shall be a Landholder or Inhabitant of the Barony where such Ground, House, or Building is situate, and who shall not have such Estate of Freehold as is required by this Act;

Secretary of the Grand Jury may attend such Trial, and give Evidence as to Value of Lands.

Act; and it shall be lawful for the said Secretary, or for any Freeholder of the said County of *Dublin* present at any such Trial or Proceedings, to produce Evidence before such Jury as to the true Value of any Ground, House, or Building required for the Purposes of this Act; and the said Trustees shall summon and call before the said Jury and examine upon Oath all Persons whomsoever, who shall be thought by such Owner or Occupier, or by such Secretary to the Grand Jury, necessary or proper to be examined as Witnesses; and in case any Owner or Occupier of any Ground, House, or Building required for the Purposes of this Act, or the said Secretary of the Grand Jury attending at any such Trial or Proceedings, shall be dissatisfied with the Verdict of such Jury, the Trustees present and presiding at such Trial or Proceeding shall, on being required so to do by the Party dissatisfied, immediately after such Verdict shall be given, certify the Verdict of such Jury, and return the same to the Court of King's Bench in *Dublin*; and it shall and may be lawful for such Owner or Occupier, or for such Secretary to the Grand Jury, as the Case may be, to appeal from such Verdict by traversing the same, in like Manner as any Presentment of any Grand Jury may be traversed, at the next subsequent Presenting Term for the said County of *Dublin*, and every such Traverse shall be tried at such subsequent Presenting Term, and the Jury who shall try any such Traverse shall true Verdict give, whether any and what Damages shall accrue to such Owner or Occupier, and the Verdict of such Jury shall be final and conclusive to all Intents and Purposes whatsoever.

Appeal against such Verdict by Traverse at next Presenting Term.

Such Verdicts shall be laid before the Court, and given in Charge to the Grand Jury, who shall present the Amount thereof.

IV. And be it further enacted, That such Trustees shall lay all such Verdicts, which shall not be appealed from by such Traverse as aforesaid, before the Court at the Presenting Term for the County of *Dublin*, next after such Verdicts shall be had and obtained respectively, and the Court or Judge at such Presenting Term shall give such Verdicts, and also all such Verdicts as shall be found before the said Court upon Traverse as aforesaid, in charge to the Grand Jury, and such Grand Jury shall and they are hereby required to present the Sum or Sums specified in all such Verdicts, to be raised off the County of *Dublin* at large, and paid to the several Persons respectively in whose Behalf such Verdict shall be given, although such Sum or Sums shall exceed or cause an Excess in the whole on each or any Barony within the said County, beyond the Sums which are allowed by Law to be raised by Presentments on such Barony; and no Traverse shall be allowed to any such Presentment or Presentments.

No other Presentment shall be fiated in preference.

V. And be it further enacted, That it shall not be lawful for the Court at any Presenting Term, after such Damages shall have been ascertained in Manner required by this Act, to fiat any Presentment for raising Money for the Repairs of any Road in the County of *Dublin*, unless the said Grand Jury shall have presented all such Damages as shall be ascertained and given in charge to them as aforesaid, to be raised and levied pursuant to the Directions of this Act, and that such Presentment for all such Damages shall be first allowed.

New Part of the Road shall be under Direction of

VI. And be it further enacted, That any Alteration and new Line of Road which shall be made under the Provisions of this Act shall be subject to and under the Controul, Management, and Direction of the Trustees of the said Road leading from *Dublin* to *Howth*, and of any Trustees

Trustees to be hereafter chosen and appointed by virtue of the said herein-before recited Acts relating to the said Road or any of them, and that such Trustees shall have all and the like Powers, Authorities, and Privileges concerning the same as are given to or vested in them by such Acts, except so far as the same are varied, altered, or repealed.

Trustees of former Roads.

VII. And be it further enacted, That it shall and may be lawful for the said Grand Jury, in presenting any Sum or Sums of Money according to the Provisions of this Act, to direct that the Sum or Sums so presented shall be raised off the said County at large, at the Rate or in the Proportion of Four hundred Pounds, but not less, in each and every Year by Two Payments, and to appoint the Times of such Payments, until the Whole of such Sum or Sums so presented, (together with Interest at the Rate of Six Pounds for every One hundred Pounds by the Year, on all such Sum or Sums as shall be advanced on account of such Presentments to the Treasurer of the County by the Commissioners for executing the Office of Lord High Treasurer of *Ireland*, under the Orders of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, in manner herein-after mentioned,) shall have been raised and levied; and the Treasurer of the said County shall from Time to Time, without further Authority, insert in his Warrant at the Times so appointed, the Portion or Portions so set forth of the Sum so presented, and the same shall be raised and levied in like Manner from Time to Time, and with like Remedy for Non-payment, as all other Money directed by such Warrant is by Law to be levied.

Sums so presented shall be raised by 400*l.* per Annum.

VIII. And whereas the Benefit proposed by this Act must necessarily be delayed until the Whole of the Sum to be raised by Presentment as aforesaid shall be levied, unless Provision be made for an Advance of Money in the meantime; be it therefore further enacted, That whenever the Grand Jury of the County of *Dublin* shall, in pursuance of the Provisions of this Act, have presented any Sum or Sums of Money to be raised and paid to any Person or Persons, as and for Damages or Compensation for any Loss or Injury to be sustained by the Owners or Occupiers of any Ground, House, or Premises, into or through which any Part of the said Turnpike Road shall be proposed to be widened, or through which any Alteration of the Line of the said Road shall be proposed to be made, the Clerk of the Crown shall transmit a Copy or Copies of such Presentment or Presentments to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or to his or their Chief Secretary; and it shall and may be lawful for the said Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, either before or after such Presentments shall have been made, to order the Commissioners for executing the Office of Lord High Treasurer of *Ireland* to advance and pay out of the Consolidated Fund of *Ireland*, to the Treasurer of the said County of *Dublin*, on account of the Trustees of the said Road, any Sum or Sums of Money not exceeding in the Whole the Sum of Two thousand Pounds, on account of the Amount of the Presentments made or to be made under this Act, to be applied in payment of the Amount of such Sums as shall have been or shall be so presented to be paid for such Damages or Compensation; and all such Money so advanced and paid to such Treasurer shall be applied by him towards the Purposes of the Presentment or Presentments on account whereof it shall have been advanced,

Lord Lieutenant may order Treasury to advance Sums to the Amount presented for Damages, not exceeding 2,000*l.*

and paid to or received by such Treasurer, and to no other Purpose, and shall be accounted for by him in like Manner as any other Monies received by him for the Use of the said County; and all Securities given by such Treasurer, or on his Behalf, shall extend equally to such Money, as to any other Money received by him as such Treasurer.

On Verdicts being given, Trustees shall proceed with the Road, subject to Regulations and Directions of Lord Lieutenant.

IX. And be it further enacted, That when and as soon as any Verdicts shall be given for the Amount of the Damages to be sustained by the several Owners or Occupiers of all the Lands, Grounds, Houses, and Buildings, which shall be required for the Purposes of this Act, it shall and may be lawful for the said Trustees of the said Road, whether such Verdicts or any of them shall or shall not be appealed from or traversed, according to the Directions of this Act, to apply to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, for an Order for an Advance to the Treasurer of the said County of *Dublin*, under the Provisions of this Act, of the Amount of all the Sums mentioned in all such Verdicts, provided such Amount shall not exceed the Sum of Two thousand Pounds, and in case such Amount shall exceed the Sum of Two thousand Pounds, then for an Advance of the Sum of Two thousand Pounds and no more, at such Time, in such Manner, and upon such Conditions as shall be expressed in such Order; and upon the Delivery of such Order to the said Treasurer, it shall be lawful for the said Trustees of the said Road, or their Directors, and Overseer or Overseers, Workmen and Labourers, to proceed in making such new Line of Road, and such Alterations and Improvements in the present Road, according to the said Survey, Map, and Estimate, without the Interruption of any Person or Persons whatsoever, subject nevertheless to the Regulations and Directions herein-after contained with respect to any Sum or Sums of Money to be hereafter issued by the Commissioners appointed for executing the Office of Lord High Treasurer of *Ireland*, to the said Trustees, upon the Order of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, under the Authority of this Act, for the Purpose of making such Alterations, or such new Line of Road, or of contracting for the making the same.

Treasurer shall pay all Sums arising from Presentment for Damages to the Collector of County of Dublin, till such Sums so advanced are repaid.

X. And be it further enacted, That the Treasurer of the said County shall pay to the Collector of the Excise for the said County of *Dublin*, all such Sums as he shall receive from Time to Time from the Baronial or other Collectors by virtue of the Presentments on account of which such Money shall have been advanced, until he shall have paid the whole Sum so advanced, with Interest for the same at the Rate of Six Pounds for every One hundred Pounds by the Year.

Lord Lieutenant empowered to authorize Treasury to advance 4,000*l.* on Security of the Tolls for the Expence of making the Road, &c.

XI. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, from Time to Time, according to his or their Discretion, to order the Commissioners for executing the Office of Lord High Treasurer in *Ireland* to advance and pay out of the Consolidated Fund of *Ireland* from Time to Time, as such Lord Lieutenant or other Chief Governor or Governors shall in his or their Discretion order and direct, any Sum or Sums of Money, not exceeding in the Whole the Sum of Four thousand Pounds, to the Trustees of the said Road upon the Security of the Tolls of the same, after the Payment of the Debts now due from the said Trustees, and secured on the said Tolls, to be applied by them the said Trustees in such Manner, and under

such Regulations and Restrictions, as the said Lord Lieutenant or other Chief Governor or Governors shall think fit and shall direct, towards the Expence of Materials and Labour in and about the making and completing such Alteration in the said Road, and such new Line of Road, as are mentioned and specified in the said Survey, Map, and Estimate hereinbefore mentioned, and of the Wages of the Surveyor who shall superintend and direct such Works.

Tolls shall be liable to the Payment at the Exchequer of the Sum advanced by Half-yearly Payments.

XII. And be it further enacted, That all the new and additional Tolls herein-after by this Act granted and made payable shall be subject and liable, and are hereby declared to be subject and liable to the Payment, at the Receipt of His Majesty's Exchequer of *Ireland*, of all such Sum and Sums of Money as shall be advanced on account of the said Trustees under the Order of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, according to this Act, towards the Expence of Materials and Labour on the said Road in Manner aforesaid; and that from and after the Time when all the Debts now chargeable upon the Tolls of any Part of the said Roads leading from *Dublin* to *Malahide* and from *Dublin* to *Howth*, granted and made payable by any Act in force immediately before the passing of this Act, shall be fully discharged and satisfied, all the said last-mentioned Tolls shall in like Manner also be and become subject and liable to the Payment of all such Sum and Sums of Money as shall be so advanced to the said Trustees in Manner aforesaid; and that all such Tolls shall be paid into the said Treasury by Two equal Half-yearly Payments up to the Fifth Day of *July* and the Fifth Day of *January* in each Year, within Fourteen Days next after each of the said Days respectively, until the Whole of such Sums so advanced shall have been fully paid and satisfied, together with Interest of all such Sum or Sums of Money as shall be so advanced, at and after the Rate of Six Pounds for every One hundred Pounds by the Year, from the Time when such Advance shall be made until the Time when the same shall be fully paid and satisfied.

On Failure of Payment of Tolls into Treasury the Lord Chancellor may appoint a Receiver or sequestrate the Tolls.

XIII. And be it further enacted, That if any such Half-yearly Payment shall at any Time be behind or unpaid by the Trustees of the said Road for the Time being, for the Space of Twenty-one Days from the Time when the same ought to be paid, it shall be lawful for the Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal of *Ireland*, on behalf of the Commissioners for executing the Office of Lord High Treasurer in *Ireland*, to appoint a Receiver to receive the Tolls of the said Road, and to make such Order for sequestrating the said Tolls, and for the Payment thereof into the said Receipt of His Majesty's Exchequer, as to such Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal, may appear just and fitting in that Behalf.

Respecting the Application of the Tolls.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the Trustees appointed by or elected or to be appointed or elected in pursuance of the said recited Acts, or any of them, to set apart or apply any annual Sum or Sums of Money towards the liquidating, paying off, and discharging any Debt or Debts, which at the Time of the passing of this Act shall be chargeable on the Tolls granted by the said recited Acts, greater or more than the last annual Sum which the said Trustees shall have applied to that Purpose at the Time of the passing of this

this Act; and that the said Trustees shall not make any new Disposition or Arrangement of the Produce of the said Tolls, for the Purpose of liquidating, paying off, or discharging any such Debt or Debts, or for any other Purpose, without the Consent and Approbation of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being; and in case the annual Amount of the Tolls payable on the said Roads, under or by virtue of any Act or Acts in force immediately before the passing of this Act, shall at any Time after the passing of this Act exceed the Amount of the annual Sums expended by the said Trustees, on the Average of Three Years ending on the Thirty-first Day of *December* One thousand eight hundred and fifteen, together with the annual Sums set apart during the said Three Years, for discharging the Interest and paying off the Principal of the Debts chargeable on the said Tolls, the Amount of such Excess shall be and become subject, and the said Excess is hereby declared to be subject and liable to the Payment of all such Sum and Sums of Money which shall be so advanced to the said Trustees, and the Interest thereof, in like Manner as the new and additional Tolls under this Act are herein-before made subject and liable.

Clerk of Trustees shall transmit Half-yearly Accounts to Chief Secretary.

XV. And be it further enacted, That the Secretary or Clerk to the Trustees of the said Roads for the Time being shall within Seven Days after the Fifth Day of *July* One thousand eight hundred and seventeen, and the Fifth Day of *January* One thousand eight hundred and eighteen, and in like Manner within Seven Days after the Fifth Day of *July* and the Fifth Day of *January* in each and every subsequent Year, transmit to the Office of the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, an Account stating the Amount of Tolls received on the said Roads under any Act or Acts in force before the passing of this Act, during the Half Year ending on every such Fifth Day of *July* and Fifth Day of *January* respectively; and also of the Amount of the new and additional Tolls received on the said Roads under this Act during such Half Year, and of all Payments made by the said Trustees of the said Roads during such Half Year; and the said Secretary or Clerk shall sign the said Account, and verify the same upon Oath before any of His Majesty's Justices of the Peace of the said County of *Dublin*; and in case such Secretary or Clerk shall neglect to transmit the said Account, or to verify the same on Oath in manner aforesaid, he shall forfeit for every such Offence the Sum of Fifty Pounds Sterling to any Person who shall sue for the same, to be recovered with Costs of Suit by Action in any of His Majesty's Courts of Record in *Dublin*.

Application of Purchase Monies paid to incapacitated Persons if above 200*l.*

XVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to 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 there *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied under the

the Direction and with the Approbation of the said Court, to be signified by an Order to be 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, or Hereditaments, towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the High Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of some of the Public Funds or Annuities, transferrable at the Bank of *Ireland*; and in the meantime, and until the said Funds or Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Funds or Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Purchase Monies paid to incapacitated Persons, if under 200*l.* and not less than 20*l.*

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

Application of Purchase Monies paid to incapacitated Persons, if under 20*l.*

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

Purchase Monies payable to Persons not able to evince their Titles, to be paid into the Court of Chancery.

XIX. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Acts or this Act, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, it shall and may be lawful for the said Trustees to order the said Sums of Money to be paid into the Bank of *Ireland*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or 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 seem just and reasonable; and the Cashier or Cashiers of the Bank of *Ireland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession of Premises purchased, to be deemed the Owners thereof.

XX. 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 said Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts or this Act, or to any Funds or Annuities to be purchased with any such Money, or the Dividends or Interest of any such Funds or Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of making such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the Funds or Annuities to be

purchased with such Money, and also the Capital of such Funds or Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

For paying Expences when Purchases shall be made from incapacitated Persons.

XXI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall and may be lawful to and 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 such Expences as the Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of the said recited Acts or this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Toll Gate to be erected near the Bridge of Raheny.

XXII. And be it further enacted, That the Trustees of the said Road shall, some Time before the Fourth Day of *January* One thousand eight hundred and seventeen, and they are hereby required and directed to erect and set up a Toll Gate or Toll Bar, and to build or rent a Toll House at the Western Commencement of the new Road, near the Bridge of *Raheny*, in the Parish of *Raheny*, on the Lands called the *Whip Lands*, as particularly described in the Survey, Map, and Estimate of the said Roads herein-before mentioned; and that the Expence of erecting the said Toll Gate or Toll Bar, and of building and erecting or renting the said Toll House, shall and may be defrayed out of the Produce of any of the Tolls arising on any of the said Roads under the said recited Acts or this Act, and that the said Trustees shall and may also from Time to Time erect or set up any Toll Gate, Toll Bar, or Side Gate, and build or rent any Toll House, at any and every Place where any Road shall cross, enter upon, or join the said new Road, and that the Expence of erecting, setting up, building, or renting the same, shall and may in like Manner be defrayed out of the Produce of the said Tolls; and that if any Tolls shall be demanded or taken at any of the said Gates, then and in such Case Tickets shall be given by the Person or Persons collecting such Tolls, denoting the Amount of the Tolls paid; which Ticket shall be accepted for the Amount of the Tolls therein specified to be paid, in lieu or in part of the Tolls payable at any other Gate or Gates which may be erected upon, across, or on the Side of the said new Road, so that there shall not be more than one full Toll payable on the same Day for the same Carriage and Cattle or other Beasts.

New and additional Tolls granted.

XXIII. And be it further enacted, That in addition to and over and above all Tolls payable on any Part of the Road from *Dublin* to *Howth*, under and by virtue of any Act or Acts in force immediately before the passing of this Act, the following Tolls, Rates, and Duties shall be paid at every Gate, Side Gate, Bar, or Toll House, to be erected or set up on the said new

new Road, before any Coach, Berlin, Chariot, Calash, Landau, Landaulet, Barouche, Curricle, Chaise, Chair, Gig, Jaunting Car, Waggon, Wain, Cart, Car, or other Carriage, or any Horse, Mare, or Gelding, Mule, Ass, or other Beast of Burthen, shall be permitted to pass through the same; that is to say,

For every Coach, Berlin, Chariot, Calash, Landau, Landaulet, Barouche, or other Carriage with Four Wheels, drawn by Six Horses or Beasts of Burthen or more, the Sum of One Shilling and One Penny:

For every such Carriage with Four Wheels, drawn by a less Number than Six Beasts of Burthen, and more than Two, the Sum of Six-pence Halfpenny:

For every such Carriage with Four Wheels, drawn by Two Horses or Beasts, the Sum of Five-pence:

For every Gig, Chaise, or Chair, with Four Wheels, drawn by One Horse or Beast, the Sum of Two-pence Halfpenny:

For every Curricle, Gig, Chaise, or Chair, with Two Wheels, drawn by Two Horses or Beasts, the Sum of Five-pence:

For every Jaunting Car drawn by Two Horses or Beasts, the Sum of Three-pence:

For every Gig, Chaise, or Chair, with Two Wheels, drawn by One Horse or Beast, the Sum of Two-pence Halfpenny:

And for every Jaunting Car drawn by One Horse or Beast, the Sum of Two-pence:

For every Horse, Mare, Gelding, Mule or Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Waggon, Wain, Cart, or Carriage of Burthen, with Four Wheels, drawn by Six or less than Four Horses or Beasts of Burthen, and whose Wheels shall not be of the Breadth of Six Inches at the least on the Sole when worn, or the Streaks not set on with flat-headed Bolts, or Nails countersunk in such a Manner as not to rise above the Streaks, the Sum of One Shilling and One Penny:

For every such Waggon, Wain, Cart, or Carriage, whose Wheels shall be of the Breadth of Six Inches on the Sole when worn, and the Streaks set on as aforesaid, the Sum of Eight-pence:

For every Waggon, Wain, Cart, or Carriage of Burthen with Four Wheels, drawn by a less Number than Six, and more than Two Horses or Beasts of Burthen, whose Wheels shall not be of the Breadth of Six Inches at the least on the Sole when worn, or the Streaks not set on as aforesaid, the Sum of Ten-pence:

For every such Waggon, Wain, Cart, or Carriage, whose Wheels shall be of the Breadth of Six Inches on the Sole when worn, and the Streaks set on in Manner aforesaid, the Sum of Sixpence Halfpenny:

For every Wain, Cart, Brewer's Dray, or Carriage of Burthen with Two Wheels, drawn by Two Horses or Beasts of Burthen, whose Wheels shall not be of the Breadth of Four Inches at the least on the Sole when worn, or the Streaks not set on as aforesaid, the Sum of Three-pence Halfpenny:

For every such Wain, Cart, Brewer's Dray, or Carriage of Burthen, whose Wheels shall be of the Breadth of Four Inches on the Sole when worn, and the Streaks set on as aforesaid, the Sum of Two-pence:

For every Cart or Brewer's Dray, with Two Wheels, drawn by One Horse or Beast of Burthen, and whose Wheels shall not be of the Breadth

Breadth of Four Inches at the least on the Sole when worn, or the Streaks not set on as aforesaid, the Sum of Two-pence Halfpenny:

For every such Cart or Brewer's Dray, drawn by One Horse or Beast of Burthen, whose Wheels shall be of the Breadth of Four Inches on the Sole when worn, and the Streaks not set on as aforesaid, the Sum of One Penny Halfpenny:

For every Car or Carriage of Burthenwith Two Wheels, drawn by One Horse or Beast of Burthen, not herein-before described, whose Wheels shall not be of the Breadth of Three Inches on the Sole when worn, or the Streaks not set on as aforesaid, the Sum of One Penny Halfpenny:

For every such Car or Carriage of Burthen, whose Wheels shall be of the Breadth of Three Inches on the Sole when worn, and the Streaks set on as aforesaid, the Sum of One Penny:

For every Drove of Oxen or Neat Cattle, the Sum of Five-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 Two-pence Halfpenny *per* Score, and so in proportion for any greater or less Number:

And a further Toll or Duty for every Carriage drawing Bricks after the Rate of Five-pence for every Thousand of Bricks carried thereon; (that is to say,)

For every Carriage drawing any Number of Bricks not exceeding the Number of One Hundred, One Halfpenny; and for every Carriage drawing a greater Number of Bricks, the Sum of One Penny:

And a further Toll or Duty for every Carriage drawing any Kind of Stones, after the Rate of One Penny for every Ton Weight of Stones; (that is to say,)

For every Carriage drawing any Quantity of Stones not exceeding the Weight of Seven Hundred and a Half, the Sum of One Halfpenny; and for every Carriage drawing a greater Weight of Stones, the Sum of One Penny.

Only One Toll payable, and Ticket to be delivered specifying Payment of Toll.

XXIV. And be it further enacted, That no more than One full Toll shall be demanded or taken from any Person or Persons for passing and repassing during the same Day, (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night,) with the same Horses, Cattle, or Carriages respectively, through all the Toll Gates, Toll Bars, or Side Gates to be erected by virtue of this Act on the said new Road; and every Person or Persons having paid Toll once as aforesaid, and producing a Note or Ticket denoting the Payment of such Toll, (which Note or Ticket the Collector of the said Tolls is hereby required to give *gratis* on the Receipt of such Toll,) and which Ticket shall specify the Gate or Gates thereby freed from Toll, shall afterwards pass and repass on the said new Road, with the same Carriage and Cattle, Toll-free during such Day as aforesaid.

To prevent Evasion of Tolls by the Erection of Side Gates.

XXV. And whereas there are several other Roads, leading from *Dublin* towards *Raheny* and *Howth*, which by the aforesaid Acts are under the Jurisdiction of the said Trustees, and it is expedient to prevent the Tolls hereby granted from being evaded; be it therefore enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to erect One or more Gate or Gates, Toll Bar or Toll Bars,

Bars, across or upon the Side of any of the said last-mentioned Roads, and to demand and receive the like Toll for all Carriages and Horses, or other Beasts travelling on the said Roads, as are by this Act made payable for the travelling upon the said new Road: Provided always, that no Person who shall have paid the said Tolls on the said new Road shall be liable to pay the same Toll on any of the said several other Roads, with the same Carriage or Horses or other Beasts on the same Day; and that nothing herein contained shall repeal or controul any Authority or Power vested in the said Trustees, by any of the aforesaid recited Acts, to erect Toll Bars or Gates on any Part of any of the Roads leading into *Dublin* over *Ballybough* or *Annesley* Bridges.

Vacating Leases of Tolls made since 1st of May 1816.

XXVI. And whereas the Trustees of the said Roads have demised or leased, or contracted or agreed to demise or lease the Tolls on the said Roads for Two Years, from the First Day of *May* One thousand eight hundred and sixteen, which Demise or Contract will be prejudicial to the Funds applicable to the Improvement of the said Roads under the Provisions of this Act; be it therefore enacted, That any such Lease, Demise, Contract, or Agreement, and every other Lease, Demise, Contract, or Agreement, which may have been made subsequent to the said First Day of *May* One thousand eight hundred and sixteen, and before the passing of this Act, shall cease and determine from and after the Fourth Day of *January* One thousand eight hundred and seventeen, any such Lease, Demise, Contract, or other Agreement, to the contrary in anywise notwithstanding.

Stage Coaches to pay Toll each Time of passing.

XXVII. Provided always, and be it further enacted, That all Stage Coaches and other Carriages carrying Passengers, paying for their Seats in or upon such Carriages respectively on the said new Road, shall be subject to pay Toll every Time when such Carriage shall either pass or repass on the said new Road, through any Gate or Toll Bar to be erected under the Provisions of this Act: Provided nevertheless, that such Stage Coach, or other Carriage, shall not be subject to pay more than One Toll for each Journey, on the full Extent of the said new Road, from *Dublin* towards *Howth*, nor more than One Toll for each Journey thereon, from *Howth* towards *Dublin*.

Regulations under which the Tolls shall be let.

XXVIII. And be it further enacted, That from and after the passing of this Act it shall not be lawful for the Trustees of the said Roads to lease or demise or let the Tolls and Duties granted by this Act, or any Act or Acts in force at the Time of the passing of this Act, in any other Manner than is hereinafter expressly directed; that is to say, that from and after the passing of this Act the said Trustees shall annually, on some Day in the Month of *December* in every Year, let and demise the Tolls payable under any Act or Acts in force immediately before the passing of this Act, and also the Tolls payable under this present Act, by Auction for One Year, from the Fourth Day of *January* then next ensuing, and no longer, to the highest Bidder, by separate Demises, Agreements, or Leases; and that the Secretary or Clerk to the said Trustees shall, once in each of the Three Weeks immediately preceding the Day of such Auction, cause to be inserted in Two Newspapers published in the City of *Dublin*, an Advertisement or Notice of the Time and Place when and where such Auction is intended to be held, and such Advertisement or Notice shall state the gross Amount of the Sums or Rents at which the Tolls payable under

under any Act or Acts in force immediately before the passing of this Act were leased or demised for each of the Five Years preceding, and such Notice shall also specify the Increase of the said Tolls on the said Road, and such Notice shall further specify that One Month's Rent of the said Tolls respectively shall be paid in advance by the Person taking the said Tolls to farm, at the Time of his taking the same, and in like Manner by Monthly Advances through the whole of the said Year; and if any Demise or Lease of any of the said Tolls, or any Contract or Agreement for demising or farming the same, shall be made in any other Manner than is directed by this Act, such Lease, Demise, Contract, or Agreement shall be null and void, and that each and every of the Parties, who shall at any Time after the passing of this Act execute or make any such Lease, Contract, or Agreement, shall forfeit for such Offence the Sum of One hundred Pounds Sterling, to be recovered with Costs of Suit by any Person who shall sue for the same, by Action in any of His Majesty's superior Courts of Record in *Dublin*.

Tolls under recited Acts not affected by this Act.

XXIX. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to alter, increase, or diminish the Amount of the several Tolls, granted and made payable by any of the herein-before recited Acts, on the Road leading from *Dublin* to *Malahide*, or on the Road from *Dublin* to the Commencement of the new Road, to be made under and by virtue of this Act; any thing in this Act contained to the contrary in anywise notwithstanding.

Exemption for Horses of any Contractor on Road.

XXX. And be it further enacted, That if the said Trustees shall contract with any Person for the making the said new Road, or repairing any of the said Roads which are vested in the said Trustees, or for keeping the same in Repair, that the Horses and Carriages of such Contractor, whether laden or unladen, shall be exempt from paying Toll on any of the said Roads during the Time whilst such Contractor shall be so employed in making or repairing any of the said Roads.

Power to search for, dig, and carry away Gravel, Stones, &c. for making and repairing new Road.

XXXI. And be it further enacted, That every Person duly authorized by the said Trustees to direct and superintend the making or repairing of the said new Road, and all Persons in his Employ and Service, shall have Power and Authority to dig for, search, raise, and carry away any Gravel, Stones, Sand, or other Materials which he or they may require for the Use of the said new Road, and to make Drains in order to carry off Water from, or preventing its injuring the said new Road, on or through any Lands, not being a Deer Park, Orchard, Yard, Garden, planted Lawn, or Avenue to a Mansion House, such Trustees making Satisfaction to the Owners and Occupiers of the Land for the Damage which may be done thereby; and in case such Owners and Occupiers shall be dissatisfied with the Compensation offered by the said Trustees, it shall and may be lawful for such Owners or Occupiers to appeal to the Justices at the next General or Quarter Sessions of the Peace after such Compensation shall have been offered, giving One Month's Notice thereof in Writing to the Clerk to the said Trustees, and the Determination of such Justices therein shall be final and conclusive.

Powers given to the Trus-

XXXII. And be it further enacted, That all Powers, Authorities, and Privileges vested in the Trustees of the said Road, leading from *Dublin* to *Howth*,

tees as under former Acts.

Howth, by any Act or Acts in force in *Ireland* at the Time of the passing of this Act relating to the said Road, shall be applied so far as shall or may be necessary in the Execution of this Act; and that the said Trustees shall have all such and the like Powers of imposing and levying Tolls on such Road, and on such new Line of Road as shall be made under or by virtue of this Act, as are vested in them by the said several Acts or any of them; and that all Penalties, Forfeitures, and Regulations, and all Modes for recovering such Penalties and Forfeitures, and of enforcing such Regulations, contained in or enacted by the said Acts or any of them, shall be applicable and applied to any new Line of Road, or any Alterations of the said Road, which shall be made under the Provisions of this Act, as fully and effectually to all Intents and Purposes as if all such Powers, Authorities, Privileges, Fines, Penalties, Forfeitures, and Regulations, and the several Modes for recovering such Fines, Penalties, and Forfeitures, and of enforcing such Regulations, were expressly repeated and re-enacted by this Act, so far only as the same are not repealed or altered by this Act.

Fines and Penalties.

Public Act.

XXXIII. 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 other Persons, without being specially pleaded.

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