ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. lxviii.

An Act to continue and amend the Powers of an Act for repairing and improving the Roads from *Dublin*, by *Ashbourne*, to *Slane* and *Drogheda*.

[28th *July* 1849.]

WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An* 7 & 8 G. 4. c. 66. *Act for repairing and improving the Road from* Dublin, *by* Ashbourne, *to* Slane *and* Drogheda, whereby it was provided that for the keeping in repair, widening, and shortening the Roads leading from the City of *Dublin*, through *Ashbourne*, to *Slane* and *Drogheda*, the said Roads should be divided into Two Divisions, the First Division to commence at *Prospect House* in the Parish of *Glasnevin* and County of *Dublin*, and to terminate at the principal Inn in the Village of *Ashbourne* in the County of *Meath*, and to be called the Southern Division, and the Second Division to commence at the said Inn in the Town of *Ashbourne*, and terminate at the Cross Roads of *Fenner* near the Bridge of *Slane*, and at the Town of *Drogheda* at the Site of the late Gate called *Dublin Gate*, and to be called the Northern Division of the said Road; and the said Southern and Northern Divisions were placed under the Management of Two separate Boards of Trustees: And whereas Powers to erect Toll Gates and take Tolls upon the said Roads were given by the said recited Act, and the Tolls so to be

levied on the Northern Division of the said Roads were vested in the Trustees of the said Northern Division, and the Tolls so to be levied on the Southern Division of the said Roads, together with certain Rights of Appointment, Management, and Control in relation to the said Southern Division, were, subject to the Burden of repairing the Roads comprehended in the said Southern Division, and discharging certain other Liabilities, vested in *Frederick Bourne* and *Richard Bourne*, their Executors, Administrators, and Assigns: And whereas it was provided by the said recited Act that Three Fifths of all Sums which should be expended in repairing and improving that Part of the said Road between *Prospect House* and the *Circular Road*, and also the *Dean's Road* from *Prospect House* to *Drumcondra* Road, adjoining the Bank of the *Royal Canal*, should be defrayed out of the Tolls of the said Southern Division, and the remaining Two Fifths out of the Tolls of the *Knocksedan* Road, and that the Control and Management of the said Portions of Road should be vested jointly in the Trustees of the *Knocksedan* Road and of the said Southern Division: And whereas the said Act was thereby declared to commence on the passing thereof, and to be in force and have Continuance for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas the said recited Act will expire at the End of the present Session of Parliament, and it is expedient that the Maintenance of the said Roads from *Dublin*, by *Ashbourne*, to *Slane* and *Drogheda*, should continue to be provided for by the levying of Tolls, and that the Two Divisions of the said Roads (excepting as after mentioned) should from and after the Expiration of the said recited Act be placed under the exclusive Management of and the whole Tolls thereof vested in One Body of Trustees, and that the Provisions of the said recited Act should in certain other respects be amended; but these Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the End of the present Session of Parliament the said recited Act shall be and the same is hereby repealed, and thereupon, and no sooner, the several Powers and Provisions of this Act shall commence and take effect.

Recited Act repealed, and this Act to take effect.

II. And be it enacted, That the Tolls by this Act granted shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls of the said Roads, and of all Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or on account of this Act; and that every Person owing any Sum of Money to the Trustees for executing the said recited Act shall be liable to the Payment thereof to the Trustees for executing this Act.

Act made subject to former Debts.

III. And be it enacted, That all Agreements, Contracts, and Securities entered into by any Person with the Trustees acting under the

Contracts entered into underformer

the said recited Act, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and that all Leases of Tolls, Orders, Contracts, and Agreements duly made or entered into by the Trustees acting under the said Act shall, so far as the same are not altered or avoided by this Act, remain in full Force, and be observed and kept by the Trustees under this Act, according to the Terms and Stipulations thereof respectively.

Act to remain in force.

IV. And be it enacted, That every Book in which any Entries of any Proceedings relating or in anywise appertaining to the said Roads shall have been made by any of the Trustees under the said recited Act, or any of their Officers, or any other Person acting under the Authority of the said recited Act, shall be good and sufficient Evidence of such Proceedings in any Court of Justice whatsoever.

Entry of Proceedings under former Act to be good Evidence.

V. And be it enacted, That the Roads from *Dublin*, by *Ashbourne*, to *Slane* and *Drogheda*, commencing at *Prospect House* in the Parish of *Glasnevin* and County of *Dublin*, and terminating, as to the *Slane* Branch thereof, at the Cross Roads of *Fenner* near the Bridge of *Slane*, and as to the *Drogheda* Branch thereof at the Site of the old Gate called *Dublin Gate* within the Borough of *Drogheda*, be and the same are hereby placed under the Direction and Management of One Body of Trustees, constituted as herein-after mentioned, for the Repair and Maintenance of the same, and all other Purposes incident to the Execution of this Act.

Roads placed under Management of One Body of Trustees.

VI. And whereas that Part of the Road from *Dublin* to *Ashbourne* situate between *Prospect House* and the *Circular Road*, and also the *Dean's Road* from *Prospect House* to *Drumcondra* Road, are common both to the *Ashbourne* and *Knocksedan* Roads, and it is provided by the said recited Act that Three Fifths of all Sums which should be expended in repairing and improving the said Portions of Road should be defrayed out of the Tolls of the Southern Division of the Road leading from *Dublin*, by *Ashbourne*, to *Slane* and *Drogheda*, and the remaining Two Fifths out of the Tolls of the *Knocksedan* Road, and it is expedient that the said Proportions should continue: Be it enacted, That Three Fifths of all Sums which shall be expended in repairing and improving that Part of the said Road between *Prospect House* and the *Circular Road*, and also the said *Dean's Road*, shall be defrayed out of the Tolls hereby granted, and the remaining Two Fifths out of the Tolls of the *Knocksedan* Road; and that the Control and Management of the said Portions of Road shall be vested jointly in the Trustees of the *Knocksedan* Road and in the Trustees hereby appointed; and that the several Enactments in this Act shall apply to the said Portions of Road.

Apportioning the Expense of keeping certain Pieces of Road in repair.

VII. And be it enacted, That Sir *William Somerville* Baronet, Member of Parliament, *Mathew Corbally*, Member of Parliament, *Gustavus Lambart*, *Michael Thunder*, *John Cornwall*, Reverend *Charles Osborne*, *Saint George Smith* junior, *Nicholas Boylan*, *James Mathews*, *Whitwell Butler*, *Hamilton Gorges*, *James Gernon* junior,

Trustees.

junior, *Cope Garnett*, *Richard Bailey*, *Henry Radcliffe*, *Francis J . Kelly*, Reverend *Thomas Barton*, Reverend *Henry Johnstone*, *Thomas Hopkins*, Reverend *Stephen Radcliffe*, *James Hans Hamilton*, Member of Parliament, *Edward Taylor*, Member of Parliament, *Thomas Thompson*, *Hans Hamilton Woods*, *Anthony Strong Hussey*, *Edmond Casey*, *John William Stubbs*, *John William Bayly*, *William Greene*, *Peter Alley*, *John Tew Armstrong*, *George Symes*, *Anthony Hawkins*, *Peter Aungier*, *Patrick Corbally*, *John Gerrard*, *William Henry Rathbourne*, *William Henry Hardinge*, *David Henry Sherrard*, and *James Foulis Duncan* junior, Doctor of Medicine, shall be and they are hereby appointed Trustees for maintaining and repairing the said Roads, and for otherwise carrying this Act into execution.

Power to elect new Trustees.

VIII. And be it enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting to be held in pursuance of this Act, from Time to Time to elect a Trustee or Trustees in the Room of any Trustee or Trustees respectively who shall die, or refuse or become incapable to act, or who shall resign his or their Office as such: Provided always, that the Number of Trustees for the said Roads shall not at any One Time exceed Forty, and that each Trustee who shall be elected in the Room of any Trustee dying, or refusing or becoming incapable to act, or resigning, as aforesaid, shall be chosen from among the Persons qualified as herein-after mentioned, who shall reside or be possessed of Property within the same County as the Trustee in whose Room he may be so elected; and such Trustee or Trustees so to be elected shall in all respects have the same Powers and Authorities for executing this Act, including the Power of electing additional Trustees from Time to Time, as aforesaid, as if they had been herein and hereby nominated and appointed.

Qualification of Trustees.

IX. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act unless he shall be 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 be possessed of a Personal Estate alone, or a Real and Personal Estate together, of the Value of One thousand Pounds, or shall be the 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 (if a Person now by Law permitted to give Evidence upon Affirmation without Oath) made and subscribed an Affirmation in the following Form of Words; which Oath or Affirmation any One of the said Trustees at any Meeting to be holden in pursuance of this Act is hereby authorized to administer.

Oath of Qualification.

'I *A.B.* do swear [*or, being One of the People called* 'do solemnly affirm], That I am 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* that I am pos-

'sessed

'sessed of a Personal Estate alone, or a Real and Personal Estate 'together, of the Value of One thousand Pounds, *or* that I am Heir 'Apparent of *A. B.*, who to the best of my Knowledge is possessed 'of Lands of the clear yearly Value of Two hundred Pounds, *as the* '*Case may be*], and that I will faithfully and impartially act in the 'Execution of the Trusts and Powers reposed in me by virtue of an 'Act passed in the Year of the Reign of Her Majesty 'Queen Victoria, intituled "An Act [*here set forth the Title of this* '*Act*].

'[*Except in the Case of Affirmations*] So help me GOD.'

Penalty on Persons acting without being qualified.

And if any Person, not being so qualified, or not having taken and subscribed such Oath, or (being a Person entitled to make such Affirmation as aforesaid) not having made and subscribed such Affirmation in manner as aforesaid, or being disqualified as hereinafter mentioned, shall act as a Trustee in the Execution of this Act, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, together with the full Costs of Suit, in any of Her 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 of Law, or more than One Imparlance, shall be allowed; and every such Person so sued or prosecuted shall prove that he is so qualified as aforesaid, or otherwise shall pay the said Penalties, 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 every Person acting as a Trustee in the Execution of this Act, though not duly qualified as aforesaid, previously to his being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person had been qualified according to the Directions of this Act.

Acts of unqualified Trustees previous to Conviction valid.

Trustee not to be Clerk, &c., or be concerned in Contracts.

X. And be it enacted, That no Person appointed or to be appointed a Trustee by virtue of this Act who shall have or accept the Office of Clerk, Treasurer, or Surveyor, 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 who shall keep or be concerned in any Victualling House, Alehouse, or other House of public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, Whiskey, or other spirituous or strong Liquors, by retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, during such Time as he shall keep or be concerned in such Victualling House, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cider, Beer, Ale, Whiskey, or other spirituous or strong Liquors, by retail; but no such Person shall be precluded from hiring or farming such Tolls, provided he employ a Person to collect such Tolls who shall not be under any such Incapacity as aforesaid.

Victuallers, &c. disqualified from acting as Trustees.

No Act valid unless done at a Meeting, &c.

XI. And be it enacted, That no Act of the said Trustees shall be good, valid, or effectual unless the same be done at some Meeting to be holden in pursuance of this Act, except as herein-after provided; and that all the Powers and Authorities by this Act granted to 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 Trustees present at every such Meeting not being less than Five; and all the Orders and Proceedings of the major Part of the Trustees present at such 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 herein-after otherwise provided); and at every Meeting of the said Trustees a Chairman shall be appointed, and when and as 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 be lawful for the Chairman to give the decisive or casting Vote, in addition to his former Vote.

Trustees may act as Justices.

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

First Meeting of Trustees.

XIII. And be it enacted, That the said Trustees shall meet at the *Imperial* Hotel in the City of *Dublin* on the first *Monday* after the passing of this Act, between the Hours of One and Two in the Afternoon; and in case there shall not be a Meeting of the said Trustees at the Time and Place so appointed, then and in such Case the said Trustees shall meet on the following *Monday* at the same Place and Hour, and so *toties quoties* until there shall be a Meeting of the said Trustees; and at such Meeting the said Trustees shall make Arrangements for carrying this Act into execution on the Commencement thereof, and they shall and may, at their several Meetings to be holden for the Purpose of carrying this Act into execution, from Time to Time adjourn such Meetings; and at the first Meeting of the said Trustees they shall appoint their next Meeting to be holden at *Kilmoon*, or at such other Place in the County of *Meath* near to the said Roads as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and all subsequent Meetings, excepting the Annual and Special Meetings herein-after provided for, shall be held alternately in the City of *Dublin* and County of *Meath* as aforesaid; and if it shall so happen that there shall not appear at the Time and Place appointed for any 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, appoint such Meeting to be held on some other Day within Fourteen Days then next following, at the same Place; and the said Clerk shall cause Notice thereof to be inserted in Two Newspapers published in the City of *Dublin* Six Days at least before the Day of such Meeting;

Trustees to defray their own Expenses.

and the said Trustees shall at their several Meetings defray their own Expenses, except any Sum not exceeding Ten Shillings *per* Day for the Use of the Room where they shall meet.

XIV. And

Meetings on Emergencies.

XIV. And be it enacted, That if after any Adjournment of any Meeting as aforesaid it shall at any Time be thought necessary that a Special Meeting of the said 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 the Clerk to the said Trustees (upon an Order in Writing signed by Five or more of the Trustees, mentioning the Time and Place and Purpose of such Special Meeting, being given to him or left at his last or usual Place of Abode,) shall forthwith give Notice, by inserting the same in Two *Dublin* Newspapers, of such Special Meeting, and of the Time and Place which shall be mentioned in the Order of the said Trustees, such Time not being less than Six Days after such Notice; and all Proceedings of the said Trustees at such Special 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.

XV. And be it enacted, That the said Trustees shall hold an Annual General Meeting in the City of *Dublin* on the first *Monday* in the Month of *June* in every Year; and at such Annual General Meeting the Trustees shall examine and audit the annual Accounts of their Clerk, Treasurer, Surveyor, 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.

As to revoking of Orders.

XVI. And be it enacted, That no Order, Appointment, or Proceeding made or had at any Meeting of the said 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 Five or more of the said Trustees, in some Two of the *Dublin* Newspapers, at least Fourteen Days before such subsequent Meeting, nor 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 was had or made.

Books to be kept of Proceedings of Trustees, and to be Evidence.

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

Accounts to be kept.

XVIII. And be it enacted, That the said Trustees shall, from Time to Time, and at all Times during the Continuance of this Act, order and direct a Book or Books to be provided and kept by their Clerk for

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 and expended for or on account of the said Roads, or otherwise, under the Provisions of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been expended, and such Accounts shall be balanced once in each Year at least; which Book or Books, together with the Book or Books in which the Proceedings of the said Trustees shall have been entered, shall at all the Meetings of the said Trustees be open for the Inspection of all and every of the said Trustees, or any Creditor on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without Payment of anything for the same; and in case the said Clerk shall not permit any of the said Trustees or Creditors to inspect the said Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be levied in manner herein-after specified.

Books, &c. to be open to Inspection.

Penalty on Clerk refusing Inspection.

Accounts to be audited yearly.

XIX. And be it enacted, That the said Trustees shall, during the Month of *June* in the Year Eighteen hundred and fifty, and during the said Month of *June* in every Year thereafter, appoint a proper Person well skilled in Accounts (and not being One of the said Trustees, nor any Person holding Office under them, or otherwise immediately connected with them,) to audit and docket the Accounts of the said Trustees, as before mentioned; and the said Trustees shall pay to such Auditor for his Trouble in making each such Audit a Sum not exceeding Ten Pounds out of the Tolls, Rates, or Duties by this Act authorized to be levied; and for better enabling the Person so appointed to audit such Accounts the said Trustees shall cause the said Accounts, together with all their Books and Vouchers, to be produced to such Auditor, who shall have full Power to require the Production of the same.

Abstract of Accounts to be transmitted to Clerks of Peace annually.

XX. And be it enacted, That an annual Account in abstract be prepared of the total Receipts and Expenditure of all Tolls or other Funds which shall be levied under the Provisions of this Act for the Year then last past, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of the said Account so audited, certified by the Chairman of the said Trustees and also by the Auditor thereof; and duplicate Copies of such annual Account shall be transmitted by the said Trustees, free of Charge, to the several Clerks of the Peace for the Counties of *Meath* and *Dublin* respectively, on or before the Thirty-first Day of *January* in each Year; and in case the said Trustees shall not prepare and transmit such Account to each of the said Clerks of the Peace in manner aforesaid in each Year, they shall forfeit and pay for every such Offence a Penalty of Twenty Pounds, to be levied in manner herein-after specified; and such Accounts so lodged with such Clerks of the Peace shall be open at all seasonable Hours to any Person who shall require to inspect the same, and who shall pay a Fee of Two Shillings for such Inspection; and such Clerks of the Peace shall be bound

bound to furnish Extracts from such Accounts to all Parties who shall require the same, and who shall pay Sixpence for each One hundred Words of such Extracts.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated with this Act.

XXI. And be it enacted, That the Clauses of the Commissioners Clauses Act, 1847, with respect to the Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners, and with respect to the Appointment and Accountability of the Officers of the Commissioners, and with respect to the making of Bye Laws, and with respect to Tender of Amends, and with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriff, shall be incorporated with this Act.

Trustees may take Securities in Name of their Clerk.

XXII. Provided always, and be it enacted, That the said Trustees may take all such Securities as they are authorized or may think fit to take under this Act in the Name of their Clerk for the Time being.

Application of Penalties.

XXIII. Provided also, and be it enacted, That, where not otherwise specially directed by this Act, the Money arising from any Penalties, Forfeitures, and Fines hereby authorized shall be awarded and paid as follows, (that is to say,) not more than One Moiety thereof to the Informer, and the Remainder to the Treasurer of the said Roads, for the Use thereof, anything in the Commissioners Clauses Act, 1847, or in any Act partially incorporated therewith, to the contrary notwithstanding.

On Death of Collector another may be appointed, until next Meeting of Trustees.

XXIV. And be it enacted, That it shall be lawful for any Three or more of the said Trustees, although not assembled at any Meeting, upon the Death or Resignation, or Neglect, Refusal, or Incapacity to act of any Collector of the Tolls hereby granted, to nominate and appoint, by Writing under their Hands, some other fit Person in the Room and Place of such Collector, until the next Meeting of the said Trustees, which Person so 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 such Person shall be so nominated and appointed; and it shall be lawful for the said Trustees, at any Meeting after such Death, Resignation, or Neglect, Refusal, or Incapacity to act of such Collector, to treat such Office as vacant, and to appoint a Collector in the Room of such Person so dying or resigning, or neglecting, refusing, or becoming incapable to act.

Collector of Tolls, being discharged, to give up Possession of Toll Houses, &c.

XXV. And be it enacted, That if any Collector of Tolls of the said Roads who shall be discharged from his Office by the said Trustees shall refuse to deliver up the Possession of the Toll House, Buildings, and Appurtenances which he enjoyed in right of his Appointment to that Office within Two Days after Notice in Writing, signed by any Three of the said Trustees, given to him or left at such Toll House, or if the Wife or Family of any Collector who shall die as aforesaid, or any other Person who shall be in possession of the Premises by any Means whatsoever, save a Lessee of Tolls during the

Demise thereof, shall refuse to deliver up such Toll House, Buildings, and Appurtenances within Two Days after Notice of such new Appointment, signed by any Three or more of the said Trustees, shall have been given to him or left at such Toll House, then in any of the said Cases it shall be lawful for any Justice of the Peace of the County wherein such Toll House is situate, and he is hereby required, by Warrant under his Hand, to order any Constable or Peace Officer, with such Assistance as shall be necessary, to enter such Toll House, Buildings, and Appurtenances in the Daytime, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such Toll House, Buildings, and Appurtenances, and to put the said Trustees, or the newly-appointed Collector of the said Tolls, in possession thereof, and such Warrant shall be sufficient Authority for such Person or Persons so to do.

Power to Justices to give Possession of Toll Houses, &c.

XXVI. And be it enacted, That the Surveyors and Overseers of the said Roads appointed by the said Trustees shall have and they are hereby invested with the like Powers and Authorities in respect to the Roads directed to be maintained and kept in repair by virtue of this Act as any Surveyor or Overseer appointed by any Law or Statute in force in *Ireland* for making, amending, or repairing public Roads is invested with.

Powers of Surveyors and Overseers of Roads.

XXVII. And be it enacted, That the said Trustees shall have Power to erect or cause to be erected such and so many Toll Gates upon and across any Part of the said Roads, or on the Sides thereof or contiguous thereto, and from Time to Time to change the Situation of such Gates, or to discontinue the same, as they shall see convenient, and to build, or to hire, rent, or purchase from Parties willing to let or sell the same, a Toll House convenient to every such Gate, and to purchase or rent, from Parties willing to sell or let the same, Land for the Erection and Accommodation of every such Toll House, not exceeding One Eighth Part of a Statute Acre for each Toll House: Provided always, that it shall not be lawful for the said Trustees to erect or keep up any Toll Gate or levy any Tolls within the Borough of *Drogheda*, or within Half a Mile of the Boundary Stone of the said Borough, measuring along the said Road, or at any Point nearer to *Dublin* than the Point at which the present Boundary Wall on the Northern or *Finglass* Side or End of the *Prospect* and *Glasnevin* Cemetery joins the said Road.

Toll Gates to be erected.

XXVIII. And be it enacted, That the Right and Property of and in the several Toll Gates, Toll Houses, and other Buildings erected or purchased by virtue of the said recited Act, or which may be erected or purchased by virtue of this Act, with the Appurtenances thereto respectively belonging, and all Materials for building and repairing the same, and for repairing the said Roads or any Part thereof, and all Fences and Rails already erected or which may be erected and set up by the said Trustees, or by their Order or Direction, upon or near the Sides of the said Roads, and all Milestones, Direction Posts, Tables of Tolls, and Posts, already erected or which may be erected by the said Trustees, or by their Order or Direction, and also all Materials, Tools, and Imple-

Toll Gates and Toll Houses vested in Trustees.

ments which shall be purchased or provided by virtue of this Act, shall be vested in and be the Property of the said Trustees, 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, and to prefer or cause to be preferred and prosecuted any Bill of Indictment, against any Person who shall steal, break down, damage, take away, injure, or spoil any such Toll Gates, Toll Houses, Buildings, Fences, Rails, Milestones, Tables of Tolls, Posts, or other Materials or Articles appertaining to the said Roads, or who shall disturb the said Trustees, their Agents or Servants, in the Possession thereof, in all which Actions or Indictments respectively it shall be sufficient to state generally that such Toll Gates, Toll Houses, Buildings, Fences, Rails, or other Things for or on account of which any such Action shall be brought or Bill of Indictment preferred are the Property of the Trustees of the said Roads, without particularly stating or specifying the Names of any of the said Trustees: Provided nevertheless, that the said Trustees shall pay to *Richard Bourne*, *William Hawker Bourne*, *Richard Edwards Bourne*, *Henry Hawker Bourne*, and *Edward Sydney Townsend Bourne*, Esquires, according to their several Rights, the Value of such Toll Houses, or Houses used as such, upon any Part of the Southern Division of the said Roads, the Interest in which immediately preceding the passing of this Act may have been vested in them or any of them, and is hereby vested in the said Trustees; and in default of Agreement as to such Value, and Payment thereof, such Value shall be ascertained in the Manner prescribed by the Clauses of the Lands Clauses Consolidation Act, 1845, with respect to the Purchase and taking of Lands otherwise than by Agreement, which Clauses are for that Purpose hereby incorporated with this Act; and the Value so ascertained may be recovered by the said *Richard Bourne*, *William Hawker Bourne*, *Richard Edwards Bourne*, *Henry Hawker Bourne*, and *Edward Sydney Townsend Bourne*, from the said Trustees, in an Action of Debt by Civil Bill brought before the Chairman of the Sessions for the County of *Dublin*.

Power to take Tolls.

XXIX. And be it enacted, That it shall be lawful for the said Trustees, or their Grantees or Lessees, or any Person appointed under and by virtue of this Act Collector as aforesaid, to demand and take, or cause to be demanded and taken, at the respective Toll Gates upon the said Roads, the Tolls following, subject to the Provisions and Restrictions herein-after contained, before any Carriage, Horse, Beast, or Cattle shall be permitted to pass through the same; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Hearse, Curricle, Gig, or other Carriage, Sixpence:

For every Horse or other Beast drawing any Waggon, Dray, Van, Cart, or other Carriage of Burden, the Shoeing of the Wheels whereof shall be perfectly flat, and set on with countersunk flat-headed Nails, Bolts, or Screws, and not less than Four Inches in Breadth, the Sum of Two-pence; and if the Breadth be less than Four Inches but not less than Three Inches, and the Shoeing be perfectly flat, and set on in like Manner, for every Horse or other Beast drawing the same, the Sum of Four-pence; and if the

the Breadth be less than Three Inches, and the Shoeing be perfectly flat, and set on in like Manner, for every Horse or other Beast drawing the same, the Sum of Sixpence; and if the Shoeing of the Wheels be not perfectly flat, or be not set on as aforesaid, for every Horse or other Beast drawing the same, the Sum of One Shilling:

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

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

For every Drove of Calves, Sheep, Goats, Lambs, or Swine, the Sum of Fifteen-pence by the Score, and so in proportion for any greater or less Number.

No more than One Toll to be taken in One Day in each Division.

XXX. Provided also, and be it enacted, That no Person shall be liable to pay any of the Tolls hereby imposed more than once in the same Day, with the same Cattle and the same Carriage, upon such Part or Division of the said Roads as lies between *Prospect House* aforesaid and the Town of *Ashbourne;* and in like Manner no Person shall be liable to pay any of the said Tolls more than once in the same Day, with the same Cattle and the same Carriage, upon such Part or Division of the said Roads as lies between the said Town of *Ashbourne* and the Terminus thereof at *Slane* or the Terminus at *Drogheda;* but every Person, having paid such Toll once within either of such Divisions of the said Roads, shall during the Remainder of that Day (every such Day to be computed from Twelve o'Clock of the Night to Twelve o'Clock of the next succeeding Night) be permitted to pass and repass Toll-free through every Toll Gate in the same Division of the said Roads, with the same Cattle and Carriage for which such Toll shall have been paid in such Division, on producing a Ticket denoting the Payment thereof.

Horses and Carriages travelling for Hire to pay every Time of passing.

XXXI. Provided nevertheless, and be it enacted, That such Toll as is hereby imposed shall be payable for and in respect of all Horses or other Beasts travelling for Hire, drawing any Postchaise or other Carriage, for every Time of passing or repassing along the said Roads on the same Day as often as a fresh Hiring shall take place; and that the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Coach, Jaunting Car, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage, conveying Passengers or Goods for Hire, shall be payable and paid every Time of passing or repassing along the same Division of the said Roads,

Post Chaises returning empty not to pay Tolls.

XXXII. Provided also, and be it enacted, That all Horses travelling for Hire, drawing or having drawn any Postchaise or such like Carriage for which any Toll shall have been paid at any Toll Gate on either of the said Divisions of the said Roads, shall on returning before Nine of the Clock on the following Morning (unless in case of a fresh Hiring) be permitted to pass Toll-free through any Toll Gate in such Division, although such Horses, Chaise, or other Carriage shall not have passed through such Toll Gate on the same Day.

XXXIII. And

Tolls may be varied.

XXXIII. And be it enacted, That it shall be lawful for the said Trustees and they are hereby empowered, at a Meeting to be holden for that Purpose, from Time to Time to lessen or reduce all or any of the said Tolls in such Manner as to them shall seem fit and convenient, and to cause such reduced Tolls to be received and taken for and during such Time as they the said Trustees shall think proper, and afterwards, at any Meeting to be holden as aforesaid, from Time to Time as they shall see Occasion, to advance all or any of the Tolls so lessened or reduced to any Sums not exceeding the several Rates granted by this Act.

Trustees to put up a Table of Tolls.

XXXIV. And be it enacted, That the said Trustees shall and they are hereby required to cause to be put up, and afterwards to be continued, at every Gate where Toll shall be collected or demanded, a Table painted in distinct and legible Black Letters on a Board with a White Ground, or printed, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at such Gate, distinguishing the several Tolls, and a List of the several Gates which shall be cleared by the Payment of Toll at such Gate, and to cause to be renewed such Tables whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated; and the said Trustees shall also cause Tickets to be provided denoting the Payment of the Toll, on which Tickets shall be specified the Name of the Gate at which the same 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 paying the Toll, and on the Production of such Ticket at any Gate therein mentioned to be cleared by the Payment of the Toll at the Gate where such Ticket was delivered the Person producing the same shall pass through any such Gate therein mentioned to be cleared, without paying an additional Toll.

No Tolls to be taken, if List of Tolls be not placed up.

XXXV. And be it enacted, That where such List of Tolls at any Toll Gate shall be taken down, and shall not be replaced within Ten Days, it shall not be lawful to demand or take at such Toll Gate, after Ten Days from the Time such List has been taken down, any Toll whatsoever until such List shall be replaced.

Application of Tolls.

XXXVI. And be it enacted, That the Tolls to be collected on the said Roads by virtue of this Act shall be and they are hereby vested in the said Trustees, and the several Sums herein granted and made payable shall be demanded and taken as Toll by such Persons as the said Trustees shall from Time to Time authorize and appoint to receive the same; and all Tolls which shall arise by virtue of this Act on the said Roads, and all such Fines and Forfeitures as shall be incurred and levied under this Act, or such Proportions thereof as shall be applicable to the Purposes of this Act, shall, after Payment of the Costs and Expenses of procuring this Act, as herein-after provided, be applied, in the first place, in Payment of any Rents which may become due to the several Owners or Occupiers of Land already taken for the Improvement of the said Roads, and of the Interest arising from and after the Commencement of this Act upon the Debt of Two hundred Pounds (late *Irish* Currency) now affecting the

Southern Division of the said Roads, and of the said Debt itself, when the said Trustees shall think fit to pay off the same, and, in the next place, in defraying the Salaries of the Officers to be appointed pursuant to the Provisions of this Act, and all Costs and Expenses which shall be incurred by the said Trustees in the Erection, renting, or Purchase of Toll Gates, Toll Houses, and Ground attached thereto, Weigh-houses, and such Milestones and Direction or other Posts as the said Trustees shall think proper, and in keeping the same in repair, and in maintaining and keeping in repair the said Roads, and in Payment of Three Fifths of the Expense of repairing and improving the said Portion of Road between *Prospect House* and the *Circular Road*, and the said *Dean's Road*, as aforesaid, during the Continuance of this Act, or otherwise in the Execution thereof.

For Recovery of Tolls.

XXXVII. And be it enacted, That if any Person subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Person authorized to receive the same, neglect or refuse to make Payment thereof or of any Part thereof, it shall be lawful for the Person so authorized to seize and distrain any Horse, Cattle, or Beast upon which any Toll is by this Act imposed, or any Carriage in which the same shall be drawing, or the Loading or any Part of the Loading of such Carriage, or the Harness and Accoutrements of any such Horse, Cattle, or Beast, or any Part thereof, except the Bridle or Reins, which shall not be distrained without seizing the Horse or Beast to which they are appended; and if such Tolls, and the reasonable Charges of such Distress, and of keeping the Horse, Cattle, Beast, Carriage, or other Things so distrained, shall not be paid within Four Days next after the Day of making such Distress, the Person so distraining shall and may 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 nearest Toll Gate on the said Roads, Four Days at least before such Sale,) the Horse, Cattle, Beast, Carriage, or other Things so distrained, or so much thereof as he shall deem requisite, and out of the Money which shall arise by such Sale shall pay or retain such Tolls, and all reasonable Charges of such Distress and Sale, and of keeping the Articles so distrained, returning the Overplus of the Monies which shall arise by such Sale, and what Things shall remain unsold, to the Owner, on Demand.

For settling Disputes concerning Tolls.

XXXVIII. And be it enacted, That in case any Dispute shall happen respecting the demanding or taking or the Payment of Toll, or the Amount of Toll, or the Charges of keeping, distraining, or selling any Horse, Cattle, Beast, Carriage, or other Articles, then and in every such Case such Dispute shall be heard and determined by any Justice of the Peace for the County in which the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter, upon the Oath of the Party or other Witness or Witnesses, or upon the Affirmation of such Party, Witness or Witnesses, as are now entitled by Law to give their Testimony on Affirmation, (which Oath or Affirmation every Justice is hereby empowered to administer,) and shall determine the Amount of the Toll due, and all Matters in dispute between the Parties relating thereto,

thereto, or to the said Distress and Sale, and may also award such Costs to be paid by either Party to the other as to such Justice 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 ordered to pay the same, by Warrant under the Hand of such Justice, which Warrant every such Justice is hereby empowered to issue; and the Overplus (if any) shall be returned, on Demand, to the Person whose Goods and Chattels shall have been so sold.

Collectors may be competent Witnesses.

XXXIX. And be it enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person appointed to collect the Tolls, or any other Person acting under the Authority of this Act, shall be competent to give Evidence in any such Dispute, Suit, or Litigation.

Evasion of Tolls.

XL. And be it enacted, That if any Person, for the Purpose of evading the Payment of any Toll payable by this Act, shall, with any Horse, Cattle, or Beast upon which any Tolls are by this Act imposed, pass through any Land or Ground within One Mile of any Toll Gate erected by virtue of the said recited Act or this Act, the same not being a public Road, and such Person not being the Owner or Occupier or the 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, except as aforesaid, with any Horse, Beast, or other Cattle, to pass through the same, whereby Payment of any of the said Tolls shall be evaded, or if any Person shall give to or receive from any Person 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 or counterfeit any such Ticket, or shall forcibly pass through any such Toll Gate with any Horse, Cattle, or Beast, or shall at any Time take off or cause to be taken off any Horse, Cattle, or Beast from any Carriage, whereby the Payment of the said Tolls or any Part thereof shall be evaded, or if any Person shall leave or cause to be left upon or near to any Part of the said Roads any Carriage, Horse, Cattle, or Beast, with Intent to evade the Payment of any of the said Tolls or any Part thereof, or with such Intent shall unload any Goods from any Horse, Beast, or Carriage, every Person so offending in any of the Cases aforesaid, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Ten Shillings, at the Discretion of the Justice before whom such Person shall be convicted, one Moiety whereof shall be paid to the Informer, and the other Moiety thereof shall be applied in aid of the Tolls on the said Roads.

Exemptions from Tolls.

XLI. And be it enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horses or Carriages attending or going to attend, or returning from having attended, Her Majesty or any of the Royal Family; or for any Horse or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage having the Sole of the Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Four and One Half Inches or upwards, and employed in carrying or conveying, or going empty

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, Timber, Wood, Gravel, or other Materials for making or repairing any Turnpike Road or public Highway within any of the Parishes through which the said Roads pass, or for building, rebuilding, or repairing any present or future Bridge on any such Road or public Highway; or from the Surveyor of any Turnpike Road when engaged in executing or proceeding to execute within the Limits of his own or any adjoining Trust the Powers of this or any other Act of Parliament for repairing and maintaining or otherwise relating to any Turnpike Road; or for any Horses or other Beasts employed in Husbandry when going from one Part to another of the same Farm; or from any Person going to or returning from his proper Parochial Church or Chapel on *Sunday*, or on any Day on which Divine Service is by Authority ordered to be celebrated, or from any Rector, Vicar, or Curate, or any Minister of Religion, going to or returning from visiting any sick Parisihoner, or on other his Parochial Duty within his Parish; or for Horses, Carts, or Waggons employed only in carrying or conveying any Vagrant sent by a legal Pass, or any Prisoner sent by any legal Warrant, or returning empty after having been so employed; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of Her Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for the Horses of any Officers or Soldiers on their March or on Duty, or for any Horses or other Beasts, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying, any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horses or other Cattle drawing the same, employed in conveying any Ordnance, or Barrack, Commissariat, or other public Stores of or belonging to Her Majesty, or for the Use of Her Majesty's Forces, or returning empty from having been so employed; or for any Carriage conveying Volunteer Infantry; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other public Duty, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption; or for any Horses or Carriages which shall only cross the said Roads, or shall not pass above One hundred Yards thereon before or after passing any Toll Gate.

Exemption from Toll on Sundays, &c. not to ex-

XLII. Provided always, and be it enacted, That so much of this Act as directs that no Toll shall be demanded or taken from any Person going to or returning from his proper Parochial Church or Chapel

Chapel on *Sunday*, or on any Day on which Divine Service is ordered by Authority to be celebrated, shall not exempt any such Person from the Payment of Toll at any Turnpike Gate situate within the Distance of Five Miles of the Post Office in the City of *Dublin*.

Persons to pay Tolls at Turnpike within Five Miles of Dublin.

XLIII. And be it enacted, That if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any Exemption from Toll, or of any other Exemption whatsoever in this Act contained, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Penalty for fraudulently taking the Benefit of Exemption.

XLIV. And be it enacted, That it shall be lawful for the said Trustees, or any Five or more of them, after giving Fourteen Days previous Notice thereof, affixed in Writing or Print upon all the Toll Gates erected across the said Roads, and inserted in One or more of the Newspapers published in *Dublin* and *Drogheda* respectively, from Time to Time to lease and demise all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses, Conveniences, and Appurtenances thereto belonging, for any Term not exceeding One Year, upon public Bidding, to the highest Bidder, and for the best Rent or Price that can be got 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 hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder, or in case the said Tolls 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 such Tolls at the best Rent that can be reasonably got for the same, provided that the Leases, Contracts, or Agreements for the same be in Writing, and be duly executed by the Lessee or Farmer of such Tolls, and also by any Five or more of the said Trustees, and that the said Trustees have a Counterpart of such Lease, 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 as the said Trustees or any Five or more of them shall think fit.

Tolls may be let for any Term not exceeding One Year.

XLV. And be it enacted, That every Person who shall be Lessee of the said Tolls or any Part thereof, and every Person appointed to receive the Tolls at any Toll Gate on either Division of the said Roads by any Person holding the same by Lease or by Grant, shall have the like Powers for the Recovery thereof to all Intents and Purposes as any Collector of the Tolls to be appointed by the said Trustees is by this Act invested with, and shall be subject and liable to the like Penalties and Forfeitures as any Collector of the said Tolls appointed by the said Trustees is or may be subject or liable to.

Lessee invested with Power of Collector.

XLVI. And be it enacted, That every Toll Collector, whether appointed by the said Trustees or by any Lessee or Grantee of the Tolls

Names of Collectors to be painted

on Toll Houses.

Tolls to collect the Tolls payable at any Gate on either Division of the said Roads, shall and he is hereby required to have his Christian Name and Surname painted or printed on a Board in legible Characters in the Front or some conspicuous Part of the Toll House or Toll Gate immediately on his entering on such Office, each of the Letters of such Name to be at least One Inch in Length, and of Breadth in proportion, and painted or printed 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 shall remain in such Office; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take or cause to be demanded and taken any Toll not authorized by this Act to be taken, or shall demand or take or cause to be demanded or taken a Toll from any Person who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer any Person to read or shall in any way hinder any Person from reading any such Christian Name or Surname as aforesaid, or shall refuse to tell his Christian Name or Surname to any Person who shall demand the same on having paid Toll at such Gate, or shall in answer to such Demand give a false Name, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, or shall unnecessarily detain any Traveller or Passenger, or shall unprovokedly insult or use abusive Language to any Trustee, Traveller, or Passenger, every Toll Collector so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Ten Shillings, on Conviction before any Justice of the Peace of the County wherein such Offence shall be committed.

Enabling Trustees to take possession of Toll Houses, in case of Non-performance of Terms of Lease.

XLVII. And be it enacted, That in case the Tolls arising by virtue of this Act shall be demised or let to farm to any Person in any Manner whatsoever, and the Lessee or Farmer 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 agreed to be paid shall be in arrear and unpaid for the Space of Ten 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 have been determined or shall in any Manner become void, then and in any of such Cases it shall and may be lawful for any Justice of the Peace for the County where any Toll Gate or Toll House included in such Lease or Agreement shall be situate, and he is hereby required, upon Application made to him by the said Trustees or their Clerk or Treasurer, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter and take possession of any and every Toll House and Gate so demised, with the Appurtenances thereunto belonging, and to remove and put out such Lessee or Farmer of the Tolls, and also all other Persons residing in such Toll House, from the Possession of the said Toll House, Gate, and Appurtenances, and from the Collection of such Tolls, and to put the Trustees or any Person acting by their Authority into the Possession thereof; and thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Demise of the said Tolls, Toll Gates, Toll Houses, and Appur-

tenances,

tenances, and the Contract or Agreement for demising or letting the same to such Lessee or Farmer, and the same shall thereupon be utterly void to all Intents and Purposes (save as to the Obligations, Covenants, or Agreements for Payment of the Rent thereby reserved, or other unperformed or violated Obligations, Covenants, or Agreements on the Part of the Lessee,) as if such Demise or Agreement had never been made; and in that Case, or in case the Lease or Agreement shall otherwise become void, it shall be lawful for the said Trustees in every such Case to demise or let the said Tolls, Toll Gates, Toll Houses, and Appurtenances to any other Person, or to cause the said Tolls to be collected in such Manner as if no Demise, Contract, or Agreement had been made relative thereto.

Expenses of this Act.

XLVIII. And be it enacted, That the said Trustees shall and may, in the first place, out of the Produce of Tolls now in their Hands, and out of the Produce of the future Tolls of the said Roads, pay and discharge the Costs and Expenses of applying for and procuring this Act and in any way incident thereto, and they are hereby authorized and empowered, if they shall think fit, to borrow and take up at Interest, either by Bond or Mortgage, on the Security of the said Tolls, such Sum or Sums of Money as with the Money now in their Hands may be sufficient to defray such Costs and Expenses.

Trustees may enter into Contracts for the Purposes of this Act.

XLIX. And be it enacted, That it shall be lawful for the said Trustees and they are hereby empowered to enter into any Contracts for maintaining and keeping in repair all or any Part of the said Roads, or for building any Toll House and Weigh-house, and providing the necessary Apparatus for the same, or for erecting any Toll Gate, or providing and erecting Milestones and Direction Posts, or any of the other Matters aforesaid, or for doing any Work which may be necessary on the said Roads, or for furnishing Materials for the Repair of the said Roads, or for any Work to be done thereon, or for any Purpose relating to the Execution of this Act; but no such Contract shall be entered into unless Fourteen Days previous Notice shall have been given in some One or more *Dublin* and *Drogheda* Newspapers, expressing the Purpose of such Contract, in order that any Person willing to undertake the same may make Proposals for that Purpose, to be laid before the said Trustees at the Time and Place in such Notice mentioned; and the said Trustees shall and they are hereby required to take Security from every Contractor for the due Performance of his Contract; and every such Contract shall be signed by Three at least of the said Trustees, and by the Person contracting to perform such Works respectively, which several Contracts shall be entered in a Book to be kept for that Purpose by the Clerk of the said Trustees.

Trustees may compound for Breach of Contract.

L. And be it enacted, That it shall be lawful for the said Trustees from Time to Time to compound and agree with any Person, on account of any Breach or Nonperformance of any Contract, for such Sum of Money as they shall think proper.

Power to Trustees to adopt as

LI. And whereas the said Roads might in some Places be shortened, or made in more direct Lines, or more level, by avoiding Hills:

Turnpike Roads any that have been turned or altered by Grand Juries.

Hills: Be it enacted, That in case the Grand Juries of the Counties of *Dublin* and *Meath*, or either of them, shall at any Time hereafter cause any Part of the said Roads to be turned or altered, and a new Line of Road to be made for any of the Purposes aforesaid, it shall be lawful for the said Trustees and they are hereby authorized and empowered, if they shall think fit, to adopt as Part of the Turnpike Roads to be kept in repair under the Provisions of this Act such new Line of Road as such Grand Jury shall so cause to be made, on giving Notice to the Secretary of the Grand Jury of the County in which such new Line of Road shall be made, of their Intention so to adopt the same, Fourteen Days at least before any Assizes if in the County of *Meath*, or before any Presenting Term if in the County of *Dublin*, and procuring the Consent of the Grand Jury assembled at such Assizes or Presenting Term to the said Trustees so adopting the same, to be signified by an Entry in the Quere Book of such County; and after such Consent shall be obtained such new Line of Road shall be and be deemed and taken to be Part of the Turnpike Roads to be kept in repair under the Provisions of this Act, and shall be subject to all the Provisions and Regulations herein contained; and thenceforth such Part of the present Roads as shall be by reason of such new Line of Road rendered useless or unnecessary, as a direct Communication between the Town of *Drogheda* or the Town of *Slane* and the City of *Dublin*, shall cease to form a Part of the Turnpike Roads under the Provisions of this Act.

Trials of Traverses to Presentments.

LII. And be it enacted, That every Traverse to any Presentment may be tried upon the Entry of the Presentment in the Crown Book, and the Traverse taken thereto, without making up any Record, so as such Entry be sufficient in Substance though defective in Form.

For getting Materials for repairing the Roads.

LIII. And be it enacted, That it shall be lawful for the said Trustees and their Surveyor, and all such Persons as they shall respectively appoint, to search for, cut, dig, gather, and take away any Materials for maintaining or repairing the said Roads, or for other the Purposes of this Act, out of any Common or Waste Ground, River, or Brook, in any Parish, Townland, or Place in which any Part of the said Roads may lie, or in any adjoining Parish, Townland, or Place, without paying anything for the same, and without being deemed Trespassers, the said Surveyor or other Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and such Trustees, Surveyor, or other Persons may also, by an Order of Two or more Justices for the Counties of *Meath* or *Dublin*, as the Case may be, (such Order to be made in manner herein-after directed,) search for, cut, dig, get, gather, and take away such Materials as aforesaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Person where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, walled-in Orchard, Yard, Deer Park, or Paddock, or Field enclosed with a Wall made of Lime Mortar, Stone or Brick, of the Height of Five Feet at the least, Walk or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees,) in any Parish, Townland, or Place in which

which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Townland, or Place, the said Trustees, Surveyor, or other Persons making or tendering such Satisfaction for the Damages done thereby to the Owners and Occupiers of such Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for maintaining and repairing the said Roads shall be carried, for the Damage done to the Soil only, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor, or other Persons employed as aforesaid, and the said Owners and Occupiers, or any of them, concerning such Damages, it shall be lawful for any Two or more Justices of the Peace for the County, City, or Place where or over which such Materials shall be so cut, dug, gotten, gathered, taken, or carried away, on Application made to them for that Purpose, and Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear the Parties, and settle and determine such Damages; and the Judgment or Order of the said Justices shall be final and conclusive against all Parties.

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

LIV. Provided nevertheless, and be it enacted, That it shall not be lawful for any Surveyor or other Person acting under the Authority of this Act to dig, gather, get, take, or carry away any Materials for altering and repairing such Roads out of or from any inclosed Lands or Grounds until Two 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 any Two or more Justices of the Peace acting for the County, City, Town, or Place where such Premises shall lie, and to show Cause why such Materials should not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, then and in such Case such Justices shall and may authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials at such Time as to the said Justices shall seem proper; and if such Occupier shall neglect or refuse to appear, by himself or his Agent, pursuant to such Notice, the said Justices may make such Order therein as they 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.

LV. And be it enacted, That it shall be lawful for the said Trustees to contract and agree with any Person for the Purchase or Demise of any Ground for the Purpose of digging or raising Stone, Gravel, or other Materials therefrom for the Repair and Use of the said Roads, and at any Time afterwards to sell the Ground so purchased by public Auction: Provided always, that the entering into such Contract or Agreement shall not be compulsory against any Person unwilling to enter into the same.

Penalty on taking away Materials.

LVI. And be it enacted, That if any Person shall remove or take away any Stones, Gravel, or other Materials which have been raised or collected by Order of the said Trustees or their Surveyor, or if any

Person, except the Owner or Occupier of any private Ground, or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale, shall take away any Stone, Gravel, or other Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for repairing or amending the said Roads or any Part thereof, before the said Surveyor, or the Workmen employed by him, shall have discontinued working therein for the Space of Six Weeks, every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds nor less than Ten Shillings, to be recovered as herein provided.

Repositories to be provided for Materials.

LVII. And be it enacted, That it shall be lawful for the said Trustees and they are hereby empowered to purchase or rent from Parties willing to sell or let the same any Pieces of Ground not exceeding Ten Yards square in any One Place, on the Sides of the said Roads, as Repositories for Stones, Gravel, and other Materials for repairing and improving the same.

Compensation for Materials to be recovered from Trustees.

LVIII. And be it enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justices of the Peace to be paid as Compensation or Satisfaction for any Materials, or for Costs, or for any Damage, Spoil, or Injury of any Nature or Kind done or committed by the said Trustees, or by any Person acting by or under their Authority, if such Sum shall not be paid by the said Trustees to the Party entitled to receive the same within Ten Days after Demand in Writing shall have been made to the said Trustees, or their Treasurer or Surveyor, in pursuance of the Direction or Order made by such Justices, and in which Demand the Order of such Justices shall be stated, 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 the Treasurer for the Time being, as the Case may be, under a Warrant to be issued for that Purpose by such Justices, which Warrant any Two Justices are hereby authorized to grant, under their Hands, on Application made to them for that Purpose by the Party entitled to receive such Sum of Money; and in case any Overplus shall remain after Payment of such Sum of Money, and the Costs and Expenses of hearing and determining the Matter in dispute, and the Costs and Expenses 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 be lawful for such Treasurer to retain out of any Money which he shall have received or shall receive in pursuance of this Act all such Damages, Costs, Charges, and Expenses as he shall have sustained or be put to by virtue of any such Warrant as aforesaid.

Penalty for erecting Encroachments on Sides of Roads.

LIX. And be it enacted, That if any Person shall encroach upon the said Roads, by making or causing to be made any Dwelling House or other Building within Forty Feet of the Centre thereof, or any Hedge, Ditch, or other Fence on or at the Sides of the said Roads, so as to reduce the Breadth or confine the Limits thereof, or shall make

any Drain, Gutter, Sink, or Watercourse across or otherwise break up or injure the Surface of the said Roads or any Part thereof, or shall place any Sluice or Dam in any Brook or Watercourse whereby the said Roads or any Part thereof shall be flooded or injured, every Person so offending shall forfeit for every such Offence the Sum of Forty Shillings; and it shall be lawful for the said Trustees to cause such Dwelling Houses, Buildings, Hedges, Fences, Sluices, or Dams to be taken down, and such Ditches, Drains, Gutters, Sinks, or Watercourses to be filled up, at the Expense of the Person to whom the same shall belong; and it shall be lawful for any Justice of the Peace for the County where such Offence shall be committed, upon Proof thereof made upon Oath, to levy, as well the Expenses of taking down such Dwelling Houses, Buildings, Hedges, Sluices, and Dams, and filling up such Ditches, Drains, Gutters, Sinks, and Watercourses as aforesaid, as the Penalty hereby imposed, by the Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner on Demand.

Power to Trustees to remove Windmills and other Annoyances.

LX. And be it enacted, That it shall be lawful for the said Trustees and their Surveyors, and such Persons as they shall from Time to Time appoint, to pull down and remove any Windmill which after the passing of the said recited Act shall have been or may be erected within Three hundred Feet of the Centre of any Part of the said Roads; and to remove and prevent all Annoyances by Timber, Stone, Carriages, Cars, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Thing being laid upon any Part of the said Roads, or upon any Common or Waste Land within Fifty Feet of the Centre thereof, and to dispose of the same, and apply the Proceeds in or towards Payment of the Expenses incurred in relation thereto, in case the Owner thereof shall neglect to remove the same within Twenty-four Hours after Notice in Writing signed by any Two Trustees or their Surveyor 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 like Notice affixed for Three Days on the nearest Toll Gate; and to turn any Watercourse, Sink, or Drain running into or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining or near thereto, and to make the same as deep and as large as they shall think necessary; and to cut or lop all Branches of Trees overhanging any Part of the said Roads, and all Bushes and Shrubs growing on or over the said Roads, and to cut or clip all Hedges adjoining the said Roads to the Height of Six Feet (Timber Trees therein excepted), and to take and carry away the same; provided that such Work shall be done at the proper Season of the Year, and that the Owners or Occupiers shall, for the Space of Seven Days after Notice in Writing given for that Purpose by any Two Trustees or their Surveyor, have neglected to lop, cut down, or remove such Branches, Bushes, and Shrubs, or to clip or cut such Hedges, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, in such Manner as the said Trustees or their Surveyor shall require; and the Charges thereof, and of removing any Annoyances, shall be settled and ascertained by any Justice of the Peace for the County where such Part of the Roads shall be situate, and shall be reimbursed

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

Cattle straying to be impounded.

LXI. And be it 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 laying about the said Roads or on 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 of the said Trustees, or any other Person 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 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 Expenses of impounding and keeping the same, to the Treasurer, Clerk, or Surveyor of the said Roads, to be by him applied to the Use and in aid of the Tolls of the said Roads; and in case the said Penalty, Charges, and Expenses shall not be paid within Five Days after such impounding, Notice thereof being 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 Roads nearest to the Place where the same shall be impounded, it shall be lawful for any Justice of the Peace of the County, City, or Place where the Offender 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 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 may remit the Penalty; and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expenses 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 shall appear to have been: Provided always, that no Owner of any Horse, Ass, Sheep, Swine, or other Beast or Cattle impounded as aforesaid shall in any Case pay more than the Sum of Five Pounds, over and above the Charges and Expenses 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.

LXII. And be it enacted, That in case any Person shall rescue or release, or attempt to rescue or release, any Horse, Ass, Sheep, Swine, or other Beast or Cattle which shall have been seized for 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 such Pound or Place or any Part thereof, or any Lock

Lock or Bolt belonging thereto or with which the same shall be fastened, or shall rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Ass, Sheep, Swine, or other Beast or Cattle so seized or 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 Her 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 offending or upon the Oath of One or more credible Witnesses, which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand, to the Common Gaol or House of Correction of the County, City, or Place 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 Months.

Roads to be measured, and Milestones to be put up when necessary.

LXIII. And be it enacted, That the said Trustees shall cause the said Roads to be measured, and such Stones to be set up on or near the Sides of the same at the Distance of One Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distance of Places, as they shall think proper, and also such and so many Direction Posts as they shall judge necessary.

Penalty for committing Nuisances.

LXIV. And be it enacted, That if any Person 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 by Order of the said Trustees at or near any of the said Toll Gates, or on any other Part of the said Roads, or shall cause or procure the same to be done; or if any Person 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, either by the Side of the said Roads, or at or near to any Pit or Quarry which shall be used, opened, or made for the Purpose of getting 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 which the said Trustees may plant for the Purposes of this Act, or which by virtue of this Act they are authorized to keep in good Order; or if any Person shall wilfully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part 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 erected or hereafter to be erected on the said Roads, or 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 Wheel Carriages, or shall suffer any Tree or Piece of Timber, or any Stone, which shall be conveyed upon a Wheel Carriage, to drag upon any Part of the said Roads to the Prejudice thereof, or shall, without being thereto authorized by the Surveyor for the Time being acting under this Act, shovel up, scrape, gather, or carry away any Stones,

Gravel, Drift, Scrapings, or other Materials from off any Footway or Causeway, being Part of or adjoining to the said Roads, or from or off any Part of the said Roads; or if any Person shall ride upon or wilfully drive any Waggon, Cart, or other Carriage upon, along, or against any such Footway or Causeway, or any Way already made or to be made upon the said Roads for the Use of Foot Passengers, or shall wheel any Hurry, Truck, or Wheelbarrow thereon, or shall wilfully lead, ride, or drive any Horse or other Cattle thereon, or shall wilfully or carelessly cause any Damage to be done to such Footway or Causeway; or if any Person driving any Swine upon the said Roads shall suffer the Swine to root up or damage the said Roads or any Part thereof, or the Fences, Hedges, or Banks upon either Side thereof; or if any Person shall winnow or sieve any Corn within Two hundred Feet of the Centre of the said Roads, or make any Dunghill within One hundred Feet of any Part of the said Roads, or shall, in or upon any Part of the said Roads or by the Side 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 shall cause or permit any Blood to run from any Slaughter-house, Butcher's Shop, Shambles, or other Buildings into the said Roads, or shall hoop, fire, cleanse, or scald any Cask, or bind any Cart or Car Wheels, on any Part of the said Roads, or shall hew, saw, or cut any Stone, Wood, or Timber, or shall shoe, farry, or bleed any Horse, Mule, or Ass, except in case of Accidents, upon any Part of the said Roads; or if the Driver of any Waggon, Cart, Dray, or other Carriage shall ride on any Part thereof without having Reins to guide the Horses or Beasts drawing the same; or if any Person on Horseback, or driving any Coach, Chaise, Waggon, Cart, Car, or other Carriage, and meeting another Coach, Chaise, Waggon, Cart, Car, or other Carriage, or Person on Horseback, shall not keep his Horse or Carriage on his Left or Near Side of the Road; or if any Person shall in any Manner wilfully prevent any other Person from passing him upon the said Roads, or from passing the Carriage under his Care; or if any Person shall make or assist in making any Bonfire, or shall set fire to or throw any Squib, Rocket, or other Firework upon the said Roads, or play at Football, Handball, or any other Game upon any Part of the said Roads, to the Annoyance of any Passenger; or if any Higgler, Hawker, Pedlar, Tinker, or other Person travelling with any Machine, Cart, or Carriage, shall pitch any Tent, or encamp upon or by the Side of any Part of the said Roads; or if any Blacksmith, having a Shop with a Window fronting the said Roads shall not by good and close Shutters, every Evening after it becomes twilight, bar and prevent the Light from such Shop from shining into the said Roads; or if any Person shall carry any Rods or Bars of Iron across the Back of any Horse, Mule, or Ass, so that any of them shall project beyond the Distance of Three Feet on either Side of such Horse, Mule, or Ass; or if any Person shall leave any Waggon, Cart, or other Carriage longer than may be necessary for loading or unloading the same upon any Part of the said Roads, with or without any Horse or Beast harnessed thereto, or if the same shall not be placed during such Time as near to the Side of the Road as conveniently may be; or if any Person shall, after having blocked or stopped any Waggon, Cart, or other Carriage in going up a Hill, leave or suffer to remain on any Part of the said Roads

Roads the Stone or other Thing with which such Waggon, Cart, or Carriage shall have been blocked or stopped; or if the Driver of any Waggon, Cart, or other Carriage shall wilfully or carelessly pull up, break, or damage any Posts or Stones erected for the Security of any Footway or Causeway on or adjoining to the said Roads, or shall wilfully or carelessly drive the Wheel of any Carriage against the same, or shall lay any Timber, Stones, Hay, Straw, Dung, or any other Matter or Thing whatsoever on any Part of the said Roads, or on the Side thereof, or upon the Footpath or Causeway adjoining thereto, to the Annoyance or Interruption of Persons travelling or passing thereon; or if any Person shall otherwise wilfully hinder, obstruct, or prevent the free Passage on any Footpath, or shall lay or place on the Walls or Fences of the said Roads or on the Sides thereof, for any Purpose whatsoever, any Wool, Woollen or Cotton Cloth, Warp, or Linen of any Description; every such Person, over and above the Damage, if any, shall forfeit and pay 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 Offender shall also pay to the said Trustees such Sum as shall be a full Satisfaction for the Damage so done, which shall be ascertained by the Justice of the Peace 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.

Penalty on obstructing the Execution of Act.

LXV. And be it enacted, That if any Person shall obstruct, hinder, or molest any of the said Trustees, or any Lessee or Collector of the said Tolls, or any Surveyor, Overseer, or other Person employed in carrying this Act into execution, in the Performance of his Duty, or of any Matter or Thing to be done in pursuance thereof, or if any Person, not duly appointed by the said Trustees, shall exercise any of the Authorities or Powers hereby vested in the said Trustees, or their Surveyors or other Persons appointed by the said Trustees, such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Short Title.

LXVI. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to use the Expression "The *Dublin*, *Ashbourne*, *Slane*, and *Drogheda* Roads Act, 1849."

Interpretation of Terms.

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

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

Words importing the Masculine Gender only shall include Females:

The Expression "the said Roads" shall mean the said Roads by this Act authorized to be maintained and repaired.

LXVIII. And

Commencement and Continuance of Act.

LXVIII. And be it enacted, That this Act shall commence and take effect from the End of the present Session of Parliament, and shall be in force and have Continuance for and during the Term of Thirty-one Years thereafter, and from thence to the End of the then next Session of Parliament.

Nothing to exempt Roads from Provisions of future general Acts.

LXIX. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Roads from any general Revision, to be made under the Authority of Parliament, of the System of maintaining the Turnpike Roads within the County of *Dublin* as at present existing.

Public Act.

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

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