ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

****

Cap. lxvi.

An Act for repairing and improving the Road from *Dublin*, by *Ashbourne*, to *Slane* and *Drogheda*.

[28th *May* 1827.]

WHEREAS by an Act made in the Fifty-sixth Year of the Reign of His late Majesty, to enlarge the Powers of several Acts made in *Ireland* for repairing and improving the Roads from *Dublin* to *Rotoath* and *Curragha*, the whole Right of the Tolls to be collected on the Road leading from *Dublin* to *Curragha*, between *Prospect House* and the Boundary of the County of *Meath*, was vested in *Frederick Bourne* and *Richard Bourne*, their Executors, Administrators, and Assigns, for the Term of Thirty-one Years, for the Purpose of improving and repairing the said Road, with Power for them to erect an additional Pay Gate at the Boundary of the Counties of *Meath* and *Dublin*, and to take at such additional Pay Gate the same Tolls as were payable at any other Pay Gate on the said Road, such Gate being intended to constitute and form a Second Division of the said Road: And whereas the Grand Juries of the County of *Meath* have, at considerable Expence, made several Miles of new Road within the said County of *Meath*, being a Continuation of the said Road from the Boundary of the County of *Meath*, through *Ashbourne*, to *Slane* and *Drogheda*, and have kept the same in repair by Presentments, which have been very expensive and burthensome

56 G. 3. c. 86.

to the said County; and it is just and reasonable that those Persons who travel the said Road should contribute to the Repair thereof: 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 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 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*, now occupied by *John Derepas*, 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.

Roads to be divided into Two Divisions.

Trustees of Southern Division.

II. And be it further enacted, That the Earl of *Fingall*, Earl *Mount Charles*, Lord *Clifton*, Lord *Killeen*, Sir *William M'Mahon* Baronet, Sir *Robert Shaw* Baronet, Sir *Marcus Somerville* Baronet, *Henry Arabin*, *John Bayly*, *John William Bayly*, *George Bennett*, Serjeant *Blackburn*, *Anthony Blackburn*, *James Blacker*, *Simeon Boileau*, *William Hawker Bourne*, *Nathaniel Caldwell*, Reverend *Latham Coddington*, *William Cosgrave* junior, *Edward Croker*, *George Darling*, *John Darling*, *Daniel Desmond*, Reverend *Charles Milley Doyle*, *Thomas Ellis*, *John Gerrard*, *William Lunell Guinness*, *James Hartley*, Honourable *George Knox*, *Gustavus Lambart*, Captain *C Lyster*, Reverend *William Magee*, *Edward Maguire*, *John Mallett*, Colonel *Thomas Marley*, *George Ogle Moore*, Colonel *Thomas Pepper*, *George Pepper*, *Richard Pepper*, Colonel *Gustavus Rochfort*, Colonel *John Staunton Rochfort*, Captain *William Rochfort*, *William Rogers*, *Paul Savage*, *Ponsonby Shaw*, *Robert Shaw*, Honourable *William le Poer Trench*, and Major General *Anthony Walsh*, are hereby appointed Trustees for repairing and improving the Southern Division of the said Road, and carrying this Act into Execution, so far as the same relates to the said Division; and that Earl *Fingall*, Earl *Mount Charles*, Earl *Bective*, Lord *Gormanston*, Lord *Clifton*, Lord *Ferrard*, Lord *Killeen*, Sir *Charles Dillon* Baronet, Sir *Marcus Somerville* Baronet, General *Archdale*, *Blaney Townly Balfour*, *Anthony Blackburn*, *William Hawker Bourne*, *Richard O'Caddell*, *Nicholas Coddington*, *Henry Coddington*, *Thomas Coddington*, *James R Corballis*, *Elias Corbally*, *Mathew Corbally*, *George Darling*, *Daniel Desmond*, General *Dillon*, *Francis Donagh*, *Thomas Filgate*, Reverend *Thomas Fisher*, *James Garnon*, *John Gerrard*, Colonel *Thomas Gerrard*, *William Grainger*, *James Hartley*, *Peter Van Homrigh*, *Gustavus Lambart*, *James M'Cann*, *John M'Clintock*, *Peter Metze*, *Thomas Osborne*, Reverend *Charles Osborne*, *George Henry Pentland*, Honourable *Edward Preston*, *William Sharman*, *Henry Sillery*, *Henry Smyth*, Sir *George Smyth*, *James Somerville*, *Robert Taaffe*, *John Thompson*, Reverend *Robert Thompson*, and *Samuel Vesey*, are hereby appointed Trustees for improving and repairing the Northern Division of the said Road, and carrying this

Trustees of Northern Division.

Act into Execution, so far as the same relates to the said Northern Division.

Appointing additional Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees of each Division, or any Three or more of them, at any Meeting to be held in pursuance of this Act, to elect any Number of additional Trustees, not exceeding Ten for each Division, who shall have the same Power and Authority for executing this Act as if they had been hereby nominated and appointed.

For filling up of Vacancies.

IV. And be it further enacted, That upon the Death, Refusal, Disability, or Resignation of any of the Trustees of either Division hereby appointed or to be elected, or their Successors, it shall and may be lawful for the surviving and remaining Trustees of such Division, at any Meeting of the said Trustees, to elect and appoint One other Person to be a Trustee of such Division in the Room of the Trustee so dying, refusing, resigning, or becoming incapable to act; and every Person so elected is hereby empowered to act in the Execution of this Act, in as full and ample a Manner as if he had been originally appointed a Trustee of such Division in and by this Act.

Qualification of Trustees.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in 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 be the Heir Apparent of some Person possessed of any Estate in Lands of the clear yearly Value of Two hundred Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before any One or more of the said Trustees, an Oath, or being a Quaker, made and subscribed an Affirmation in the following Form of Words; and which Oath or Affirmation 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 Quakers*, do solemnly affirm], That I am in the actual Possession of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or that I am possessed of a Personal Estate alone, or 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 such an Estate 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 Eighth Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*]. So help me GOD.'

Penalty on Persons acting without Qualification.

And if any Person not being so qualified, or not having taken and subscribed such Oath, or being a Quaker, not having made and subscribed such Affirmation in manner as aforesaid, or being disqualified as

as in and by this Act is mentioned, shall act as a Trustee in the Execution of this Act, every such Person so offending shall for every such Offence 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 His Majesty's Courts of Record in *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said 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.

Victuallers disqualified from acting as Trustees.

VI. And be it further 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 Supervisor, 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 or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, during such Time as he shall keep such Victualling House, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cider, Ale, Beer, Whiskey, or other Spirituous or Strong Liquors, by Retail; but no such Person shall be precluded from hiring or farming such Tolls, provided he employs a Person to collect such Tolls who shall not be under any such Incapacity as aforesaid.

No Act valid unless at a Meeting.

VII. And be it further enacted, That no Act of the Trustees of either Division shall be good, valid, or effectual, unless the same be done at some Meeting to be holden in pursuance of this Act, (except as may be herein-after excepted); 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, and 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 may be herein-after excepted); and at every Meeting of the said Trustees a Chairman shall be appointed;

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 and may be lawful for the Chairman to give the decisive or casting Vote.

Trustees may act as Justices.

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

First Meeting of Trustees of each Division.

IX. And be it further enacted, That the Trustees of the Southern Division shall meet at the Royal Exchange in the City of *Dublin* on the Fourth *Monday* after the passing of this Act, between the Hours of Eleven in the Forenoon and Two in the Afternoon, and that the Trustees of the Northern Division shall meet at the Village of *Ashbourne* on the Fourth *Thursday* after the passing of this Act, between the Hours of Eleven in the Forenoon and Two in the Afternoon; and in case there shall not be a Meeting of the Trustees of either Division at the Time and Place so appointed, that then and in such Case the Trustees of the Southern Division shall meet on the following *Monday*, and the Trustees of the Northern Division on the following *Thursday*, at the Time and Place herein appointed, and so *toties quoties* until there shall be a Meeting of the said Trustees; and at such Meetings the Trustees of each Division shall respectively proceed to carry this Act into Execution, and shall and may, at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden there, or at any other Place near to the said Road, as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day within Fourteen Days then next following, to be holden at the same Place; and 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 to which such Meeting shall be so adjourned; and the said Trustees shall at their several Meetings defray their own Expences, except any Sum not exceeding Ten Shillings *per* Day for the Use of the Room where they shall meet.

Trustees to defray their own Expences.

Meetings on Emergencies.

X. And be it further enacted, That if after any Adjournment of any Meeting as aforesaid it shall at any Time be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case the Clerk to the said Trustees (an Order in Writing, signed by Five or more of the said Trustees,

mentioning the Time and Place and Purpose of such earlier Meeting, being given to him, or being left at his last or usual Place of Abode,) shall forthwith give Notice of such earlier Meeting, by inserting the same in Two *Dublin* Newspapers, 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 earlier Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment.

Annual General Meetings to be held.

XI. And be it further enacted, That the Trustees of the Southern Division shall meet in the City of *Dublin* on the First *Thursday* in *February* in every Year during the Continuance of this Act, and the Supervisor of the said Division shall at such Meeting make a full Report of the State of the said Road, the Repairs and Improvements made thereon, and what further Improvements are necessary; and the Trustees of the Northern Division shall hold an Annual General Meeting on the First *Thursday* in the Month of *May* in every Year at *Ashbourne*, or at such other Place as the said Trustees shall appoint, and at such Annual General Meeting the Trustees shall examine and audit the annual Accounts of the Clerk, Treasurer, Supervisor, 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.

XII. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Trustees holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose, nor unless Notice, specifying the Revocation or Alteration intended to be made, shall have been previously inserted, in the Names of 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 of Appointment or Proceeding was had or made.

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

XIII. And be it further enacted, That the said Trustees of both Divisions of the said Road shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct Books to be provided and kept by their respective Clerks for the Time being, in which Books all Acts, Orders, and Proceedings of the Trustees of the said respective Divisions 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 are hereby required to 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 or Disbursements of Money, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

XIV. And

Accounts to be kept.

XIV. And be it further enacted, That the Trustees of the Northern Division of the said Road shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Division of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books, together with the Book or Books in which the Proceedings of the Trustees of the said Division shall have been entered, shall at all the Meetings of the said Trustees be open and liable to the Inspection of all and every of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without Payment of any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit any of the said Trustees or Creditors to inspect the same Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Appointment of Officers.

XV. And be it further enacted, That the Trustees of the Northern Division of the said Road may and they are hereby empowered to appoint a Treasurer and Clerk, and Collector or Collectors of the Tolls by this Act granted and made payable, and a Supervisor, Surveyor, and Overseers of the said Division of the said Road, and all such other Officers and Persons for the Execution of this Act, as they the said Trustees shall think proper, and from Time to Time to make such Rules, Orders, and Regulations for the good Conduct and well governing of every such Treasurer, Clerk, Collector, Supervisor, Surveyor, Overseer, and all such other Officers and Persons, and from Time to Time to remove such Officers and Persons respectively, as the said Trustees shall see Occasion, and appoint others in the Room of such of them as shall be removed, or shall die or resign, or refuse or neglect to perform, or become incapable of performing their Duty; and the said Trustees shall and may, out of the Monies to be received by virtue of this Act, allow and pay such Salaries and Allowances to the said Officers and other Persons as the said Trustees shall think reasonable.

Officers to give Security.

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

Messrs. Bourne to appoint Clerk of the Southern

XVII. And be it further enacted, That the said *Frederick Bourne* and *Richard Bourne*, their Executors, Administrators, and Assigns, shall, at their own Expence, provide a Clerk to attend all the Meetings or Boards of the Trustees of the Southern Division of the said Road, which

Division at their own Expence.

which Clerk shall keep a Book or Journal, in which he shall enter the Proceedings and Orders of the said Trustees, and shall summon all such Meetings, by causing Notice thereof to be posted on the several Pay Gates in said Division, and to be published in such Two *Dublin* Newspapers as the said Trustees shall appoint, at least Six Days previous to the Day of Meeting; the Expence of such Advertisements, and of providing a Place of Meeting, to be paid by the said *Frederick* and *Richard Bourne*, their Executors, Administrators, and Assigns.

Trustees of Northern Division, on Death of Collector, may appoint another until next Meeting.

XVIII. And be it further enacted, That it shall and may be lawful to and for any Three or more of the Trustees of the Northern Division of the said Road, although not assembled at any Meeting, upon the Death, Neglect, Refusal, or Incapacity to act of any Collectors of the Tolls hereby granted, by Writing under their Hands, to nominate and appoint some other fit Person in the Room and Place of such Collector, until the next Meeting of the Trustees of the said Division of the said Road; 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.

Discharged Collectors of Tolls to give up Possession of Toll Houses, &c.

XIX. And be it further enacted, That if any Collector of the Tolls upon either of the Divisions of the said Roads, who shall be discharged from his or her Office by the said Trustees, or by the said *Frederick Bourne* or *Richard Bourne*, or their or either of their Executors, Administrators, or Assigns, shall refuse to deliver up the Possession of the Toll House, Buildings, and Appurtenances which he or she enjoyed in right of his or her Appointment to that Office, within Two Days after Notice given to him or her, or left at such Toll House, in Writing signed by any Three Trustees of the Division in which such Toll House is situated, or by the said *Frederick* or *Richard Bourne*; 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, shall refuse to deliver up such House, Buildings, and Appurtenances, within Two Days after Notice of such new Appointment shall have been given to him, her, or them, or left at such Toll Houses, signed by any Three or more of the Trustees of the Division in which such Toll House is situate, or by the said *Frederick Bourne* or *Richard Bourne*, then in any of the said Cases it shall and may 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 and Seal, to order any Constable or Peace Officer, with such Assistance as shall be necessary, to enter such Toll House and Appurtenances in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such Toll House and Appurtenances, and to put the said Trustees, or the new-appointed Collector of the said Tolls, in the Possession thereof, and such Warrant shall be sufficient Authority for such Person or Persons so to do.

Clerk and Treasurer not to be the same Person.

XX. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have or may be appointed their Clerk or Clerks in the Execution of this

this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employment of any such Clerk or Clerks, or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employment of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks to the said Trustees; and if any Person or Persons shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or any Person or Persons in the Service or Employment of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy or Deputies of the Treasurer or Treasurers, or in any Manner officiate for the Treasurer or Treasurers, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employment of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy or Deputies of such Clerk or Clerks, or in any Manner officiate for such Clerk or Clerks, or if any Treasurer or Treasurers shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record in *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Officers of Northern Division to account to Trustees.

XXI. And be it further enacted, That every Officer and Person who shall be appointed as aforesaid by the Trustees of the Northern Division of the said Road, shall from Time to Time, when thereunto required by the said Trustees, make out and deliver to the said Trustees, or to such Person as they shall for that Purpose appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by them or any of them collected and received by virtue of this Act, and how much and to whom and for what Purpose the same and every Part thereof hath been expended and disbursed, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall, and he or she is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall at each Annual Meeting of the said Trustees to be held as herein-before directed, or at a Meeting of the said Trustees then next following (although not thereunto required by the said Trustees), lay his Accounts before the said Trustees, in order that the same may be audited, passed,

and allowed by them, if approved of; and all the said Officers or Persons so accounting as aforesaid shall verify their said Accounts; and if any such Officer or Persons shall refuse or neglect to render and deliver or to verify such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Fourteen Days next after being thereunto required by the said Trustees, by Notice in Writing, signed by any Three or more of them, given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint being made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Two Justices of the Peace for the County, City, or Town wherein such Officer so refusing or wilfully neglecting shall be and reside, such Justices shall and they are hereby authorized and required to issue a Summons under their Hands for the Officer or Person, so refusing or wilfully neglecting, to appear before them, and upon his or her appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party against whom such Complaint shall be made, or by the Testimony of any credible Witness upon Oath, (which Oath such Justices are hereby empowered to administer,) it shall appear to such Justices that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of or remain due from such Officer or Person, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands and Seals to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods and Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if such Officer or Person shall not appear before the said Justices at the Time and Place appointed for that Purpose, without some reasonable Excuse, or, if appearing, shall refuse or neglect to make out and deliver to the said Justices such Account in Writing as aforesaid, such Justices may and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Officer or Person to the Common Gaol or House of Correction of the County, City, or Town where he or she shall be or reside, there to remain, without Bail or Mainprize, until he or she shall have delivered up the Vouchers and Receipts relating to the said Accounts, and shall have paid all the Money which shall happen to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale, if any, as shall in that respect have been made, or until he or she shall have compounded with the Trustees for such Money and Charges, and shall have paid the Composition Money to the said Trustees, or to such Person as they shall appoint to receive the same, and which Composition the said Trustees are hereby empowered to

make and receive, and until he or she shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees: Provided always, that no such Person who shall be committed for want of sufficient Distress shall by virtue of this Act be detained in Prison for a longer Space of Time than Six Months; but such Commitment to Prison shall not be deemed a Discharge for any Money due from such Officer or Person, nor exonerate his or her Securities.

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

XXII. And be it further enacted, That the said Trustees of each Division of the said Road may take all such Securities as they are or may be authorized or think fit to take under this Act, and may sue and be sued for or concerning any thing relating to the Execution of this Act, in the Name of their Clerk for the Time being, or in the Name of any One of the said Trustees; and no Action or Suit to be commenced by or against the said Trustees in the Name or Names of any One of such Trustees, or of their Clerk for the Time being, shall abate or be discontinued by the Death or Removal of any such Trustee or Clerk, or by the Act of any such Trustee or Clerk without the Consent of the said Trustees, but that the Trustee or Clerk in whose Name such Action or Suit shall have been so brought shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent, in any such Action or Suit, as the Case may be: Provided always, that every such Trustee or Clerk in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceeding shall be had, taken, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the event or in consequence of any such Action, Suit, Prosecution, or other Proceeding, he shall pay, expend, or be put to, or may have become chargeable with or liable to, or be fairly entitled to by reason of his being so made Plaintiff, Prosecutor, Defendant, Informant, Appellant, or Respondent, and shall not be disqualified from being a Witness by reason of his being Plaintiff, Prosecutor, Informant, Defendant, Appellant, or Respondent as aforesaid.

Powers of Supervisors and Overseers of Roads.

XXIII. And be it further enacted, That the Supervisors and Overseers of the said Road appointed by the said Trustees or by the said *Frederick* and *Richard Bourne*, their Executors, Administrators, or Assigns, shall have and they are hereby invested with the like Powers and Authorities in respect to the Road directed to be amended and kept in repair by virtue of this Act, as any Overseer appointed by any Law or Statute in force in *Ireland* for making, amending, or repairing public Roads is invested with.

Turnpikes and Toll Gates to be erected.

XXIV. And be it further enacted, That the Trustees of each Division of the said Roads shall have full Power to erect or cause to be erected such and so many Toll Gates upon and across any Part or Parts of such Division of the said Road, or on the Sides thereof, 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, hire, or rent a Toll House convenient to every such Gate, and to purchase or rent

rent Land for the Accommodation of every such Toll House, not exceeding One Eighth Part of a Statute Acre for each Toll House:

Proviso as to Gates on the Southern Division.

Provided always, that the Trustees of the Southern Division of the said Road shall not discontinue any Pay Gate on the said Division, or change the Situation thereof, or prosecute or defend any Suit or Action for any Matter relating to the said Division of the said Road, or do any Matter or Thing affecting the Rights and Interests by this Act vested in the said *Frederick* and *Richard Bourne*, without the Consent of the said *Frederick* or *Richard Bourne*, their Executors, Administrators, or Assigns.

Vesting the Turnpikes and Toll Houses.

XXV. And be it further enacted, That the Right and Property of and in the several Turnpikes, Toll Gates, Toll Houses, and other Buildings erected by virtue of the said recited Acts, or to be erected 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 Road or any Part thereof, and all Fences and Rails erected or to be erected and set up by the said Trustees, or by their Order or Direction, upon, on, or near the Sides of the said Road, and all Milestones, Direction Posts, Tables of Tolls and Posts, erected or to be erected by the said Trustees, or by their Order or Direction, and also all Materials, Tools, and Implements which shall be purchased or provided by virtue of this Act, shall in the Northern Division be vested in and be the Property of the Trustees of that Division of the said Road, and in the Southern Division shall be vested in and be the Property of the said *Frederick* and *Richard Bourne*, their Executors, Administrators, and Assigns, and they are respectively empowered to sell and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, and to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment, against any Person who shall steal, break down, damage, take away, injure, or spoil any such Toll Gates, Toll Houses, Fences, Rails, Milestones, Tables of Tolls, Posts, or other Materials or Articles appertaining to the said Road, or disturb the said Trustees or the said *Frederick* or *Richard Bourne*, their Agents or Servants, in the Possession thereof; and in all which Actions or Indictments respectively it shall be sufficient to state generally that such Toll Gates, Toll Houses, Fences, Rails, or other Things, for or on account of which any such Action shall be brought, or Bill of Indictment preferred, is or are the Property of the Trustees of that Division of the Road from *Dublin*, by *Ashbourne*, to *Slane* and *Drogheda*, without particularly stating or specifying the Name or Names of any of the said Trustees.

Power to take Tolls.

XXVI. And be it further enacted, That it shall be lawful for the Trustees of each Division of the said Road, or for their Grantees, or for any Person or Persons appointed under and by virtue of this Act Collector or Collectors as aforesaid, to demand and take, or cause to be demanded and taken, at the respective Pay Gates upon the said Road, 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,)

For

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 Burthen, 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 in like Manner, for every Horse or other Beast drawing the same the Sum of Four-pence; and if the Breadth be less than Three Inches, and the Shoeing be perfectly flat, 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 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 Two Shillings and Sixpence 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.

XXVII. Provided also, and be it further 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, in the same Division; but that every Person, having paid such Toll Once, 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 Pay Gate in the same Division, with the same Cattle and Carriage for which such Toll shall have been paid, on producing a Ticket denoting the Payment thereof.

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

XXVIII. Provided nevertheless, and be it further 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 Post Chaise or other Carriage, for every Time of passing or repassing along the said Road on the same Day, as often as a fresh Hiring shall take place; and 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 Road.

Post Chaises returning empty not to pay Toll.

XXIX. Provided also, and be it further enacted, That all Horses travelling for Hire, drawing or having drawn any Post Chaise or such like Carriage for which any Toll shall have been paid at any Pay Gate on the said Road, 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, although such Horse, Chaise, or

other Carriage shall not have passed through such Pay Gate on the same Day.

Trustees may erect Weigh Houses, and charge Toll by Weight in lieu of the Tolls before mentioned.

XXX. And be it further enacted, That it shall and may be lawful for the Trustees of the respective Divisions of the said Road, and they are hereby empowered to erect or cause to be erected on any Parts of the said Road contiguous to the Pay Gates thereon, Weigh Houses, with the necessary Apparatus for weighing all Waggons, Wains, Drays, Carts, Cars, and other Carriages of Burthen, with all Manner and Kind of Loading thereon, and in lieu of the Tolls hereinbefore mentioned and directed to be taken and paid on the said Road, to demand and take the Toll at the said Gates by the Ton Weight of Twenty Hundred Weights to the Ton: Provided always, that the Tolls so to be taken and paid at such Gates shall not exceed Fivepence by the Ton Weight, if the Shoeing of the Wheels of such Carriage be flat and not less in Breadth than Three Inches, and Eight-pence *per* Ton if the Shoeing of the Wheels be less in Breadth than Three Inches, and so in proportion for any greater or lesser Quantity; and that it shall and may be lawful for the Collectors of the Tolls on the respective Divisions of the said Road, and for the Supervisors and other Persons employed thereon, to stop and detain all such Carriages at the several Pay Gates on the said Road, for the Purpose of weighing the same.

Tolls may be varied.

XXXI. And be it further enacted, That it shall and may be lawful for the Trustees of the respective Divisions of the said Road, and they are hereby empowered, at a Meeting to be holden for that Purpose, from Time to Time to lessen or reduce all or any of the said Tolls 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: Provided always, that such Diminution shall not take place on the Southern Division of the said Road without the Consent of the said *Frederick Bourne* and *Richard Bourne*, their Executors, Administrators, and Assigns, nor in the Northern Division of the said Road without the Consent of the Lessees or Farmers of the Tolls of the said Division, in case the said Tolls shall be then in Lease.

Proviso as to Southern Division.

Collectors may measure the Dimensions of Wheels.

XXXII. And be it further enacted, That it shall and may be lawful for the respective Collectors of the said Tolls to measure or cause to be measured the Breadth or Dimensions of the Streaks or Shoeings of all or any of the Wheels of each and every Waggon, Van, Dray, Cart, Car, or other Carriage of Burthen, before any such Carriage shall be permitted to pass through any Pay Gate erected or to be erected on the said Road.

Trustees to put up a Table of Tolls.

XXXIII. And be it further enacted, That the Trustees of each Division of the said Road 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, 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 to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated, and also a List of the several Gates which shall be cleared by the Payment of Toll at such Gate; 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 such Gate without paying an additional Toll.

Tickets to be delivered to Persons paying Tolls.

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

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

XXXV. And be it further enacted, That the Tolls to be collected on the Northern Division of the said Road by virtue of this Act, shall be and they are hereby declared to be vested in the said Trustees of the Northern Division of the said Road; and the several Sums herein granted and made payable shall be demanded and taken as Toll by such Persons as the said Trustees of the said Division shall from Time to Time authorize and appoint to receive the same; and that all Tolls which shall arise by virtue of this Act on the Northern Division of the said Road, 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 be applied in the first Instance to defray the Salaries of the Officers to be appointed pursuant to the Provisions of this Act, and all Costs and Expences which shall be incurred by the Trustees of the said Division in the erecting of Turnpikes, Gates, Toll Houses, Weigh Houses, and such Milestones and Direction Posts as the said Trustees shall think proper to erect, and in keeping the same in repair, or otherwise in the Execution of this Act, and in the next place to the widening, improving, and keeping in repair of the said Northern Division of the said Road during the Continuance of this Act; and that the Tolls to be collected on the Southern Division of the said Road, by virtue of this Act, shall be and the same are hereby vested in the said *Frederick Bourne* and *Richard Bourne*, their Executors, Administrators, and Assigns, for the Purposes hereinafter set forth; and the several Sums hereby made payable as Toll on the Southern Division of the said Road shall be demanded and taken by such Persons as the said *Frederick Bourne* or *Richard Bourne*, their Executors, Administrators, and Assigns, shall from Time to Time authorize and appoint to receive the same.

Application of Tolls as to each Division.

XXXVI. And

For Recovery of Tolls.

XXXVI. And be it further enacted, That if any Person subject to the Payment of any of the said Tolls upon either Division of the said Road, shall, after Demand thereof made by any Person authorized to receive the same, neglect or refuse to make Payment thereof, or of any Part or Parts thereof, it shall be lawful for the Person or Persons 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 it is appended; and if such Tolls, and the reasonable Charges of such Distress and of keeping the same, 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 Road, Four Days at least before such Sale, the Horse, Cattle, Beast, Carriage, or other Things so distrained, or so much thereof as he or they shall deem requisite, and out of the Money which shall arise by such Sale pay or retain such Tolls, and all reasonable Charges of such Distress and Sale, 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.

XXXVII. And be it further 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 or selling any Distress, 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 Parties or other Witnesses, which Oath 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 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 or Persons ordered to pay the same, by Warrant under the Hand and Seal of such Justice, which Warrant every such Justice is hereby empowered and required to issue; and the Overplus (if any) shall be returned, on Demand, to the Person or Persons whose Goods and Chattels shall have been so sold.

Collectors may be competent Witnesses.

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

XXXIX. And

Evasion of Tolls.

XXXIX. And be it further 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 within One Mile of any Pay Gate erected by virtue of this Act, the same not being a Public Road, such Person not being the Owner or Occupier, or Servant or One of the Family of the Owner or Occupier of such Land or Ground; or if any Owner or Occupier of such Land or Ground shall knowingly permit or suffer any Person, 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 Road, 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 or Informers, and the other Moiety thereof be applied in aid of the Tolls of that Division of the said Road in which such Offence shall be committed.

Exemption from Tolls.

XL. And be it further enacted, That no Toll shall be paid or demanded for any Horses of Soldiers on their March or on Duty, or for any Carriages, Horses, or Beasts employed in carrying the Arms or Baggage of such Soldiers, or returning back empty from carrying the same; or for any Carriage, or the Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty, or to and for the Use of His Majesty's Forces; nor for any Horse furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them, nor Carriages conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Service, provided that such Person or Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions; nor for any Horse or Carriage used by or conveying any Constable or Policeman, or any Magistrate commanding and accompanying such Constable or Policeman, provided that such Horse or Carriage be used by such Magistrate, Constable, or Policeman, while on Duty, and that such Constable or Policeman be dressed in his proper Uniform and Accoutrements at the Time of claiming such Exemption as aforesaid; nor for Cars, Carts, or Drays employed in drawing Gravel, Stones, or

other Materials for the Use of the said Road, or for the Repair of any public Road in the Parishes through which the said Road passes; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, he shall forfeit any Sum not exceeding Forty Shillings nor less than Ten Shillings, at the Discretion of the Justice before whom such Offender shall be convicted.

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

XLI. And be it further enacted, That it shall be lawful for the Trustees of the said Northern Division of the said Road, or any Five or more of them, after giving Fourteen Days previous Notice thereof in writing or printed, to be affixed upon all the Turnpikes erected across the said Divison of Road, and to be inserted in One or more of the Newspapers published in any *Dublin* and *Drogheda* Newspaper, 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 Three Years, upon public Bidding, to the highest Bidder, and for the best Rent or Price that can be gotten for the same, payable at such Times and in such Manner, and with, under, and subject to such Covenants, Conditions, and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit; and at such Letting the Trustees present shall have and be entitled to one or more Biddings for the Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm all or any of such Tolls, at the best Rent that can be reasonably gotten for the same, provided that the Leases, Contracts, or Agreements for the same be in Writing, and be duly executed by the Lessee or Lessees, Farmer or Farmers of such Tolls, and also by any Five or more of the said Trustees; and that the said Trustees have a Counterpart of such Lease or Leases, and take such other sufficient Security for Payment of the Rents to be reserved by and for the Performance of the Covenants to be contained in such Lease or Leases, as the said Trustees, or any Five or more of them, shall think fit.

Lessee invested with Power of Collector.

XLII. And be it further enacted, That every Person who shall be Lessee of the said Tolls or any Part thereof, and every Person appointed to receive the Toll at any Pay Gate on either Division of the said Road, 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.

Names of Collectors to be painted on Toll Houses.

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

of the Tolls to collect the Tolls payable at any Gate on either Division of the said Road, shall, and he or she is hereby required to have his or her Christian and Surname, painted on a Board in legible Characters, in the Front or some conspicuous Part of the Toll House or Toll Gate, immediately on his or her coming on Duty, each of the Letters of such Name to be at least One Inch in Length and of Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall be on Duty; and 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 or permit or suffer, or in any way hinder any Person from reading any such Christian or Surname as aforesaid, or shall refuse to tell his or her Christian 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 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 Terms of Lease.

XLIV. And be it further enacted, That in case of 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 Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be demised or let, or in case the Rent or Rents agreed to be paid 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 in any other 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 the Toll Gate or Toll House 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, Gate or Gates so demised, with the Appurtenances thereunto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls, and also all other Persons residing thereon, from the Possession thereof and from the Collection of such Tolls, and to put the Trustees or any Person acting by their Authority into the Possession thereof; and that thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Demise of the said Tolls, or the Contract or Agreement for demising or letting the same to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents

and

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

Application of Sum presented by Meath Grand Jury to Expences of Act.

XLV. And whereas the Grand Jury of the said County of *Meath* did at Summer Assizes One thousand eight hundred and twenty-four present the Sum of Three hundred Pounds, to be raised off the County at large, to be applied to defray the Expences of an Act to authorize the Establishment of Turnpike Tolls on the Road from *Dublin* to *Drogheda*, between the Boundary of the County of *Dublin*, near the Seven Mile Stone, and the County of the Town of *Drogheda*, and from *Dublin* to *Slane*, by *Ashbourne*, between the said Boundary of the County of *Dublin* and the South End of the Bridge of *Slane*; be it enacted, That the said Sum so presented shall and may be paid and applied accordingly towards defraying the Expences of this Act; and that it shall and may be lawful for any Grand Jury of the said County to present any further Sum that may be necessary for defraying the Expences of this Act, or any Expences incurred by the Committee appointed by the said Grand Jury for the Purpose of seeking to obtain such Act of Parliament as aforesaid, to be raised off the County at large, and paid to the Treasurer to be appointed by the Trustees of the Northern Division of the said Road, as herein-before directed, and to be applied under the Directions of the said Trustees; and the Receipt or Receipts of such Treasurer shall be a sufficient Discharge for all such Money so presented or to be presented.

Grand Jury may present a further Sum.

Grand Jury may present for any Deficiency that may be wanted for the Northern Division.

XLVI. And be it further enacted, That if it shall appear to the Grand Jury of the County of *Meath* at any Assizes, that the Tolls collected on the said Northern Division of the said Road, after paying the Salaries of Officers and other Expences payable thereout, shall at any Time be insufficient for keeping the same in perfect Order and Repair, it shall and may be lawful for such Grand Jury to present, to be raised off the County at large, such Sum or Sums of Money as to such Grand Jury shall seem fit, to be applied, in aid of the Tolls hereby made payable, to the Repair of the said Road; and that such Sum and Sums of Money (if any) as shall be so presented shall be raised and paid over to the Treasurer for the Time being to the Trustees of the said Northern Division, to be applied and disposed of under the Directions of the said Trustees; and the Receipt or Receipts of such Treasurer shall be a sufficient Discharge, or sufficient Discharges, to the Treasurer of the said County for such Sum or Sums of Money as shall be so presented and raised.

Trustees of Northern Division of Roads may enter into

XLVII. And be it further enacted, That it shall and may be lawful for the Trustees of the Northern Division of the said Road, and they are hereby empowered to enter into any Contract or Contracts for the altering, widening, amending and keeping in repair

for any Term or Time all or any Part or Parts of the said Division of the said Road, and for building any Toll House and Weigh House, and providing the necessary Apparatus for the same, and for erecting any Turnpike Gate or Gates, providing and erecting Mile-stones and Finger Posts, or any of the Matters aforesaid, or for doing any Work which may be necessary on the said Division of the said Road, or for furnishing Materials for the Repair of the said Road, or for any Work to be done thereon, or for any Purpose or Purposes 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 *Dublin* and *Drogheda* Newspapers, expressing the Purpose of such Contract or Contracts, 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 and all such Contractor or Contractors, for the due Performance of his or their Contract; and every such Contract shall be signed by Three at least of the said Trustees, and by the Person or Persons 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.

Contracts for the Purposes of this Act.

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

Trustees may compound for Breach of Contract.

XLIX. And whereas the said Roads might in some Places be shortened or made in more direct Lines, or more level, by avoiding Hills; be it further 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 Road to be turned or altered, and a new Line or Lines 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 Road to be kept in repair under the Provisions of this Act, such new Line or Lines of Road as such Grand Jury or Grand Juries shall so cause to be made, on giving Notice to the Secretary or Secretaries of the Grand Jury or Grand Juries of the County or Counties in which new Line or Lines of Road shall be made, of their Intentions so to adopt the same, Fourteen Days at least before any Assizes, if in the County of *Meath*, or any Presenting Term, if in the County of *Dublin*, and procuring the Consent of the Grand Jury or Grand Juries assembled at such Assizes or Presenting Term, to the said Trustees so adopting the same, to be signified by One or more Entry or Entries in the Quere Book or Quere Books of such County or Counties; and from and after such Consent shall be obtained, such new Line or Lines of Road shall be and be deemed and taken to be Part of the Turnpike Road to be kept in repair under the Provision of this Act, and shall be subject to all the

Grand Juries of the Counties of Dublin and Meath may present for any new Line of Road.

Provisions and Regulations herein contained; and then and from thenceforth such Part or Parts of the present Roads as shall be, by reason of such new Line or Lines of Road, rendered useless or unnecessary, as a direct Communication between the said 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.

L. And be it further 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.

Trustees may sell Pieces of Road not wanted.

LI. And be it further enacted, That in all Cases where the Trustees of either Division of the said Road shall alter the present Road, by taking off any unnecessary Angles, or making a new Line of Road, the Land constituting the former Road shall be vested in the said Trustees, and shall be sold by them for the best Price that can be reasonably had or gotten for the same; and the Conveyance thereof, being executed by any Three of the said Trustees, and enrolled with the Clerk of the Peace for the County wherein such Land is situate, shall be good, valid, and effectual, to all Intents and Purposes whatsoever; and the Purchase Money shall be applied by the said Trustees in aid of the Tolls of the said Division of the said Road.

When any Part of the old Road is to be sold, the first Offer to be made to adjoining Land Owner.

LII. And be it further enacted, That the said Trustees may and they are hereby empowered to sell and dispose of any Piece or Pieces of old Road which may become useless or unnecessary, to such Person or Persons as shall become willing to purchase or repurchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid to any other Person or Persons, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto, and if such Person or Persons respectively shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Liberty, or Place where such Ground is situate (who are hereby respectively empowered to make such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, in all Courts whatsoever, by sufficient Evidence and Proof that such Offer was made and was refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the said Price or Prices thereof shall be ascertained by a Jury in such and the like Manner as the Price for any Land is required or autho-

rized

rized to be taken for the Purposes of an Act made in the Seventh Year of the Reign of His present Majesty, intituled *An Act for consolidating and amending the Laws relating to Prisons in* Ireland, is directed to be settled and ascertained; and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

How Expences of Jury and Witnesses to be borne.

LIII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, after having been ascertained and settled by some Justice of the Peace for the County or Place where the Cause of Dispute shall arise, not interested in the Matter in question, who is hereby authorized to examine and settle the same, shall be borne and paid by the Treasurer or Treasurers to the said Trustees, out of any Money which shall then be in his or their Hands, or out of any Monies to be received by virtue of this Act, and in case the same be not paid on Demand, shall and may be recovered from the said Treasurer or Treasurers in manner hereby directed for the Recovery of Penalties or Forfeitures; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne or paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question, who is hereby required to examine and settle the same, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender

Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Treasurer or Treasurers, or Clerk or Clerks to the said Trustees, by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees in manner aforesaid.

Application of Compensation if amounting to 200*l.*

LIV. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, or Administrator, Husband, Guardian, Committee or other Trustees for or on behalf of any Infant, Idiot, Lunatic, Feme Covert or Cestuique Trust, or to any other Person or Persons whose Lands, Houses, Buildings, Tenements, Hereditaments, and Premises are limited in strict or other Settlement, or to any Person or Persons under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery in *Ireland*, to be placed to his Account *ex parte* the Trustees for carrying this Act into Execution; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, in or towards the Discharge of any Debt or Debts, or such Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or affecting other Lands, Tenements, and Hereditaments standing settled therewith to the same or to the like Uses, Trusts, Intents or Purposes; or where such Money shall not be applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Houses, Buildings, Tenements, and Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements, Hereditaments, and Premises which shall be so purchased, taken, or used as aforesaid stood settled and limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by the Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the

Purchase

Purchase of Government Securities; and in the meantime, and until the said Government Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and the annual Produce of the said Government Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, in case such Purchase or Settlement were made.

Where less than 200*l.* and not less than 20*l.*

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

When less than 20*l.*

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

In case of not making out a good Title, &c.

LVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Houses, Buildings, Tenements, Heredita-

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

Persons in Possession to be deemed entitled.

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

other Person or Persons was or were lawfully entitled to such Land, Houses, Buildings, Tenements, Hereditaments, and Premises, or some Estate or Interest therein.

Court may order reasonable Expences in certain Cases.

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

For getting Materials for repairing the Road.

LX. And be it further enacted, That it shall and may be lawful for the said Trustees, their Surveyor or Surveyors, and for all such Persons as they shall respectively appoint, to search for, cut, dig, gather, and take away any Materials for making or repairing the said Road, or for other the Purposes of this Act, out of any Common or Waste Ground, River, or Brook, in any Parish, Townland, or Place in which any Part of the said Road may lie, or in any adjoining Parish, Townland, or Place, without paying any thing for the same, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or other Person as aforesaid may, by 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 any such Materials as aforesaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, walled-in Orchard, Yard, Deer Park, or Paddock, or Field inclosed with a Wall made of Lime Mortar, Stone, or Brick, of the Height of Five Feet at the least, Walk or Walks, 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 any Part of the said Road shall lie or be situate, or in any adjoining Parish, Townland, or Place; making or tendering such Satisfaction for the Damages done thereby, to the Owners and Occupiers of such Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Road respectively shall be carried, for the Damage done to the Soil only;

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as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners and Occupiers, or any of them, concerning such Damages, it shall and may be lawful to and for any Two or more Justices of the Peace for the County, City, or Place where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away or over, 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, settle, and determine such Payment and Damages; and the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

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

LXI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for altering and repairing such Road, 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, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case such Justices shall and may authorize such Surveyor or other Person or Persons to dig, get, gather, take, and carry away such Materials, at such Time or Times as to the said Justices shall seem proper; and if such Occupier shall neglect or refuse to appear, without sufficient Excuse, by himself or his Agent, pursuant to such Notice, the said Justices shall and may make such Order therein as they respectively shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Power to contract for Lands to get Materials.

LXII. And be it further enacted, That it shall and may 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 Road, and at any Time afterwards to sell the Ground so purchased by public Auction: Provided always, that the entering into any such Contract or Agreement shall not be compulsory against any Person unwilling to enter into the same.

Penalty on taking away Materials.

LXIII. And be it further enacted, That if any Persons shall remove or take away any Stones, Gravel, or other Materials which have been raised or collected by the Order of the said Trustees, or their Supervisor or Supervisors, or 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 Road or any Part thereof, before the said Supervisor, or the Workmen employed by him, shall have discontinued working

working therein for the Space of Six Weeks, except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his or her own private Use only and not for Sale, 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.

LXIV. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered to purchase or rent any Pieces of Ground, not exceeding Ten Yards Square in any one Place, on the Sides of the said Road, as Repositories for Stones, Gravel, and other Materials for repairing and improving the same; and in case any Difference shall arise between the Trustees and the Owners of such Ground, with respect to the Value thereof, or the Necessity or Propriety of taking such Ground, the same shall be determined by any Two Justices of the Peace, with Right of Appeal for either Party from their Decision to the Justices at the General Quarter Sessions of the Peace.

Compensation for Materials to be recovered from Trustees on Northern Division, and from Messrs. Bourne on Southern Division.

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

Penalty for erecting Encroachments on Sides of the Road.

LXVI. And be it further enacted, That if any Person shall encroach upon the said Road, 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 Road, 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 Road, or any Part thereof, or shall place any Sluice or Dam in any Brook or Watercourse, whereby the said Road, or any Part thereof, shall be flooded or injured, every Person so offending shall forfeit for every such Offence the Sum of Forty Shillings to the Person who shall give Information of the same; and it shall be lawful for the Trustees to cause such Dwelling Houses, Buildings, Hedges, Fences, Sluices, or Dams to be taken down, and such Ditches, Drains, Sinks, or Watercourses to be filled up, at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any One or more Justice or Justices of the Peace for the County where such Offence shall be committed, upon Proof thereof made upon Oath, to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, Fences, and Drains, and filling up of the Ditches and Drains 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.

For removing Windmills and other Annoyances.

LXVII. And be it further enacted, That it shall be lawful for the Trustees of each Division of the said Road, and their Supervisors, and such Persons as they shall from Time to Time appoint, to pull down and remove any Windmill which shall after the passing of this Act be erected within Three hundred Feet of the Centre of any Part of the said Road, 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 Road, or upon any Common or Waste Land within Fifty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Road, in case the Owners thereof shall neglect to remove the same within Twenty-four Hours after Notice in Writing, signed by any Two Trustees or their Supervisor, 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 Pay Gate; and to turn any Watercourse, Sink, or Drain running into or out of the said Road, 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 he or they shall think necessary; and to cut or lop all Branches of Trees overhanging any Part of the said Road, and all Bushes and Shrubs growing on or over the said Road, and to cut or clip all Hedges adjoining the said Road 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 such Notice in Writing given for that Purpose by such Supervisor, neglect to lop, cut down, or remove such Branches, Bushes, and Shrubs, and 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 Supervisor shall require; and the Charges thereof, and of removing any Annoyances, shall be settled and ascertained by any Justice or Justices of the Peace for the County where such Parts of the Road shall be, and shall be reimbursed to the Supervisor by such Owner or Occupier, and be recovered and applied 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.

LXVIII. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found tethered or wandering, straying or laying about the said Road, 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, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the Common Pound of the Parish, Townland, or Place where the same shall be found, or in such other Place as the Trustees shall provide for that Purpose, and the said Beasts there to detain until the Owner or Owners thereof shall, for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Two Shillings, together with the reasonable Charges and Expences of impounding and keeping the same, to the Treasurer, Clerk, or Surveyor of the Road, to be by him applied to the Use of and in Aid of the Tolls of the said Road; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, Notice thereof 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 Road nearest to the Place where the same shall be impounded, it shall be lawful for any One or more Justices of the Peace of the County or City where the 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 or Justices that the Horse, Ass, Sheep, Swine, or other Beast impounded, escaped from any Inclosure by any Gate or Fence being wilfully or negligently left open or destroyed by any Person not being Owner or Occupier of such Inclosure, or employed by such Owner or Occupier, in which Case such Justice or Justices may remit the Penalty; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been; and in case the Owner thereof shall not be known, and no Application shall be made for the Money arising from such Sale within Twenty-one Days after such Sale shall have taken place, the said Money

Money shall be applied, after deducting the said Charges and Expences, in the same Manner as the said Penalty of Two Shillings is herein-before directed to be applied: Provided always, that no Owner of any Horses, Asses, Sheep, Swine, or other Beasts or Cattle impounded as aforesaid, shall in any Case pay more than the Sum of Five Pounds, over and above the Charges and Expences of impounding and keeping the same, for any Number of Horses, Asses, Sheep, Swine, or other Beasts or Cattle impounded at one time.

Punishment of Persons guilty of Pound Breach.

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

Road to be measured, and Milestones to be put up.

LXX. And be it further enacted, That the said Trustees shall cause the said Road to be measured, and Stones to be set up in 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.

LXXI. And be it further enacted, That if any Person or Persons 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 Turnpike Gates, or in any other Part of the said Road, or shall cause or procure the same to be done; or if any Person or Persons 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 Supervisor, either by the Side of the Road 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

prevent Accidents, or to protect and preserve any Hedge or Quickset which the said Trustees shall or 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 or Persons 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 Road; or shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Tree or Piece of Timber, or any Stone, which shall be conveyed upon a Wheel Carriage to drag upon any Part of the said Road to the Prejudice thereof; or shall, without being thereto authorized by the Supervisor 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 Road, or from or off any Part of the said Road; 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 Road 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 Road shall suffer the Swine to root up or damage the said Road 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 Road, or make any Dunghill within One hundred Feet of any Part of the said Road; or shall, in or upon any Part of the said Road 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 Road; or shall hoop, fire, cleanse, or scald any Cask, or bind any Cart or Car Wheels, on any Part of the said Road; 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 Road; 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 Horse, Beasts or Beast drawing the same; or if any Person on Horseback, or driving any Coach, Chaise, Waggon, Cart, Car, or other Carriage, and meeting another Coach, 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 Road, 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 Road, or play at

Football, Handball, or any other Game, upon any Part of the said Road, to the Annoyance of any Passenger; or if any Higler, 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 Road; or if any Blacksmith having a Shop with a Window fronting the said Road, 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 Road; 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 Road, 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 Road 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 Road, 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 Road, 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 Road, 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 Offenders 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.

LXXII. And be it further enacted, That if any Person shall obstruct, hinder, or molest any of the said Trustees, or any Collector of the Tolls, or any Supervisor, Overseer, or other Person employed in carrying this Act into Execution, in the Performance of his Duty, or in 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

said Trustees, their Supervisors, or other Persons appointed by the said Trustees, shall for every such Offence forfeit any Sum not exceeding Five Pounds.

For securing transient Offenders.

LXXIII. And whereas Persons guilty of Offences against this Act may be transitory Persons, unknown to the Collectors or Supervisors or other Persons employed in the Execution of this Act; be it further enacted, That it shall be lawful to and for any of the Trustees, Collectors, Supervisors, or other Persons by them employed in the Execution of this Act, to seize and detain any such unknown Person guilty of any Offence against this Act, and forthwith to convey him or her before any Justice of the Peace, without any Warrant or other Authority for so doing than this Act.

Damage and Charges to be settled by Justices.

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

Recovery and Application of Penalties.

LXXV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, the Manner of levying, recovering, and applying whereof is not otherwise herein particularly directed, upon Proof of the Offences respectively before any Justice or Justices of the Peace for the County of *Meath* or County of *Dublin*, either by the Confession of the Party offending or by the Oath of any credible Witness, shall be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Parties or Party offending, by Warrant under the Hand and Seal of such Justice; and the Overplus, if any, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, to the Owner of such Goods and Chattels; and the Money arising by such Penalties, Forfeitures, and Fines respectively, when paid and levied, if not otherwise directed by this Act, shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Use of that Division of the Road in which such Penalty shall be incurred; and in case such Penalties, Forfeitures, and Fines shall not be paid forthwith upon Conviction, it shall and may be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrants or Warrant of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his or their Appearance on the Day or Days appointed for the Return of such Warrant or Warrants of Distress, such Day or Days being not more than Fourteen Days from the Time of taking such Security; and such Justice or Justices is and are hereby empowered to take such Security by

by way of Recognizance or otherwise, as to him or them shall seem right and proper; but if upon the Return of such Warrants or Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offenders or Offender or otherwise, that he or they have not Goods and Chattels within the Jurisdiction of such Justice or Justices sufficient whereon to levy all such Penalties or Forfeitures, Costs and Charges, such Justice or Justices may, at his or their Discretion, without issuing any Warrant of Distress, commit the Offender or Offenders to the Common Gaol of the County, or to any House of Correction within the same, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months nor less than Ten Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Justices may proceed by Summons in the Recovery of Penalties.

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

Form of a Conviction.

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

'County of } BE it remembered, That on the Day of
'to wit. } in the Year of our Lord
'*A. B.* is convicted before me *C. D.*, One, *or* before us *C. D.* and
'*E. F.*, Two [*as the Case may be*] of His Majesty's Justices of the
'Peace for the said County [*here specify the Offence, and when and*
'*where committed,*] contrary to an Act passed in the Eighth Year of
'the Reign of King *George* the Fourth, intituled [*here set forth the*
'*Title of this Act*]; for which Offence I [*or* we] adjudge the said
'*A. B.* to have forfeited the Sum of [*or*, to be committed
'to for the Space of .] Given
'under my Hand and Seal [*or* our Hands and Seals], the Day and
'Year first above written.'

Appeal.

LXXVIII. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any thing done in pursuance of this Act, such Person may appeal to the First General or Quarter

Quarter Sessions of the Peace to be holden for the County within which the Matter of Appeal shall arise, within Three Calendar Months from the Time such Matter of Appeal shall have arisen, the Person appealing having first given Twenty-one Days Notice at least of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, with Two sufficient Securities, conditioned to try such Appeal, and abide the Order of the Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice having been given and Recognizance entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, as they shall think proper; and all such Determinations shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

Distress not unlawful for Want of Form.

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

Proceedings not to be removed by Certiorari.

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

Penalty on Persons guilty of Perjury.

LXXXI. And be it further enacted, That if any Person, upon any Examination on Oath before any Justice of the Peace acting in the Execution of this Act, shall wilfully and corruptly give false Evidence touching any Matter or Thing relating to this Act, or shall wilfully and corruptly swear any thing which shall be false and untrue, every Person so offending, and being thereof duly convicted, shall be liable to such Pains and Penalties as Persons guilty of wilful and corrupt Perjury are liable to.

Apportioning the Expence of keeping certain Roads in repair under Act 56 G. 3.

LXXXII. And whereas that Part of the Road from *Dublin* to *Ashbourne* situate between *Prospect House* and the *Circular Road*, as also the Road called the *Dean's Road*, leading from *Prospect House* to *Drumcondra Road*, adjoining the Bank of the *Royal Canal*, are common both to the *Ashbourne* and *Knoxedan* Roads, and it is provided by the said recited Act of the Fifty-sixth Year of the Reign of His late Majesty, that Three Fifths of the Expence of the Repairs of the said Roads should be defrayed out of the Tolls of the *Ash-*

bourne Road, and Two Fifths of the Tolls of the *Knoxedan* Road, and it is expedient that the said Proportions should continue; be it therefore 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 in repairing and improving the *Dean's Road* from *Prospect House* to *Drumcondra Road*, adjoining the Bank of the *Royal Canal*, shall 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 *Knoxedan* Road; and that the Controul and Management of those said Portions of Road between *Prospect House* and the *Circular Road*, and between *Prospect House* and *Drumcondra* Road, shall be vested jointly in the Trustees to the *Knoxedan* Road, and of the Southern Division of the *Ashbourne* Road; and that the several Enactments in this Act shall apply to those said Portions of the Road; and the said recited Act of the Fifty-sixth Year of the Reign of His late Majesty be and the same is hereby repealed.

Messrs. Bourne to pay Interest of Money borrowed for Repair of Road from Dublin to Curragha.

LXXXIII. And be it further enacted, That all Interest now due or which shall hereafter grow due upon the Sums borrowed by the Trustees of the Road leading from *Dublin* to *Curragha* for the Use of the said Road, and all Rents which shall become due to the several Owners or Occupiers of Land taken for the Improvement of said Road, and such Sums as are payable annually in liquidation of the Sums so borrowed, shall be paid by the said *Frederick Bourne* or *Richard Bourne*, their Executors, Administrators, and Assigns, within Thirty-one Days after the same shall become due, at such Place in the City of *Dublin* as the Trustees of the Southern Division of said Roads shall appoint.

If the Southern Division of Roads is not properly kept in repair, Application shall be made to the Lord Chancellor for Redress.

LXXXIV. And be it further enacted, That if any Time it shall appear to the said Trustees at any Meeting that any Part of the Southern Division is not in good and sufficient Repair, or that such Interest, Rents, and other annual Payments, or any Part thereof, are in arrear and unpaid, it shall and may be lawful for the said Trustees, or any Seven of them, to apply by Petition to the Lord Chancellor, Lord Keeper, Master of the Rolls, or Lords Commissioners for the Custody of the Great Seal, who shall inquire into the Matter of such Complaint, and if it shall appear that any Part of said Road is not in complete Repair and Condition, or that any Part of such Interest, Rents, or annual Payments are in arrear and unpaid, it shall be lawful for the Lord Chancellor, Lord Keeper, Master of the Rolls, or Lords Commissioners for the Custody of the Great Seal, to appoint One or more Person or Persons to receive the Tolls payable at the several Pay Gates on the said Division of the said Road, and to apply the said Tolls to the Repair of the said Roads, and to the Discharge of such Interests, Rents, and other annual Payments, and so to continue to apply them until the said Road shall have been put into complete Order and Repair, and such Interests, Rents, and other annual Payments, shall be fully discharged, they the said Trustees accounting with the said *Frederick Bourne* and *Richard Bourne*, their Executors, Administrators, and Assigns,

for such Expenditure, and paying to them any Overplus of the said Receipts beyond the necessary Disbursements on account of the said Repairs, Interests, Rents, annual Payments, and the Costs of such Petition.

When Road shall be repaired, Trustees to put Messrs. Bourne in Possession of Tolls.

LXXXV. And be it further enacted, That when the said Road shall have been put into complete Order, and the Interest, Rents, and other annual Payments discharged, the said Trustees shall discharge such Receiver, and reinstate the said *Frederick Bourne* or *Richard Bourne*, his or their Executors, Administrators, and Assigns, in the full Possession and Receipt of the Tolls of the said Division of the said Road, as the same were before the Appointment of such Receiver.

General Issue.

LXXXVI. And be it further enacted, That if any Action shall be brought against any Person for any thing done by virtue of this Act, such Person may plead the General Issue, and give the special Matter in Evidence.

Limitation of Action.

LXXXVII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, after Three Calendar Months next after the Fact committed, nor unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given by such Court as in other Actions where the Defendant is allowed to pay Money into Court; and that every such Action shall be brought and tried in the County where such Cause of Action shall arise, and not elsewhere.

Plaintiffs not to recover without Notice.

LXXXVIII. And be it further enacted, That if any such Action shall be brought before Twenty-one Days Notice shall have been given thereof as aforesaid, or after the Time limited for bringing such Action, or shall be brought in any other County than as aforesaid, or if the Plaintiff or Plaintiffs in such Action shall join Acts done by the Defendant or Defendants under and by virtue of this Act, with any Act or Acts of the Defendant or Defendants in his, her, or their private Capacity, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Double Costs, and shall have like Remedy for

for Recovery thereof as any Defendant hath for Costs of Suit in other Cases by Law.

Public Act.

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

Commencement and Continuance of Act.

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

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