ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. lxxvi.

An Act to amend an Act of His late Majesty King *George* the Fourth, for repairing the Road from *Dundalk* in the County of *Louth* to *Bannbridge* in the County of *Down*, so far as relates to the Southern Division of the said Road.

[18th *June* 1842.]

WHEREAS an Act was passed in the Parliament of *Ireland* in the Twenty-third and Twenty-fourth Years of the Reign of His late Majesty King *George* the Third, intituled *An* 23 & 24 G. 3.
Act for the more effectually amending and repairing the Road from the (I.)
Town of Dundalk *in the County of* Louth *to* Bannbridge *in the County of* Down, *and for the better securing the Debts which are now due to the Creditors of the said Road:* And whereas an Act was passed in the First Year of His late Majesty King *George* the Fourth, intituled *An Act to continue the Term of and amend an Act of His late Majesty,* 1 & 2 G. 4.
for repairing the Road from Dundalk *in the County of* Louth *to* c. 106.
Bannbridge *in the County of* Down, *so far as relates to the Southern Division of the said Road:* And whereas in pursuance of the said Act

the Trustees acting by virtue thereof have made and repaired the Roads thereby authorized to be made and repaired respectively: And whereas considerable Sums of Money have been advanced and secured upon the Credit of the Tolls authorized to be taken by the said recited Acts, a Portion whereof still remains owing; and such Money cannot be paid off, nor the Interest thereof be discharged, nor can the said Road be kept in repair and effectually improved, unless the Term of the said Act be further continued: And whereas it is expedient that the said recited Acts should be repealed, and that further and more effectual Powers should be granted for repairing and improving the said Road; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

The recited Acts repealed, except as hereby altered.

That upon the Day of the Commencement of this Act the said recited Acts respectively shall (except as herein-after mentioned) be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Securities for Monies borrowed under former Acts not to be affected by this Act.

II. And whereas the Trustees under the herein-before recited Acts hereby repealed have borrowed several Sums of Money upon the Security of the Tolls by said Acts granted, and Part thereof now remains due and owing; be it enacted, That all Securities granted under the Powers of the said recited Acts or either of them shall have the same Force as if granted under this Act; and that every Person owing any Sum of Money to the Trustees for executing the said Acts hereby repealed shall be liable to the Payment thereof to the Trustees of this Act.

Entry of Proceedings under former Acts to be Evidence.

III. And be it enacted, That every Book in which any Entry of any Proceeding relating to the said Road of any of the Trustees or other Person acting under the Authority of said former Acts shall be Evidence of such Proceeding in any Court of Justice.

This Act to be put in execution for the Purposes herein mentioned.

IV. And be it enacted, That this Act shall be put in execution during the Term herein-after mentioned for the Purpose of improving and keeping in repair the said Road comprehended in the Provisions of the said recited Acts, so far as relates to the Southern Division of the said Road; that is to say, the present Turnpike Road commencing at the Turn of the Road leading from the Town of *Dundalk* to *Forkhill* on the said Road from *Dundalk* to *Bannbridge*, and terminating at the South Side of the Bridge which crosses the *Newry* Canal at *Bridge Street* in the Town of *Newry*.

Trustees named.

V. And be it enacted, That all Her Majesty's Justices of the Peace for the Counties of *Louth*, *Armagh*, and *Down* for the Time being, together with *Hunt Walshe Chambre*, *Elias Thackeray*, *William Needham Thompson*, *Smithson Corry*, *James Wolfe M'Neale*, *John Woolsey*, *James Campbell*, *Faithful Fortescue*, *Charles Atkinson*, *Robert Hamilton*, *Roger Hall*, *Powell Foxall*, *Joseph Wright*, *Hugh Moore*, *John M'Clintock*, *George M'Gusty*, *Hugh O'Callaghan*, *Arthur A. Bernard*,

Bernard, James Moore, William Henry Quinn, Richard Benison, James Tipping, Henry Stewart, John Foxall, James Eastwood, Michael Chester, Thomas Magrath, Robert Henry, Charles M. Seymour, Richard De Verdon, John Ellis, Donald M'Neale, John James Bigger, Thomas Fortescue, Denis Caulfield Brady, Dennis Maguire, Patrick M'Farlane, Charles Jennings, Patrick Wynne, Thomas Coleman, James M'Allester, and their Successors, being duly qualified, and having taken and subscribed the Declaration herein-after mentioned, shall be appointed the Trustees for carrying this Act into execution.

For appointing new Trustees on Vacancies.

VI. And be it enacted, That if any of the Trustees (save and except the Justices of the Peace) shall die, become disqualified to act, or refuse to act, it shall be lawful for the remaining Trustees from Time to Time to elect another Trustee in his Place; provided that Notice of the Time and Place of meeting of the Trustees for every such Election be given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Toll Gates on the said Road, and by inserting such Notice in One or more of the Newspapers in which Advertisements are herein-before directed to be published, Fourteen Days at least before every such Meeting.

Qualification of Trustees.

VII. And be it further enacted, That no Person, excepting the Justices of the Peace for the Counties of *Louth*, *Armagh*, and *Down*, shall be capable of becoming and acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands situate in the Counties of *Louth*, *Armagh*, and *Down*, or one of them, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be the Son of a Peer, or Heir Apparent of a Person possessed of Lands in said Counties, or one of them, of the clear yearly Value of Two hundred Pounds above Reprizes, or shall be possessed of a Personal Estate of Two thousand Pounds Sterling, over and above all Debts and Demands against him, and (except in administering the Declaration herein-after mentioned) until he shall have made, before any Two of the Trustees, a Declaration to the Effect following:

Declaration of Qualification.

'I do solemnly declare, That I am, in my own Right [*or* in the Right of my Wife], in the actual Possession and Enjoyment of [*or* in the Receipt of the Rents and Profits issuing out of] Lands of the clear yearly Value of One hundred Pounds above Reprizes, [*or* am a Son of the Right Honourable *or* am the Heir Apparent of who to the best of my Knowledge is seised of Lands of the clear yearly Value of Two hundred Pounds above Reprizes,] or that I am possessed of a Personal Estate of Two thousand Pounds Sterling beyond what will satisfy all Debts and Demands against me.'

Declaration to be entered in a Book to be kept for that Purpose.

VIII. And be it enacted, That a Book or Roll shall be kept by the Clerk for the Time being to the said Trustees, in which the said Declaration shall be entered, and signed by the Person making the same and by the Trustees by whom the same shall be administered, and

and an Entry thereof shall be made in the Minutes of the Proceedings of the said Trustees; and such Entry shall be sufficient Evidence in any Court of Justice of such Trustee having duly made such Declaration.

False Declaration a Misdemeanor.

IX. And be it enacted, That any Person who shall wilfully or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be guilty of a Misdemeanor.

Declaration to be taken at First Meeting.

X. And be it enacted, That at the Meeting of the Trustees at which any Person shall first attend as One of such Trustees, such Person shall make and subscribe the Declaration herein required, and it shall be lawful for any Persons attending as Trustees, whether they shall themselves have made such Declaration or not, to administer such Declaration.

Trustees not to act where interested or while keeping a Victualling House.

XI. Provided also, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act in any Case where he shall be personally interested (except as herein-after provided), nor during the Time he shall keep a Victualling House or other House of public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail, or who shall be a Lessee or Farmer of the Tolls on the said Road or of any Part thereof.

Trustees not to hold Places of Profit or be concerned in Contracts.

XII. And be it enacted, That no Trustee shall hold any Office or Place of Profit under this Act, or be concerned in any Contract, or participate in any Work to be done or in any Profit or Payment to be made, under the Authority of this Act; and every such Contract so made by a Trustee shall be void.

Penalty on Trustees, not being qualified, acting.

XIII. And be it enacted, That if any Person shall act as a Trustee, being incapacitated to act, or not being duly qualified, or before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified, he shall for every such Offence forfeit the Sum of One hundred Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Dublin*, by any Person who shall sue for the same, by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, and had made and subscribed the Declaration aforesaid, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Trustee in the Execution of this Act; nevertheless all Acts and Proceedings of any Person acting as a Trustee, being incapacitated, not being duly qualified, or being disqualified, done previous to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

Trustees absenting themselves without

XIV. And be it enacted, That if any Person now nominated or who shall be hereafter elected a Trustee for the Purposes of this Act shall continue to absent himself from the Meetings of the said Trus-

tees for the Space of Six Calendar Months, without the Leave of the said Trustees first for that Purpose obtained and entered upon their Minutes, such Person shall from and after the Expiration of the said Six Calendar Months be deemed and considered as having declined to act, and another Person may be elected, pursuant to the Directions of this Act, in the Room of the Person so absenting himself: Provided always, that if it shall appear to the said Trustees that such Person was prevented from attending the said Meetings by Sickness or other unavoidable Necessity, no Vacancy shall be deemed to have arisen.

Leave of the Board for Six Months, to be considered as having resigned.

XV. And be it enacted, That a Person shall not be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Trustee.

Trustee not incapable of acting as a Justice.

XVI. And be it further enacted, That the Trustees for executing this Act shall hold their First General Meeting at *Flurrybridge* in the County of *Louth*, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act into execution; and a General Meeting of the said Trustees shall be held in the Month of *October* in every Year, at the Place and between the Hours aforesaid, unless some other Place shall be appointed by the said Trustees; and it shall be lawful for the Trustees present at such First or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place near the said Road; and if at any such Meeting there shall not be Three Trustees present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Trustees present, or any One Trustee, if only One be present, to adjourn such Meeting to another Day, and if the Meeting shall not be adjourned, then it shall be lawful for any Two of the Trustees or the Clerk to appoint a Meeting to be held at any convenient Place near the said Road, and not less than Seven Days Notice shall be given of such intended Meeting.

First and other Meetings.

XVII. And be it enacted, That it shall be lawful for the said Trustees to hold Special Meetings, and any Three or more of the Trustees may require a Special Meeting to be held, but no such Meeting shall be held unless Seven Days Notice thereof shall be given.

Special Meetings.

XVIII. And be it enacted, That all the Powers of this Act may be exercised by any Three or more of the Trustees present at any Meeting holden in pursuance of this Act; and no Business shall be transacted at any Meeting of the Trustees unless Three or more Trustees shall be present at such Meeting.

Quorum of Trustees.

XIX. And be it enacted, That all Notices of any Meetings to be held under the Authority of this Act shall be in Writing, and shall be delivered or sent by the Post to the usual Place of Abode of each of the Trustees Ten Days at least previous to such Meeting; and every Notice shall specify the Time and Place of Meeting, and in case of a Special Meeting shall specify the Object thereof, and shall be advertised in One or more Newspapers circulated in the Counties

How Notices of Meetings are to be given.

of *Louth*, *Armagh*, and *Down* at least Ten Days previous to such Special Meeting; and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

Notices by Advertisements.

XX. And be it enacted, That all Notices required by this Act to be given by Advertisement in a Newspaper shall be advertised in some Newspaper circulating in the Counties of *Louth*, *Down*, and *Armagh*.

Expences at Meetings.

XXI. And be it enacted, That at all Meetings of the Trustees they shall defray their own Expences, except for the Use of the Room in which the Meeting is held.

General Meetings may appoint Committees.

Duration of Committees.

XXII. And be it enacted, That it shall be lawful for the Trustees at any General Meeting to appoint a Committee of not more than Five of the Trustees for carrying into effect any of the Provisions of this Act, and at any General Meeting to continue, alter, or discontinue such Committee; but no such Committee shall be appointed to act for a longer Term than until the annual General Meeting of the Trustees next following its Appointment.

Quorum of Committees.

XXIII. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee be present.

Order of Business at Meetings of Trustees and Committees.

XXIV. And be it enacted, That at every Meeting of the Trustees or Committee One of the Trustees present shall be elected Chairman by the Majority of the Votes of the Trustees present at such Meeting, and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present, and if there be an equal Division of Votes, the Chairman, in addition to his own Vote, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, then One of the Trustees having equal Numbers of Votes, whose Name would stand first if the Names of the Trustees present were alphabetically arranged, shall be Chairman of such Meeting.

No Resolution of Trustees to be revoked at a subsequent Meeting, unless under certain Circumstances.

XXV. And be it enacted, That no Resolution or other Act of any Meeting of the Trustees shall be revoked or altered at any subsequent Meeting unless such subsequent Meeting be called expressly for such Alteration or Revocation, by Notice given Twenty-one Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Three Fourths of the Trustees present at such subsequent Meeting, nor unless the Number of the Trustees present at such subsequent Meeting be greater than the Number present when such Resolution was made or such Act was done.

The Property of Toll Houses, &c. vested in Trustees.

XXVI. And be it enacted, That the Toll Gates, Toll Houses, and other Erections, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Milestones, Posts, Rails, Fences, and other Things erected and provided for making the said Road, with the several Conveniences and Appurtenances thereunto respectively belonging, and all Materials, Tools,

Tools, and Implements which shall be provided for repairing the said Road, and the Scrapings of the said Road, shall be the Property of and are hereby vested in the Trustees, and the Trustees shall have full Power to sell and dispose of, for the Purposes of this Act, any of the said Articles and Things as they shall think proper.

Power to erect Gates, Toll Houses, &c.

XXVII. And be it enacted, That it shall be lawful for the said Trustees from Time to Time to cause to be set up or built, in or across the said Road or on the Sides thereof, any Toll Gate, Bar, or Chain, in addition to those already erected on the said Road, and also to build, purchase, or provide such Toll Houses, with Outhouses and Conveniences suitable thereto, and Garden or Ground for the same respectively not exceeding One Eighth Part of a Statute Acre for each, as they shall think necessary, and from Time to Time remove or alter or discontinue the same, or any of them, as the said Trustees shall think proper.

Power to take Tolls.

XXVIII. And be it enacted, That it shall be lawful for the Trustees to demand and take any Tolls, not exceeding the Tolls mentioned in the Schedule hereunto annexed, as they the said Trustees shall from Time to Time appoint, at the several and respective Toll Gates, Side Bars, or Chains standing or being on, across, or on the Side of the said Road, on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

Exemptions from Tolls.

XXIX. And be it further enacted, That no Toll shall be demanded or taken by virtue of this Act on the said Road for any Horse or Carriage attending Her Majesty or any of the Royal Family, or returning therefrom; or for any Carriage employed in carrying, or going empty to carry, or returning empty from carrying, having been employed only in carrying, on the same Day, any Material for making or repairing the said Road, or for building, rebuilding, or repairing any Bridge or Toll House on the said Road; or from the Surveyor of the said Road when engaged in executing or proceeding to execute the Powers of this Act; or for any Horse or other Beast employed in Husbandry, going to or returning from Plough or Harrow or Pasture, such Horse or other Beast going or returning on these Occasions not more than Two Miles on the said Road; or from any Person going to or returning from any Place of Public Worship on *Sundays*, *Christmas Day*, and *Good Friday*; or for the Horse of any Officer or Soldier in Her Majesty's Service on their March or on Duty; or for any Horse or other Beast, or any Cart, Carriage, or Waggon employed in carrying, or returning empty from carrying, having been employed only in carrying, any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Cart, or other Carriage whatsoever, or the Horse or other Cattle drawing the same, employed in conveying any Ordnance or Barrack or Commissariat or other public Stores of or belonging to Her Majesty, or for the Use of Her Majesty's Forces, or returning empty from having been so employed; or for any Carriage containing Volunteer Infantry, or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going

going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other public Duty, provided such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption.

Penalty not exceeding 5*l.* on fraudulently taking the Benefit of Exemption.

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

Collectors to give Tickets denoting Payment.

XXXI. And be it further enacted, That upon Payment of the said Tolls the Collector thereof shall deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment.

Contents of Tickets.

XXXII. And be it enacted, That every such Note or Ticket shall be provided by the said Trustees, and shall specify the Names of the Gates (if any) which shall be freed by such Payment.

Horses, &c. travelling for Hire to pay each Time of passing.

XXXIII. Provided nevertheless, and be it further enacted, That such Toll as is hereby imposed shall be payable for and in respect of all Horses and 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 the Tolls hereby made payable shall be paid for and in respect of Horses and Beasts drawing any Coach, Jaunting Car, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, for every Time of passing or repassing along the said Road.

Trustees may reduce Tolls, and afterwards advance them.

XXXIV. And be it enacted, That the Trustees shall not reduce or advance the Tolls from Time to Time to be taken by virtue of this Act, except at a Meeting to be held for that Purpose, (of which One Calendar Month's Notice shall be given in Writing, to be affixed on all the Turnpike Gates which shall be then erected upon the said Road, and in some public Newspaper published and circulated in the said Counties of *Louth*, *Armagh*, and *Down*,) nor shall the same be reduced beyond the Amount collected at the several Gates on the said Road at the Period of the passing of this Act, without the Consent of Two Thirds of the Persons entitled to the Money remaining due upon the Security of the said Tolls.

No Composition for Tolls.

XXXV. And be it enacted, That it shall not be lawful for the said Trustees to make any Composition in lieu of the Payment of any of the Tolls made payable by this Act.

Dispute as to Amount of Tolls chargeable.

XXXVI. And be it enacted, That if any Dispute arise concerning the Amount of the Tolls due to the Trustees, or concerning the Charges occasioned by any Distress levied with reference thereto, the Collector or Person distraining may detain the Goods distrained, or (if the Case so require) the Proceeds of the Sale thereof, until the

Amount of the Tolls due, or until such Tolls and the Amount of the Costs of such Distress, have been ascertained by some Justice; and upon Application made to any such Justice for that Purpose he shall examine the Matter upon Oath of the Parties or Witnesses, and determine the Amount of the Tolls due, and also the Amount of the Costs; and it shall be lawful for such Justice to award such Costs to be paid by either of the Parties to the other of them as he shall think reasonable; and if on Demand thereof such Costs be not paid by the Party ordered to pay the same they shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Penalty not exceeding 5*l.* for evading Tolls.

XXXVII. And be it enacted, That every Person who for the Purpose of evading Payment of Tolls shall commit any of the following Offences shall be liable to a Penalty not exceeding Five Pounds for every such Offence:

Every Person with any Carriage or Animal liable to the Payment of Toll who shall pass from the said Road into any Land near thereto:

Every Person or Occupier of such Land who shall knowingly permit any such Person as aforesaid to pass into such Land:

Every Person who shall forge any Note or Ticket denoted to be given, or utter any such Note or Ticket knowing the same to be forged:

Every Person who shall give to any Person any Note or Ticket, or receive such Note or Ticket from any other Person than a Collector of such Tolls:

Every Person who shall fraudulently or forcibly pass through any Toll Gate with any such Carriage or Animal, or shall leave the same upon the Road, or shall take off or cause to be taken off any such Animal from any Carriage:

Every Person who shall do any other Act whatever in order or with Intent to evade the Payment of the Tolls, and whereby the same shall be evaded.

Lists of Tolls to be exhibited on a Board.

XXXVIII. And be it enacted, That a List of all the Tolls authorized by this Act to be taken, and which shall be exacted by the Trustees, shall be published by the same being painted upon One Toll Board or more in distinct Black Letters on a White Ground, or White Letters on a Black Ground, and by such Board being exhibited in some conspicuous Place on the Toll Gates or Toll Houses or Places where such Tolls shall be payable.

Tolls to be taken only whilst Toll Board exhibited and Milestones set up.

XXXIX. And be it enacted, That no Tolls shall be demanded or taken by the Trustees during any Time at which the Boards herein-before directed to be exhibited shall not be so exhibited, or at which the Milestones herein-before directed to be set up and maintained shall not be so set up and maintained; and if any Person shall wilfully pull down, deface, or destroy any such Board or Milestone he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Regulations as to Toll Collectors.

XL. And with respect to the Collectors of such Tolls, be it enacted, That every such Toll Collector shall place in the Front or on some other

other conspicuous Part of the Toll House or other Building where he shall be on Duty his Christian and Surname in legible Characters; and each of the Letters of such Names shall be at least Two Inches in Height, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and he shall continue the same so placed during the whole Time he is upon Duty.

Penalties on Toll Collector.

XLI. And be it enacted, That every such Collector who shall commit any of the following Offences shall forfeit a Sum not exceeding Ten Pounds for each such Offence; (that is to say,)

If he do not place such Board and keep the same in its Place during the whole Time he is on Duty:

If he either refuse to permit any Person to read, or in any way hinder any Person from reading, the Inscription on such Board:

If he refuse to tell his Christian Name and Surname to any Person demanding the same who shall have paid or tendered the Tolls demanded of him, or if he give a false Name to any such Person:

If he demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, and of the Orders of the Trustees made in pursuance thereof:

If, upon the legal Toll being paid or tendered, he do unnecessarily detain or wilfully hinder any Carriage or any Person from passing upon the said Road:

If he make use of any scurrilous or abusive Language to any Passenger upon or to any Person lawfully using the said Road.

Toll Collectors to be liable for wrongful Detention of Goods.

XLII. And be it enacted, That if at any Time it be made to appear to any Justice, upon the Complaint of the Trustees, that any such Detention, weighing, or measuring of any Carriage or Goods as herein-before mentioned was without reasonable Ground, or that it was vexatious on the Part of such Collector, then the Collector shall himself pay the Costs of such Detention and measuring, and the Damage occasioned thereby, and in default of immediate Payment of any such Costs or Damage the same may be recovered by Distress of the Goods of such Collector, and such Justice shall issue his Warrant accordingly.

Delivery of Matters in Possession or Custody of Toll Collector at Removal.

XLIII. And be it enacted, That if any such Collector of Tolls be discharged or suspended from his Office, or die, abscond, or absent himself, and if such Collector so discharged or suspended, or the Wife, Widow, or any of the Family or Representatives of any such Collector so discharged or suspended, or who shall have died, absconded, or absented himself, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the Trustees, or to any Person appointed by them for that Purpose, any Toll House, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the Trustees in the Possession or Custody of any such Collector at the Occurrence of any such Event as aforesaid, in right of his Appointment as Toll Collector, then, upon Application being made by the Trustees to any Justice, it shall be lawful for such Justice

to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the Trustees or any Person appointed by them for that Purpose.

Collectors may stop and measure the Wheels of Carriages.

XLIV. And be it further enacted, That it shall be lawful for every Collector, at any Pay Gate on the said Road or on the Side thereof, to detain any Waggon, Cart, or other Carriage the Toll in respect of which shall be payable according to the Breadth of the Sole or Shoeing of the Wheels, and to measure the same; and if any Person shall not permit such Collector to detain or measure the Shoeing of any Wheel of any such Waggon, Cart, or other Carriage, he shall forfeit any Sum not exceeding Twenty Shillings for every such Offence.

Power given to erect Weigh-houses.

XLV. And be it further enacted, That it shall be lawful for the Trustees to cause to be erected, on any Part of the said Road near to any Toll Gate thereon, such Weigh-houses, with the necessary Apparatus for weighing all Waggons, Carts, and other Carriages, with their Lading.

Power to lease the Tolls.

XLVI. And be it enacted, That it shall be lawful for the Trustees, from Time to Time, by Lease to take effect in Possession within Three Months from the letting thereof, to let such Tolls or any Part thereof, upon the Whole or any Part of the said Road, to any Party, for any Period not exceeding Two Years from the Commencement of any such Lease: Provided always, that no such letting shall take place unless public Notice of the Intention to let the Tolls, or the Part thereof intended to be let, shall have been given by the Trustees by Advertisement at least Fourteen Days prior to the Meeting of the Trustees at which it shall be intended to let the Tolls, which Advertisement shall be published in some Newspaper circulated in the Counties of *Louth*, *Armagh*, and *Down*, and in any One *Dublin* and any One *Belfast* Newspaper.

Tolls to be put up at the Sum produced the preceding Year.

XLVII. And be it enacted, That every such Notice shall specify the Sum which the said Tolls produced in the preceding Year, clear of the Salary for collecting the same in case any hired Collector was appointed, and that such Tolls will be put up to be let at such Sum, and will be let to the best Bidder, on his producing sufficient Sureties for Payment of the Money, monthly or otherwise (as in such Notice shall be specified).

Mode of receiving Biddings.

XLVIII. And be it enacted, That every Auction for the letting of the Tolls shall be conducted in the following Manner; that is to say, the Trustees are hereby required to provide a Glass with so much Sand in it as will run from one End of it to the other in One Minute, which Glass at the Time of letting such Tolls shall be set upon a Table, and immediately after every Bidding the Glass shall be turned, and as soon as the Sand is run out it shall be turned again, and so for Three Times, unless some other Bidding intervenes, and if no Person

Person shall bid until the Sand shall have run through the Glass Three Times the last Bidder shall be the Farmer of the said Tolls.

Agreement for a Lease of the Tolls.

XLIX. And be it enacted, That such Farmer shall forthwith enter into a proper Agreement, duly stamped, for the taking thereof, and paying the Money at the Times specified in such Notice, with such Surety or Sureties for Payment thereof, and under such Conditions and in such Manner, as the said Trustees shall think fit; and every such Agreement shall contain a Clause enabling the said Trustees, in every Case where the Terms of such Agreement shall not be fulfilled, or where the Rent or Sum of Money to be paid at the Commencement of any One Month shall not be paid at the Time when the same shall become due, but shall remain unpaid for Three Days after the same shall become due, if they shall think fit, to declare the said Agreement void, and to re-enter and take possession of any Toll Gate, Bar, or Toll House, and the Tolls there collected, and to re-let the same in manner herein-before directed, or to appoint a Collector or other fit and proper Person to collect and receive the same, and to put out and remove the Person or Persons so failing in their Agreement; and if the Person being the last Bidder shall not forthwith enter into such Agreement, it shall and may be lawful to put up the said Tolls again immediately for another Bidder, and in like Manner to continue putting up the same until a Bidder shall be found who shall enter into such Agreement.

If Tolls be not let at such Auction, a private Tender may be accepted.

L. And be it enacted, That in case no Bidder shall offer, or in case the same shall not be let at such Auction, it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of the said Tolls, at any Sum not less than the Sum at or for which they shall have been last let; or the said Trustees may appoint a Collector of such Tolls, or fix some future Day for the letting thereof, as they shall judge most proper, upon giving such Notice thereof as aforesaid, and shall and may in that Case put them up at such Sum as they shall think fit.

Penalty on Farmer or Renter taking more or less than the authorized Toll, 5*l.*

LI. And be it enacted, That if the Person or Persons who shall be the Farmer or Renter, or Collector or Collectors of such Tolls, shall take a greater or less Toll from any Person or Persons than what is authorized or directed by this Act, he or they shall for every such Offence forfeit the Sum of Five Pounds, and the said Agreement for renting the Tolls shall, if the said Trustees shall think fit to vacate the same, become and be null and void: Provided always, that at all such Lettings the said Trustees shall be entitled to bid for the Tolls so to be let, either by themselves or their Clerk or Treasurer, or any other Person by them respectively authorized: Provided also, that no such Tolls shall be demised or leased for any longer Term than Two Years at any One Time.

Limiting Leases to Two Years.

Lessees to be deemed Collectors.

LII. And be it enacted, That during the Continuance of any such Lease the respective Lessees named therein, and also all Persons appointed by them to collect the Tolls so let, shall be deemed Collectors

lectors of the Tolls so let, and they shall have the same Powers to collect and recover such Tolls, and be subject to the same Rules, Duties, and Penalties in reference thereto, as if they had been appointed for that Purpose by the Trustees.

Application of Tolls and Money borrowed.

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

Trustees to appoint Treasurer and other Officers.

LIV. And be it enacted, That the said Trustees shall from Time to Time appoint a Treasurer and Clerk, Collector, and such other Officers as they shall think fit, with such Salaries and Allowances as they think reasonable, and may remove such Treasurer, Clerk, Collector, or other Officers, and appoint others in their Stead.

Offices of Clerk and Treasurer to be separate.

Penalty.

LV. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall be Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds, and shall be disqualified from holding any Office under or being in any Manner employed by the said Trustees; (that is to say,)

If any Person accept both the Office of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Clerk, or act as a Deputy of such Clerk, or in any Manner officiate for such Clerk:

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Trustees other than that of Clerk or Treasurer:

And any Person may sue for such Penalty, either by Action of Debt

or on the Case, in any of Her Majesty's Superior Courts of Record at *Dublin*, and shall, on Recovery thereof, be entitled to full Costs of Suit.

Officer taking Fees to lose his Office.

LVI. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer employed by the Trustees exact, take, or accept, on account of any thing done by virtue of his Office, or in relation to the Functions of the Trustees, any Fee or Reward whatsoever other than the Salaries, Rewards, or Allowances allowed by the Trustees, or be in anywise concerned or interested in any Bargain or Contract made by the Trustees, he shall be incapable of being afterwards employed by the Trustees, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Penalty.

Trustees to take Security from all Officers intrusted with Money.

LVII. And be it enacted, That the Trustees shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Trustees shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing, from Time to Time when required by the Trustees so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to account.

LVIII. And be it enacted, That every Officer appointed or employed by the Trustees by virtue of this Act shall from Time to Time, when required by the Trustees, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Trustees; and such Account shall state how, and to whom, and for what Purpose such Monies have been so disposed of, and together with such Account such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Trustees, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy against Officers failing to account.

LIX. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Trustees, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Trustees, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him, or if such Officer cannot be found, then in his Absence such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the

Balance owing by such Officer; and if it appear, either upon the Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Trustees are in the Hands of such Officer, or owing by him to the Trustees, such Justice may order such Officer to pay the same forthwith; and if he shall fail to pay the Amount, it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for any Time not exceeding Three Calendar Months; and in any of the following Cases, (that is to say,)

If such Officer do not appear before such Justice at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act, or belonging to the Trustees, in his Possession or Power;

such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts (if any) relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Commitment not to discharge Sureties.

LX. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Trustees of any Remedy which they might otherwise have against any Surety of such Officer.

Orders and Proceedings to be entered in Books, which shall be open for Inspection.

Books to be Evidence.

LXI. And be it enacted, That all Orders and Proceedings of the Trustees of the said Road, together with the Names of the Trustees present at every Meeting, shall be entered in Books to be kept by the Clerk to the said Trustees for that Purpose, and be signed by the Chairman of the Meeting at which such Orders or Proceedings shall be made or had; and such Books shall be open at all seasonable Times to the Inspection of any of the Trustees, without Fee or Reward; and such Orders and Proceedings, so entered, and signed by the Chairman of such Meeting as aforesaid, shall be deemed to be original Orders and Proceedings; and all Entries in such Books respectively shall be read in Evidence in all Courts of Justice whatever, in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever.

Books of Accounts to be kept, and to be open to Inspection.

LXII. And be it enacted, That the Trustees shall cause a Book to be kept by their Clerk, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and

and such Books shall at all seasonable Times be open to the Inspection of the Trustees and of every Creditor on the Tolls by this Act authorized to be levied or taken, without any Fee being demanded for such Inspection; and it shall be lawful for any of the Trustees and Creditors aforesaid, at seasonable Times, to take Copies of or Extracts from the said Book, without paying any thing for the same; and if, on Request for that Purpose, the Clerk shall fail to permit any of the Trustees or Creditors aforesaid to inspect such Book, or to take Copies or Extracts as aforesaid, such Clerk shall for every such Default forfeit a Sum not exceeding Five Pounds.

Accounts to be audited annually.

LXIII. And be it enacted, That the said Trustees shall, within Fourteen Days after the First Day of *August* in every Year, make out or cause to be made out and rendered to the Auditor, to be appointed as herein-after mentioned, a clear and distinct Account of their Receipts, Payments, and Expenditure under the Authority of this Act for the preceding Year, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; which Account, and the Vouchers relating thereto, the said Auditor is hereby empowered to examine; and the said Auditor shall audit the said Accounts, and report the same, with any Remarks he may have to make thereon, to the next annual Meeting of the said Trustees to be held in the Month of *October* thereafter; and when approved of by the Majority of the Trustees present at such Meeting, the said Account shall be signed by the Chairman of the said Meeting.

Annual Account to be transmitted to the Clerk of the Peace.

LXIV. And be it enacted, That the Trustees shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the First Day of *August* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Auditor to be appointed as herein-after mentioned, and shall transmit a Copy of the said Account, free of Charge, to the Clerks of the Peace for the Counties of *Louth*, *Armagh*, and *Down* on or before the First Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Trustees shall omit to prepare and transmit such Accounts as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

An Auditor to be appointed.

LXV. And be it enacted, That the said Trustees shall, some Time during the Month of *August* in the Year One thousand eight hundred and forty-three, and some Time during the said Month of *August* in every Year thereafter, appoint a proper Person, well skilled in Accounts (and not being One of the Trustees, nor any Person holding Office under them), to audit and docket the Accounts of the said Trustees as before mentioned; and the said Trustees shall pay to such Auditor for his Trouble in making each such Audit a Sum not exceeding Ten Guineas.

LXVI. And

Statements to be printed, and sent to Trustees.

LXVI. And be it further enacted, That the said Trustees shall, immediately after such Accounts and Statements shall have been examined, audited, and signed, cause a sufficient Number of such Statements to be printed, and One of such Statements to be transmitted to each acting Trustee.

Treasurer to pay into Bank all Monies over 20*l.* in his Hands; to be drawn out by Trustees at Meeting, and entered on Proceedings.

LXVII. And be it further enacted, That the Treasurerto the said Trustees shall from Time to Time pay to their Credit, into such Bank as the Trustees shall appoint, every Sum of Money exceeding Twenty Pounds Sterling which shall be at any Time in his Hands as Treasurer; and that no Sum of Money which shall be deposited in any such Bank as aforesaid to the Credit of the Trustees shall be drawn out therefrom, except upon Orders for the Purpose to be made at a Meeting of the said Trustees, and signed by the Chairman of such Meeting and One other of the Trustees then present, and countersigned by the said Treasurer; and a Copy of all such Orders shall be entered in the Book of their Proceedings.

Power to get Materials.

LXVIII. And be it further enacted, That it shall be lawful for the Surveyor to the Trustees, and such Persons as he shall appoint, to search for, dig, and carry away any Materials for making or repairing the said Road,

Out of any Waste Lands, River, or Brook, (not being within Fifty Yards of any Bridge, Dam, Weir, or Jetty,) the said Surveyor or other Person filling up the Pits, or levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits so that the same shall not be dangerous to any Person or Cattle, and paying or tendering for the Damage done by going through any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as herein-after mentioned;

And also in or out of the Land of any Person where the same may be found, in any Parish or Place in which any Part of the said Road shall be, or in any adjoining Parish or Place, (not being a Garden, Yard, Park, Paddock, planted Walk, or Avenue to any House, or Piece of Ground planted and set apart as a Nursery for Trees,) making or tendering such Satisfaction for such Materials, and for the Damage done, to the Owners or Occupiers of the Lands where the same shall be dug and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable;

And also to land on and carry through or over any inclosed Lands or Grounds (not being a Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees,) any Stone or other Materials for making or repairing the said Road, or for building or repairing any Toll House on or by the Sides thereof, from any River, Stream, or Canal in any Parish, Townland, or Place in which the said Road lies, or in any adjoining Parish, Townland, or Place, paying or tendering for the Damage done in landing on or going through or over any inclosed Lands or Grounds for or with such Materials such Sum or Sums of Money as the Trustees shall judge reasonable.

Any Difference as to Damages may be settled by Two Justices.

LXIX. And be it enacted, That in case of any Difference between the said Trustees, or their Surveyors or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County, Townland, or Place wherein the Place from whence such Materials shall have been taken shall be situate, sitting at Petty Sessions, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining the same.

Notice to be given before Materials are taken from Lands, and Two Justices to decide thereon.

LXX. Provided always, and be it enacted, That it shall not be lawful for any Person acting under the Authority of this Act to dig, get, or carry away any Materials for making or repairing the said Road, or for other such Purpose as aforesaid, from any inclosed Land, until Notice in Writing, signed by the Surveyor, shall have been given to the Owner and Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting for the County or Place where the Lands from whence such Materials are intended to be taken shall be, sitting at Petty Sessions as aforesaid, to show Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, Lessee, or Occupier shall not attend, pursuant to such Notice, or shall not show sufficient Cause to the contrary, such Justices may authorize such Surveyor or other Person to dig and carry away such Materials at such Time or Times as to such Justices shall seem proper.

If Pits or Holes are made in getting Materials, Surveyor shall cause them to be fenced off.

LXXI. And be it enacted, That if the Surveyor of the said Road, or any Person employed by him, shall, by reason of the searching for or getting any Gravel, Sand, Stone, Clay, or other Materials for repairing the said Road, make or cause to be made any Pit or Hole in any Lands, Rivers, or Brooks as aforesaid, wherein such Materials shall be found, the said Surveyor shall forthwith cause the same to be sufficiently fenced off, and such Fence supported and repaired, during such Time as the said Pit or Hole shall continue open.

Regulations as to Pits or Holes.

LXXII. And be it enacted, That within Three Days after such Pit or Hole shall be opened or made, where no Gravel, Stones, or Materials shall be found, the said Surveyor shall cause the same to be forthwith filled up, levelled, and covered with the Turf or Clod which was dug out of the same; and where any such Materials shall be found, within Fourteen Days after having dug up sufficient Materials in such Pit or Hole, if the same is not likely to be further useful, cause the same to be filled up, sloped down, or fenced off, and so continued, and if the same is likely to be further useful the said Surveyor shall secure the same by Posts and Rails or other Fences, to prevent Accidents to Persons or Cattle.

Penalty for not filling up or fencing off, 20s.

LXXIII. And be it enacted, That in case such Surveyor shall neglect to fill up, slope down, or fence off such Pit or Hole in manner

and within the Time aforesaid, he shall forfeit the Sum of Twenty Shillings for every such Default; and in case such Surveyor shall neglect to fence off such Pit or Hole, or to slope down the same, as hereinbefore directed, for the Space of Six Days after he or they shall have received Notice for either of those Purposes from any Justice of the Peace, or from the Owner, Lessee, or Occupier of such several Ground, River, or Brook, and such Neglect and Notice shall be proved upon Oath before One or more of the said Justices of the Peace, such Surveyor shall forfeit any Sum not exceeding Ten Pounds nor less than Forty Shillings for every such Neglect, to be determined and adjudged by such Justice or Justices sitting at Petty Sessions as aforesaid, and to be laid out and applied in the fencing off, filling up, or sloping down such Pit or Hole in such Manner as the said Justice or Justices shall direct and appoint.

Penalty for not fencing off, &c. in Six Days after receiving Notice, not more than 10*l.* nor less than 40*s.*

LXXIV. Provided always, and be it enacted, That it shall be lawful for the said Trustees to contract and agree with any Person for the Purchase or Demise from him of and to hold any Land or Ground for the Purpose of digging Stones, Gravel, and Materials therefrom for the Repair or Use of the said Road: Provided also, that the Power hereby given to the Trustees to enter into any such Contract or Agreement as last aforesaid shall not extend so as to authorize them to hold any Lands after the Materials therein have become exhausted.

Power to contract for Lands to get Materials.

LXXV. And be it enacted, That if any Person shall take away any Materials which shall have been gotten for the Repair or Use of the said Road, or any Materials out of any Quarry which shall have been made or opened for the Purpose of getting Materials for the said Road, before the Surveyor of said Road, and the Workmen employed for getting such Materials, shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Grounds, and Persons authorized by such Owner or Occupier to get Materials in such Quarry for his own private Use, and not for Sale), every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty on taking away Materials before Surveyor has discontinued working.

LXXVI. And be it enacted, That it shall be lawful for the said Trustees to purchase or rent any Piece or Pieces of Land or Ground, not exceeding in any One Place Six Yards square, on the Sides of the said Road, as Repositories for Stone, Gravel, and other Materials for making or repairing the same.

Repositories for Materials to be provided.

LXXVII. And be it enacted, That it shall be lawful for any Two of the Trustees of the said Road, upon the Death of any Collector, to appoint some other fit Person in his Place until the next Meeting of the Trustees of the said Road, and the Person so appointed shall have the like Power and Authority, and be accountable in the same Manner in all respects, as the Person so dying had or would have been if living.

On Death of Collector, Trustees may nominate another till next Meeting.

LXXVIII. And be it enacted, That no Collector or Person renting such Toll House as aforesaid, and no Apprentice or Servant of any such

No Person to gain a Settlement by

renting Tolls or Residence in Toll Houses.

such Collector or Person, shall thereby gain a Settlement in any Parish or Place whatsoever; and that no Tolls or Toll House shall be rated towards the Payment of any Poor Rate or any other public or parochial Tax.

Trustees may enter into Contracts for making, repairing, &c.

LXXIX. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting whereof Fourteen Days Notice, expressing the Purpose for holding the same, shall be given, in like Manner as herein-before directed, to enter into any Contract with any Person for any Purpose relating to the Execution of this Act, for any Term not exceeding Three Years from the Commencement thereof; all which Contracts shall be in Writing, duly stamped, and signed by the Chairman at any Meeting of the Trustees, and also by the Person contracting; and all Contracts which shall be signed as aforesaid shall be binding on the said Trustees and all other Parties thereto, their respective Heirs, Successors, Executors, and Administrators; and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the said Trustees or any of the other Parties failing in the Execution thereof.

Contracts for Works.

LXXX. And be it enacted, That all Contracts made with the Trustees shall specify the Work to be done, the Quality of the Materials to be used, the Prices to be paid, the Term within which the Contract is to be performed, and the Penalties for Nonperformance thereof, or such other Things as the Trustees think proper, and the Trustees may take such Security for the Performance of such Contract as to them shall seem necessary; nevertheless the Trustees lawfully may from Time to Time, as they think fit, compound with any Person, on account of any Breach or Nonperformance of any such Contract, for any Sum of Money which they think fit, or they may remit any Penalties on account thereof.

Mode and Conditions of paying Contractors.

LXXXI. And be it enacted, That no Money shall be paid nor any Order made on account of any such Contract, unless the Trustees shall be satisfied, by the Certificate of their Surveyor, that he has lately examined that Portion of Road to which such Order relates, and that the Terms of the Contract have been faithfully observed, and Works done or Materials provided, as the Case may be, pursuant to such Contract.

Power to borrow Money.

LXXXII. And be it enacted, That it shall be lawful for the Trustees to borrow, on Mortgage or Bond, such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the said Trustees, and, for securing the Repayment of the Money so borrowed, to mortgage the Tolls on said Road or give Bonds in manner herein-after mentioned.

Reborrowing.

LXXXIII. And be it enacted, That if, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond, the Trustees pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of reborrowing shall not be exercised without the Authority

rity of a General Meeting of the Trustees, unless the Money be so reborrowed in order to pay off any existing Mortgage or Bond.

Mortgages and Bonds.

LXXXIV. And be it enacted, That every Mortgage and Bond for securing Money borrowed by the Trustees shall be by Deed, under the Hand and Seal of the Chairman of any Meeting of the Trustees, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage Deed or Bond may be according to the Form of the Schedule to this Act annexed, or to the like Effect.

Rights of Mortgagees.

LXXXV. And be it enacted, That the respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls, Sums, and Premises comprised in such Mortgage, according to the respective Sums in which Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced with Interest, without any Preference one above another, or above the Bond Creditors of the Trustees, by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Rights of Obligees.

LXXXVI. And be it enacted, That the respective Obligees in such Bonds shall proportionally, according to the Amount of the Monies secured thereby, be entitled to be paid, out of the Tolls or other Property or Effects of the Trustees, the respective Sums in such Bonds mentioned and thereby intended to be secured, without any Preference one above another, or above the Mortgagees of the Trustees, by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise however.

Register of Mortgages and Bonds.

LXXXVII. And be it enacted, That a Register of Mortgages and Bonds shall be kept by the Clerk, and, within Fourteen Days after the Date of any such Mortgage or Bond, an Entry or Memorial specifying the Number and Date of such Mortgage or Bond, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Mortgagee or Bond Creditor of the Trustees, or by any Person interested in any such Mortgage or Bond, without Fee or Reward.

Transfers of Mortgages and Bonds.

LXXXVIII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Bond may transfer his Right and Interest therein to any Person, by Writing duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule to this Act annexed, or to the like Effect.

Entry of Transfers of Mortgages and Bonds.

LXXXIX. And be it enacted, That within Thirty Days after the Date of every such Transfer if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Clerk, and thereupon the Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage; and after every such Entry every such Transfer shall entitle the Transferee, his

Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Bond in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured; and for such Entry the Clerk may demand a Sum not exceeding the Amount of Two Shillings and Sixpence.

Payment of Interest on Loans.

XC. And be it enacted, That the Interest of the Money borrowed upon any such Mortgage or Bond shall be payable and paid half-yearly to the several Parties entitled thereto.

Transfers of Interest to be stamped.

XCI. And be it enacted, That the Interest on any such Mortgage or Bond shall not be transferrable except by an Instrument only, duly stamped.

Repayment of Money borrowed at a Time fixed.

XCII. And be it enacted, That the Trustees may, if they think proper, fix a Period for the Repayment of the Principal Money so borrowed, with the Interest thereof, and in such Case the Trustees shall cause such Period to be inserted in the Mortgage Deed or Bond; and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall be paid to the Party entitled to such Mortgage or Bond.

Repayment of Money borrowed when *no* Time fixed.

XCIII. And be it enacted, That if no Time be fixed in the Mortgage Deed or Bond for the Repayment of the Money so borrowed, the Party entitled to the Mortgage or Bond may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage or Bond, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and the Trustees may at all Times pay off the Money borrowed, or any Part thereof, on giving the like Notice; and such Notice, if given by a Mortgagee or Bond Creditor, shall be by Writing delivered to the Clerk, and if by the Trustees shall be by Writing given either personally to such Mortgagee or Bond Creditor, or if such Mortgagee or Bond Creditor be unknown or cannot be found, such Notice shall be given by Advertisement in the *Dublin Gazette* and in some Newspaper, as before mentioned; and at the Expiration of the said Notice, when given by the Trustees, Interest shall cease to be payable on the Money secured by such Mortgage or Bond, unless, on Demand of such Money, the Trustees fail to pay the same pursuant to such Notice.

For enforcing Payment of Arrears.

XCIV. And in order to provide for the Recovery of Arrears of Interest and Costs, or of the Principal and Interest and Costs, of any such Mortgage or Bond, at the respective Times at which such Interest, or Principal and Interest, and Costs, become due, be it enacted, That if such Interest, or any Part thereof, shall for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee or Bond Creditor may either sue for the Interest so in arrear, by Action of Debt in any of the Superior Courts, or he may require the Appointment of a Receiver by an Application to be made as hereinafter provided.

XCV. And

Principal and Interest.

XCV. And with respect to such Principal Money, Interest, and Costs, be it enacted, That if such Principal Money and Interest be not paid within Six Months after the same has become payable, and after Demand thereof in Writing, the Mortgagee or Bond Creditor may sue for the same in any of the Superior Courts of Law or Equity; or if his Debt amount to the Sum One thousand Pounds, he may alone, or if his Debt does not amount to the Sum of One thousand Pounds, he may, in conjunction with other Mortgagees or Bond Creditors whose Debts, being so in arrear after Demand as aforesaid, shall, together with his, amount to the Sum of One thousand Pounds, require the Appointment of a Receiver by an Application to be made as herein-after provided.

Appointment of Receiver.

XCVI. And be it enacted, That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices of the Counties of *Louth*, *Armagh*, and *Down*; and on any such Application so made, and after hearing the Parties, it shall be lawful for such Justices, by Order in Writing, to appoint some Person to receive the Whole or a competent Part of the Tolls or Sums liable to the Payment of such Interest, until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Tolls or Sums aforesaid, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed, and the Money so to be received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received the Power of such Receiver shall cease.

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

XCVII. And be it enacted, That Ditches, Drains, or Water-courses, of a sufficient Depth and Breadth for conveying the Water from the Road into the adjoining Lands, shall be made or diverted, scoured, and kept open, and sufficient Trunks, Tunnels, or Bridges shall be made and laid where any Carriageways or Footways lead out of the said Road into such Lands, by the Owner or Occupier thereof.

In default of the Party liable the Trustees to execute Works and re-cover over.

XCVIII. And whereas many Works, Acts, and Things are required by this Act to be done by the Owners and Occupiers of Houses, Buildings, or Land, and other Persons, for the Improvement of the said Road, and for other Purposes herein mentioned, and it is necessary to provide for the Execution of all such Works, Acts, or Things in case the same shall not be done by the Persons required to do the same; be it enacted, That wherever any such Work, Act, or Thing shall not be done by the Owner or Occupier or other Person required to do the same by the Provisions of this Act, in the Manner or at the Time prescribed by this Act, or by any Notice given by the Trustees for that Purpose in pursuance of this Act, or, if no Time shall be prescribed, within a reasonable Time, it shall be lawful for the Trustees to cause such Work, Act, or Thing to be done; and Expences which shall be incurred by the Trustees in

respect

respect of such Work, Act, or Thing shall be repaid to them by the Owner, Occupier, or other Person by whom the same ought to have been done.

Occupiers to recover against Owners in certain Cases.

XCIX. And be it enacted, That in all Cases where any such Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, (without designating by which of the said Parties the same ought to be done,) and the Occupier of such House, Building, or Land shall be the Tenant of the same at a Rent amounting to or exceeding Three Fourths of the net annual Value thereof, the Expences which shall be incurred by or recovered from the Occupier in respect of such Work, Act, or Thing shall be repaid to such Occupier by the Owner of the House, Building, or Land; and the Owner shall allow such Occupier the Amount of all such Expences out of the Rent from Time to Time becoming due to him, as if the same had been actually paid to him as Part of such Rent.

Adjustment between Owners and Occupiers.

C. And be it enacted, That in all Cases, except as herein-before mentioned, where any Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land (without designating as aforesaid), the Expences which shall be incurred by or be recovered from any such Owner or Occupier in respect of such Work, Act, or Thing shall be divided between the Owner and the Occupier in the Proportion of the Value of their respective Interests in such House, Building, or Land; and in estimating the Value of such Interests the Owner shall be deemed to be entitled to such House, Building, or Land in Fee Simple, subject only to the Term or Interest of the Occupier therein; and if any such Owner or Occupier shall voluntarily or by Compulsion pay more than his Share of the Expences, estimated as aforesaid, of any such Work, Act, or Thing, the Excess shall be repaid to him by the Occupier or Owner, as the Case may be; and if the same be not so paid on Demand, or if the Amount of the same shall be disputed, such Excess shall be ascertained and recovered in the same Manner as any Damages, for the ascertaining and Recovery of which no special Provision is contained in this Act, are directed to be ascertained and recovered; and if such Excess shall be payable by the Owner, he shall allow the same, or so much thereof as shall not be repaid by him to the Occupier, out of the Rent from Time to Time due or becoming due to him, as if the same had been actually paid to him as Part of such Rent.

For removing and preventing Annoyances.

CI. And be it enacted, That it shall be lawful for the Surveyor of the said Road, and he is hereby required, to remove and prevent all Annoyances on every Part of the said Road, by Filth, Ashes, Rubbish, or any other Matter or Thing whatsoever being laid upon the said Road, or upon any Waste Land within Eighty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Road, in case the Owner thereof shall neglect to remove the same within Twelve Hours after Notice in Writing, signed by the said Surveyor, given to such Owner for that Purpose, or in case the Owner is not known, then after a like Notice affixed for Three Days

on the nearest Turnpike Gate, the Charges of removing any such Annoyances (to be settled by any One or more Justices of the Peace sitting at Petty Sessions as aforesaid) shall be reimbursed to the said Surveyor by such Owner.

Owners of adjoining Lands to cut the Hedges and Branches of Trees obstructing the Roads.

CII. And be it enacted, That the Owners or Occcupiers of the Land next adjoining to each Side of the said Road shall cut, prune, and trim their Hedges to the Height of Six Feet from the Surface of the Ground, and also cut down, prune, or lop the Branches of Trees, Bushes, and Shrubs growing in or near such Hedges or other Fences adjacent thereto, such Fences, Trees, Bushes, or Shrubs not being in any Garden, Orchard, Plantation, Walk, or Avenue to a House, nor any Tree, Bush, or Shrub being an Ornament or Shelter to a House, unless the same shall hang over the Road in such a Manner as to impede or damage any Carriage or Person travelling thereon, and that the Sun and Wind may not be excluded from the said Road to the Damage thereof.

Limiting Time for cutting Hedges.

CIII. Provided always, and be it enacted, That no Person shall be compelled, nor any Surveyor permitted, by virtue of this Act, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*.

Persons making certain Encroachments on the Road shall forfeit 2*l*.

CIV. And be it enacted, That every Person who shall be guilty of any of the following Offences shall be liable to a Penalty not exceeding Two Pounds for every such Offence:

Every Person who shall make or cause to be made any Dwelling House or other Building, or any Hedge or other Fence on or at the Sides of the said Road, in such Manner as to reduce the Breadth or confine the Limits thereof:

Every Person who shall fill up or obstruct any Ditch at the Side thereof:

Every Person who shall make any Drain, Gutter, Sink, or Watercourse across or otherwise break up or injure the Surface of the said Road:

Every Person who shall plough, harrow, or break up the Soil of any Land, or in ploughing or harrowing the adjacent Lands shall turn his or their Plough or Harrow upon any Land, in such Manner as to reduce the Breadth or confine the Limits thereof.

Trustees to take down, &c. any such Encroachment, &c.

CV. And be it enacted, That it shall be lawful for the said Trustees to cause any such Dwelling House or other Building, Hedge, or Fence, Drain, Sink, Watercourse, Gutter, or other Encroachment as aforesaid, to be taken down or filled up, opened or cleansed, as the Case may be, at the Expence of the Person or Persons to whom the same shall belong.

Milestones and Direction Posts to be erected.

CVI. And be it enacted, That the said Trustees shall cause Stones or Posts to be set up and maintained along the Sides of the said Road at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, and also such Direction Post at every Road leading out of the said Road, with such Inscriptions thereon denoting to what Place such

Road leads, of such Size, and to be erected in such Situations, as the said Trustees shall think proper, and shall cause to be painted in legible Characters on some Wall or Board at the Entrance of every Town or Village the Name of such Town or Village; and if any Person shall wilfully damage any such Posts, Stones, or Boards, or shall obliterate, spoil, or destroy the same, and be thereof convicted before any Justice of the Peace sitting at Petty Sessions as aforesaid, such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty on Persons committing Nuisances by riding on Footpaths or damaging the Bridges, &c.

CVII. And be it enacted, That every Person who shall commit any of the following Offences shall be liable to a Penalty not exceeding One Pound for every such Offence:

Every Person who shall ride upon any Footpath by the Side of the said Road, or shall lead, ride, or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description, or any Wheelbarrow, Truck, or Sledge, or any single Wheel of any Waggon, Cart, or Carriage, apart therefrom, upon any such Footpath, or cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof:

Every Person who shall wilfully pull down or damage any Bridge, Wall, or any other Building or Erection made by the Trustees, or repairable by them:

Every Person who shall haul or draw upon the said Road any Timber, Stone, or other Thing otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in part upon wheeled Carriages to drag or trail upon the said Road to the Prejudice thereof:

Every Person who shall use any Tipstick, Joggle, or other Instrument for the Purpose of retarding the Descent of any Cart or other Carriage down any Hill, in such Manner as to destroy, injure, or disturb the Surface of the said Road:

Every Person who shall, in or upon the said Road, or by the Side thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle:

Every Person who in driving any Horse or other Beast on the said Road, carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall not place such Bar or Rod, Basket or Pannier, Matter or Thing, so that the same shall not project more than Thirty Inches from the Side of such Horse or other Beast, or so as the same shall not in any Manner obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage, travelling along the said Road:

Every Hawker or other Person travelling with any Machine, Cart, or other Carriage, with or without any Horse, Mule, or Ass, who shall pitch any Tent, Booth, Stall, or Stand, or encamp upon the Sides of the said Road:

Any Blacksmith or other Person using a Forge situate near the said Road, and having a Door, Window, or Aperture fronting the said Road, who shall not within One Half Hour after Sunset every Evening close such Door, or fasten the Shutters of such

Windows, so as effectually to prevent the Light from such Shop shining through such Doorway, Window, or Aperture into or upon the said Road:

Every Person who shall make any Fire commonly called Bonfire, or shall set fire to or wantonly let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, within Eighty Feet of the Centre of the said Road:

Every Person who shall bait, or run for the Purpose of baiting, any Bull, or play at Football, Tennis, Fives, Cricket, or any other Game, upon the said Road, or in an exposed Situation near thereto, to the Annoyance of any Passenger:

Every Person who shall leave any Waggon, Cart, or other Carriage on the said Road longer than may be necessary to load or unload the same, except in Cases of Accident, and in Cases of Accident for a longer Time than may be necessary to remove the same:

Every Person who shall not place any such Waggon or other Carriage during the Time of loading or unloading the same, or of taking Refreshment, as near to one Side of the Road as conveniently may be:

Every Person who shall lay any Timber, Stone, Hay, Straw, Soil, Ashes, Rubbish, or other Matter or Thing, upon said Road, or on the Footpaths adjoining thereto, to the Prejudice of such Road or Footpaths, or to the Annoyance, Interruption, or personal Danger of any Person travelling thereon:

Every Person who shall suffer any Water, Filth, Dirt, or other offensive Matter to flow into or upon the said Road or Footpaths, from any House, Building, or Lands adjacent thereto:

Every Person driving any Swine upon said Road who shall suffer such Swine to root up or damage such Road, or the Fences, Hedges, Banks, or Copse on either Side thereof respectively:

Every Person who, after having blocked or stopped any Cart, Waggon, or other Carriage in going up a Hill or rising Ground, shall suffer to remain on said Road the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped:

Every Person who shall pull down, damage, injure, or destroy any Lamp put up or placed in or near the Side of said Road, or any of the Toll Houses erected thereon, or shall extinguish the Light of any such Lamp.

What shall be deemed the Centre of the Road.

CVIII. And whereas Doubts may arise as to what is to be deemed the Centre of the Road; be it therefore enacted, That where in this Act any Matter or Thing is directed or forbidden to be done within a certain Distance of the Centre of the Road, that Portion of Ground shall be deemed to be the Road which has been maintained by the said Trustees as hard Road, and repaired with Stones or other Materials used in forming Roads, for Six Months immediately preceding any Offence committed against such Regulations, and the Centre of the Road shall be the Middle of such hard Road where, a Line being drawn along the Road or a Point marked, an equal Number of Feet of such hard Road shall be found on each Side of such Line.

CIX. Pro-

No Encroachment to be made on the Waste Lands at the Side of the Road.

CIX. Provided always, That nothing herein contained shall authorize any Person to make any Encroachment on any Waste Lands lying on the Side of the said Road, being Part of the Highway, and over which the Queen's Subjects have been accustomed to pass.

Doors in future to be made to open inwards.

CX. And be it enacted, That all Doors, Gates, and Bars hereafter to be erected, abutting on the said Road, which shall lead to any House, Building, Yard, or Land, shall be constructed so as to open into or towards such House, Building, Yard, or Land; and if any such Door, Gate, or Bar shall be constructed so as to open in any other Manner, it shall be lawful for the Trustees or their Surveyor to alter the same; and the Expences of such Alteration shall be paid to the Trustees by the Person causing such Door, Gate, or Bar to be constructed, and such Person shall in addition be liable to a Penalty not exceeding Forty Shillings.

Doors opening outwards to be altered by Trustees.

CXI. And be it enacted, That if any such Door, Gate, or Bar already erected shall have been so constructed as to open outwards towards or upon the said Road, it shall be lawful for the Trustees to alter the same, so that no Part thereof opening or when open shall project over the said Road.

Directing the Use of Skid Pans or Slippers.

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

No Windmill to be erected within 100 Feet of the Road.

CXIII. And be it enacted, That no Person shall hereafter erect any Windmill within the Distance of One hundred Feet from any Part of the said Road, under the Penalty of Five Pounds for each Day such Windmill shall continue.

For Discovery of Offenders, Names of

CXIV. And for the better Discovery of Offenders, be it enacted, That the Owner of every Waggon, Cart, or other Carriage let either in the whole or in part to Hire shall cause to be painted, in a straight

straight Line, upon some conspicuous Part of such Waggon or Cart, or upon the Shafts thereof, and upon the Panels of the Doors of all Coaches, Post Chaises, or other Carriages, before the same shall be used upon the said Road, his Christian and Surname, and the Place of his Abode, or the Christian and Surname and Place of Abode of the principal Partner or Owner thereof, in large legible Letters not less than an Inch in Height, and continue the same thereupon so long as such Waggon, Cart, Coach, Post Chaise, or other Carriage shall be used upon the said Road; and the Owner of every Common Stage Waggon or Cart employed in travelling Stages from Town to Town shall, over and above his Christian and Surname, cause to be painted, on the Part and in the Manner aforesaid, the following Words, "Common Stage Waggon" (or Cart, as the Case may be); and every Proprietor of any such Waggon, Cart, Coach, Post Chaise, or other Carriage as aforesaid using the same upon the said Road without the Names and Descriptions painted thereon respectively as aforesaid, or who shall paint any false or fictitious Name or Place of Abode on such Waggon, Cart, Coach, Post Chaise, or other Carriage, shall, on being convicted thereof before any Justice of the Peace sitting at Petty Sessions as aforesaid, forfeit and pay for every such Offence any Sum not exceeding Five Shillings.

Owners to be painted on Waggons or other Carriages in the Manner herein mentioned.

CXV. And whereas many Accidents happen and great Mischiefs are frequently done, upon Streets and Highways being Turnpike Roads, by the Negligence or wilful Misbehaviour of Persons driving Carriages thereon; be it therefore enacted, That every Driver of any Waggon, Cart, or Carriage of any Kind who shall commit any of the following Offences shall, in case such Driver be the Owner thereof, be liable to a Penalty not exceeding Five Pounds, and if not the Owner thereof, shall be liable to a Penalty not exceeding Two Pounds:

Penalty on Drivers of Waggons or Carts, &c. for certain Offences.

If he shall ride upon any such Waggon, Cart, or other Carriage on the said Road, not having some other Person on Foot or on Horseback to guide the same (such light Carts as are usually driven with Reins, and are then conducted by some Person holding the Reins of the Horse or Horses, not being more than Two, drawing the same, excepted):

If he shall, by Negligence or wilful Misbehaviour, cause any Hurt or Damage to any Person or Carriage passing or being upon said Road, or shall quit the Road and go on the other Side of the Hedge or Fence enclosing the same, or wilfully be at such Distance from such Carriage, or in such a Situation, whilst it shall be passing upon the said Road, that he cannot have the Direction or Government of the Horses or Cattle drawing the same:

If he shall drive or act as the Driver of any Coach, Post Chaise, or other Carriage let for Hire, or Waggon, Wain, or Cart, not having the Owner's Name painted thereon, or shall refuse to discover the true Christian and Surname of the Owner or principal Owners of such respective Carriage:

If in meeting any other Carriage he shall not keep his Carriage on the Left or near Side of the Road:

If he shall in any Manner wilfully prevent any other Person from passing him, or any Carriage under his Care, upon said Road, or by Negligence or Misbehaviour prevent or interrupt the free Passage of any Carriage or of Her Majesty's Subjects on the said Road.

Trustees may direct Prosecutions for Nuisances.

CXVI. And be it enacted, That it shall be lawful for the said Trustees at a public Meeting to direct Prosecutions, by Indictment or otherwise, against the Offender, for any Nuisance or other Offence done or continued upon the said Road, or to recover any Penalty or Forfeiture incurred under the Provisions of this Act, at the Expence of the Revenues belonging to the said Road, to be allowed by the said Trustees at some subsequent Meeting.

Trustees may sue or be sued in the Name of their Treasurer or Clerk for the Time being.

CXVII. And be it enacted, That it shall be lawful for the said Trustees to sue and be sued for or concerning any thing to be done by virtue or in pursuance of this Act in the Name of their Treasurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees in the Name of their Treasurer or Clerk shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, without the Consent of the said Trustees, but that the Treasurer or Clerk for the Time being to the said Trustees shall be deemed to be the Plaintiff or Defendant (as the Case may be) in every such Action: Provided always, that every such Treasurer or Clerk, in whose Name any such Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully indemnified and paid, out of the Monies to arise by virtue of this Act, all such Costs, Damages, and Expences as by the Event or in consequence of any such Action or Proceedings he shall pay, expend, or be put unto or become chargeable with by reason of his being made Plaintiff or Defendant as aforesaid.

Penalty on Persons employed with Salaries refusing to execute this Act.

CXVIII. And be it enacted, That every Constable or other Person refusing or neglecting to put this Act into execution, and to account for and deliver any Forfeiture or Penalty according to the Directions of this Act, and every Surveyor of the said Road, and every Toll Collector, and all other Persons employed by the said Trustees, and who shall receive Salaries or Rewards, who shall wilfully neglect, for the Space of One Week after the Commission of any Offence, to lay such Information upon Oath before One or more of Her Majesty's Justices of the Peace, as by this Act is directed, shall, upon due Information made, upon Oath before One of Her Majesty's Justices of the Peace, forfeit for every such Neglect any Sum not exceeding Five Pounds.

Provision for Damages not otherwise provided for.

CXIX. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof or of any Dispute respecting the same, shall be ascertained and determined by One or more Justices as aforesaid; and when by this Act any Damage or Charges

are

are directed to be paid in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof or of any Dispute concerning the same, shall be determined by the Justice or Justices by whom the Offender shall be convicted of such Offence; and on Nonpayment of the Damages or Charges in any of the Cases aforesaid on Demand, the same shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Justices to examine Parties and Witnesses.

CXX. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justice, it shall be lawful for such Justice to examine the Parties to such Question and their Witnesses on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justice; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justice for going into any such Question, without reasonable Excuse to the Satisfaction of such Justice, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justice to proceed *ex parte*.

Distress against the Trustees.

CXXI. And with respect to any Sum of Money under the Provisions of this Act adjudged by any Justice to be paid by the Trustees, for which no other Mode of Proceeding is provided by this Act, be it enacted, That if such Money be not paid by the Trustees to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justice for the Payment of such Money, the Amount may be recovered by Distress, and the Justice by whom such Sum of Money shall have been ordered to be paid, or any other Justice, on Application, shall issue his Warrant accordingly; and if sufficient Goods or Effects of the Trustees cannot be found whereon to levy such Sum of Money, the same may be recovered by Distress of the Goods of the Treasurer of the Trustees, and the Justice aforesaid, or any other Justice, on Application, shall issue his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due and demanding Payment thereof, have been given to such Treasurer, or left at his Residence.

Distress against the Treasurer.

Reimbursement of Treasurer.

CXXII. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid he may retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Trustees coming into his Custody or Control, or he may sue for the same against the Trustees by Process of Law.

Publication of Penalties.

CXXIII. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, affecting other Persons than the Trustees or their Officers or Servants, be it enacted, That from Time to Time the Trustees shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon

upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of every Turnpike Gate House on the said Road; and such Particulars shall be renewed as often as the same, or any Part thereof, is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Defacing Boards used for such Publication.

CXXIV. And be it enacted, That if any Person pull down or break or deface any such Board put up or affixed as required by this Act for the Purpose of publishing any Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board; and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Penalties to be summarily recovered before One Justice or more.

CXXV. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon a Complaint made before One or more Justice or Justices; and on the Complaint being made to any such Justices they shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person, or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance, or upon the Default to appear, of the Party offending, it shall be lawful for any such Justice or Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any such Justice or Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction, as such Justices shall think fit.

Penalties to be levied by Distress.

CXXVI. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of Distress, shall be levied by Distress, and any One or more Justice or Justices shall issue their Warrant of Distress accordingly.

Imprisonment in default of Distress.

CXXVII. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security by way of Recognizance or otherwise, to the Satisfaction of the Justice or Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if, before issuing

such Warrant of Distress, it shall appear to such Justice or Justices, by the Admission of the Offender, or on other Proof, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to such Justice or Justices, then such Justice or Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CXXVIII. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justice or Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Trustees, and the other Half to the Informer or any Person suing for the same, or, if the Trustees be the offending Party, shall award one Half thereof to the Informer, and the other Half to the Guardians of the Poor of the Union in which the Offence shall have been committed, for the Benefit of the Poor of such Union.

Penalties to be sued for within Six Months.

CXXIX. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice or Justices, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making Default.

CXXX. And be it further enacted, That if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath, or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CXXXI. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer of the Trustees, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CXXXII. And be it enacted, That the Justice before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule to this Act annexed.

Informalities.

CXXXIII. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress not unlawful for Want of Form.

CXXXIV. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him; but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions on giving Security.

CXXXV. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice under the Provisions of this Act, he may appeal to the General Quarter Sessions for the County in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CXXXVI. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Costs.

Interpretation of Act.

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

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

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Dublin:*

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "County" shall include any Riding or other like Division of a County:

The Word "Justice" shall mean Justice of the Peace for the County, City, Liberty, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter; and where the Matter shall arise in respect of Lands being the Property of One and the same Party, situate not wholly in any One County, City, Liberty, or Place, the same shall mean a Justice acting for the County, City, Liberty, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter:

The Word "Toll" shall include any Rate or Charge or other Payment payable under this Act for any Passenger, Animal, Carriage, Goods, Merchandize, Articles, Matters, or Things conveyed on the Road, according to the Schedule of Charges annexed to this Act.

Forms in the Schedule to be used.

CXXXVIII. And be it enacted, That the Forms of Proceeding relative to the several Matters contained in this Act, which are set forth and expressed in the Schedule hereunto annexed, may be used on all Occasions, with such Additions and Variations only as may be necessary to adapt them to the particular Exigencies of the Case; and that no Objection shall be made or Advantage taken for Want of Form in any such Proceedings by any Person or Persons whomsoever.

Trustees not to be personally liable.

CXXXIX. And be it further enacted, That no Contract which shall be made by the said Trustees for any of the Purposes of this Act shall be binding upon any of the said Trustees as Individuals or in their private Capacity; nor shall such Trustees, or any of their Officers, personally, or his or their respective Estates, be answerable for Payment of any of the Debts, Securities, Mortgages, or Transfers granted in pursuance of this Act; and all Monies which shall be expended by or recovered against the said Trustees or any of them, or any Person employed by them, by means of any Action or Suit to be brought by or against them touching the Execution of this Act, and all the travelling and other Expences of the said Trustees necessarily incurred in and about the Business of the said Trust, shall be borne and defrayed by and out of the Money which shall

shall come to the Hands of the Treasurer of the said Trustees by virtue of this Act.

Continuance of Act.

CXL. And be it enacted, That this Act shall commence and take place from the passing thereof, and shall continue in force for Twenty-one Years, and from thence to the End of the next Session of Parliament.

Public Act.

CXLI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULE of TOLLS referred to, and to be paid under the Provisions of this Act.

	£	s.	d.
For every Horse or other Beast drawing any Coach, Landau, Landaulet, Berlin, Calash, Sociable, Barouche, Chaise, Chair, Phaeton, Curricle, Cabriolet, Gig, or other Carriage, or the Carriage known by the Name of a Jaunting Car or Pleasure Car, such Jaunting or Pleasure Car being mounted on or supported by a Spring or Springs or Brace or Braces - - -	0	0	8
For every Horse or other Beast drawing a Cart, Car, Dray, or other Carriage, except the foregoing, if the Shoeing of the Wheels thereof be not of a less Breadth at the Sole than Two Inches and a Half, and be set on entirely with countersunk and flat-headed Nails, Screws, or Bolts - -	0	0	8
But if the Shoeing be of a less Breadth at the Sole than Two Inches and a Half, or be set on with any Nails, Screws, or Bolts that are not countersunk and flat-headed, the Sum of - - - - -	0	2	0
And if any Car, howsoever its Wheels may be shod, shall be drawn by One Horse or other Beast only, and shall be employed at the Time as a Jaunting Car, not being mounted on or supported by any Spring or Brace, nor carrying any Articles, except Luggage belonging to the Person or Persons jaunting thereon, the Sum of -	0	0	4
For each Horse or other Beast, laden or unladen, not drawing -	0	0	2
For every Drove of Oxen, or Neat Cattle, by the Score, and so in proportion for a less Number - - -	0	1	8
For every Drove of Calves, Pigs, Sheep, or Lambs, by the Score, and so in proportion for a less Number - -	0	0	10
And for any of the above described Horses or other Beasts or Cattle going through any Turnpike Gate on the said Road upon a Sunday (except in conveying such Persons as are altogether exempted from Payment of Tolls on that Day), between Sunrise and Sunset, One Half of the above Tolls over, above, and in addition thereto.			

The SCHEDULE to which the Act refers;

CONTAINING

The FORMS of PROCEEDINGS mentioned in the foregoing Act.

No. 1.—NOTICE of a Meeting of Trustees for ordering a Side Gate to be erected.

NOTICE is hereby given, That the Trustees of the Turnpike Road under an Act passed in the Year of the Reign of Queen Victoria, for [*here state the material Parts of the Title of this Act*], will meet at the House of at on the Day of next, at the Hour of in the noon, in order to consult about erecting a Toll Gate on the Side of the said Turnpike Road at or near a Place called across a certain Highway there leading to .

Dated the Day of .

A. B. Clerk to the said Trustees.

No. 2.—ORDER of the Trustees for erecting a Side Gate.

AT a Meeting of the Trustees of the Turnpike Road under an Act passed in the Year of the Reign of Queen Victoria, for [*here state the material Parts of the Title of this Act*], being assembled this Day of to enforce the Directions of the said Act [*as far as the same respects the erecting of Side Gates*].

IN pursuance of public Notice given in Writing upon all the Toll Gates erected on the said Road, and also in the several Newspapers in which Advertisements are by this Act directed to be inserted, for Fourteen Days now last past, we do order that a Toll Gate shall be erected on the Side of the said Turnpike Road, at or near a Place called across a certain Highway there leading to and that the following Toll be taken at the said Gate, videlicet [*here insert the particular Tolls to be taken at the said Side Gate*].

No. 3.—NOTICE for letting TOLLS.

NOTICE is hereby given, That the Tolls arising at the Toll Gates upon the Southern Division of the Turnpike Road leading from Dundalk in the County of Louth to Bannbridge in the County of Down will be let by Auction to the best Bidder, at the House of at on the Day of next, between the Hours of and , in the Manner directed by the

the Act passed in the Year of Queen Victoria, intituled [*here set out the Title of this Act*], which Tolls produced the last Year the Sum of Pounds above the Expences of collecting them, and will be put up at that Sum. Whoever happens to be the best Bidder must at the same Time pay One Month in advance (if required) of the Rent at which such Tolls may be let, and give Security, with sufficient Sureties, to the Satisfaction of the Trustees of the said Road, for Payment of the rest of the Money monthly [*or in such other Proportions as shall be directed*].

Dated Day of .

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

No. 4.—Order of Trustees for reducing the Tolls.

At a Meeting of the Trustees of the Turnpike Road under an Act passed in the Year of the Reign of Her Majesty Queen Victoria, for, *&c.* [*here set out the material Parts of the Title of this Act*], held at the Day of .

We, whose Names are subscribed, being or more of the Trustees acting under the said Act, being now assembled for reducing the Tolls authorized to be taken by and under the said Act, pursuant to public Notice given for that Purpose in the several Newspapers in which Advertisements are by this Act directed to be inserted, and also affixed upon all the Turnpike Gates erected upon the said Turnpike Road for upwards of One Calendar Month now last past, and having the Consent of the Majority of the Persons entitled to Money now remaining due upon the Credit of the said Tolls, this Day signified and proved to us, do hereby order that the Tolls granted by the said Act shall from and after the Day of be lessened and reduced in the following Manner [*here state the several Reductions proposed to be made*].

No. 5.—Agreement by Subscription for advancing Money to amend and repair the Southern Division of the Turnpike Road from Dundalk to Bannbridge.

We, whose Names are subscribed, do agree to advance and pay the several Sums wrote by us opposite to our Names unto to be laid out and expended in the making, amending, improving, and repairing a certain Highway leading from to under a certain Act of Parliament, intituled [*here set out the Title of this Act,*], upon having the Tolls to be collected upon the said Road assigned and made over to us as a Security for the respective Sums so to be advanced by us together with Interest for the same after the Rate of Pounds per Centum per Annum, which

which Sums we do hereby severally agree to pay by Instalments in the following Manner, videlicet, one Fourth Part thereof on the Day of next, one other Fourth Part, [*&c. &c. &c.*]

Dated this Day of .

No. 6.—WARRANT from a Justice of the Peace to enter the Toll Gate House and remove the Persons therein.

County of
to wit. } To

WHEREAS Complaint hath been made unto me *A. B.* Esquire, One of Her Majesty's Justices of the Peace for the said County, upon the Oath of and other Evidence now produced to me, that *C. D.*, who now inhabits the Turnpike or Toll Gate House at upon the Southern Division of the Turnpike Road leading from Dundalk in the County of Louth to Bannbridge in the County of Down, and was appointed to collect the Tolls there, hath been duly discharged by the Trustees of the said Turnpike Road from any further collecting or receiving the Tolls arising at the said Gate, and hath refused and still doth refuse to quit the Possession of the said House; and the said *C. D.* having been summoned to appear before me this Day to show Cause why he should not be removed from the said House, and having shown no sufficient Cause for that Purpose [*or* not having appeared], I do hereby authorize and require you, with such Assistance as shall be necessary, to enter into the said Toll House or Turnpike House, and the Buildings belonging thereto, in the Daytime, and to remove the said *C. D.* and all such Persons as shall be found therein, together with his and their Goods, out of such House and Buildings, and to put *E. F.*, the Person lately appointed by the Trustees to collect such Tolls, into the Possession thereof, for which this shall be your sufficient Warrant.

Given under my Hand and Seal this Day of .

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

No. 7.—BOND from the SURVEYOR.

WE, *A. B.*, Surveyor of the Turnpike Road under an Act passed in the Year of the Reign of Queen Victoria, intituled [*here set out the Title of this Act*], and *C. D.* of are bound to *E. F.* of in the Sum of to be paid to the said *E. F.*, his Executors, Administrators, and Assigns; for which Payment we hereby bind ourselves severally, and each of our Heirs, Executors, and Administrators.

Dated the Day of .

The Condition of this Bond is such, that if the said *A. B.*, his Executors or Administrators, shall duly and faithfully account for,

apply, and pay all and every the Sum and Sums of Money which hath come to or shall come to his Hands as Surveyor of the Turnpike Road aforesaid, according to the Direction and true Intent and Meaning of the said Act, then this Bond to be void, or else to remain in full Force.

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

No. 8.—SUMMONS for any Person or Persons to attend a Justice or Justices.

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

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

Given under my Hand this Day of .

No. 9.—INFORMATION.

County of to wit. } BE it remembered, That on the Day of *A. B.* of in the said County informeth me One of Her Majesty's Justices of the Peace for the said County, that of in the said County [*here describe the Offence, with the Time and Place, and follow the Words of the Act as near as may be*], contrary to the Statute made in the Year of Queen Victoria, intituled [*here set forth the Title of this Act*], which hath imposed a Forfeiture of for the said Offence.

Taken the Day of before me, *A. B.*

No. 10.—FORM of CONVICTION.

County of to wit. } BE it remembered, That on the Day of in the Year of the Reign of and in the Year of our Lord *A. B.* is convicted before me One of Her Majesty's Justices of the Peace for the said County, for [*here specify the Offence, and when*

when and where committed], contrary to the Form of the Statute made in the Year of the Reign of Queen Victoria, intituled [*here set forth the Title of this Act*]; and I do hereby declare and adjudge that the said *A. B.* hath forfeited for the said Offence the Sum of [*or* shall be committed to for the Space of *as the Case may be*].

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

No. 11.—Form of Mortgage Deed.

Mortgage, Number £

By virtue of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], we, the Trustees for putting said Act into execution, in consideration of the Sum of Pounds paid to us by *A. B.* of do assign unto the said *A. B.*, his Executors, Administrators, and Assigns, the Tolls and Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the Trustees in the same; to hold unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, together with Interest for the same at the Rate of Pounds for every One hundred Pounds by the Year, be satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof, *in case any Period be agreed upon for that Purpose*]. Given under the Hand and Seal of *C. D.*, Chairman of a Meeting of the said Trustees duly held at this Day of in the Year of our Lord One thousand eight hundred and .

No. 12.—Form of Bond.

Bond, Number £

By virtue of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], we, the Trustees for putting the said Act into execution, in consideration of the Sum of Pounds to us in hand paid by *A. B.* of do bind ourselves and our Successors unto the said *A. B.*, his Executors, Administrators, and Assigns, in the penal Sum of Pounds.

The Condition of the above Obligation is such, that if the said Trustees shall pay to the said *A. B.*, his Executors, Administrators, or Assigns, on the Day of which will be in the Year One thousand eight hundred and the Principal Sum of Pounds, together with Interest for the same at the Rate of Pounds per Centum per Annum, payable half-yearly on the Day of and Day of then the above-written Obligation is to become void, otherwise to

remain in full force. Given under the Hand and Seal of *C. D.*, Chairman of a Meeting of the said Trustees duly held at this Day of in the Year of our Lord One thousand eight hundred and .

No. 13.—FORM of TRANSFER of MORTGAGE or BOND.

I *A. B.* of in consideration of the Sum of paid me by *G. H.* of do hereby transfer to the said *G. H.*, his Executors, Administrators, and Assigns, a certain Bond [*or* Mortgage] Number made by the Trustees of the Southern Division of the Turnpike Road leading from the Town of Dundalk in the County of Louth to Bannbridge in the County of Down, to bearing Date the Day of for securing the Sum of and Interest, [*or, if such Transfer be by Indorsement*, the within Security,] and all my Right, Estate, and Interest in and to the Money thereby secured [*and if the Transfer be of a Mortgage*, and in and to the Tolls, Money, and Property thereby assigned]. Dated this Day of One thousand eight hundred and .

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1842.