ANNO UNDECIMO

GEORGII IV. REGIS.

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Trustees appointed.

Authority of the same, That the Right Honourable *Augustus John Foster*, Sir *James Strong*, the Honourable *Robert Westenra*, *Charles Brownlow*, *Evelyn John Shirley*, the Honourable *Cadwallader Blaney*, Sir *Thomas Fitz Gerald*, *Matthew Fortescue*, *W J Hancock*, *Faithful Fortescue*, *Thomas Macan*, *Henry Leslie Prentice*, *George Macartney*, *Humphry Evatt*, *William Filgate*, the Reverend *John Gray Porter*, the Reverend *J Sterling*, *George M'Gusty*, *Hugh O'Callaghan*, *James Nicholson Frood*, *Robert Murphy*, *John Reed*, *George Forster*, *Allan O'Brien Bellingham*, *Malcolm Brown*, *James Gartlaw*, *John Woolsey*, *James Eastwood*, *William Lewery*, *Jacob Camac Murphy*, *James Kieraw*, *Alexander Donaldson*, *Owen M'Kone*, *Joseph Plunkett*, *James Evatt*, *William Mayne*, *James M'Alister*, *John Chambers*, *William Daniell*, *John Johnston*, *Thomas M'Evoy Gartlaw*, *Graham Johnston*, *James Dickie*, *Robert Bailie*, *George Henry Pentland*, *William Hamilton*, *John Tounley*, *Alexander Shekleton*, *William Hall*, *John Robinson*, *James Knowles*, *Richard Thomas James Dawson*, *Walter James Dawson*, *Richard Bolton*, *Patrick Wynne*, *James M'Watty*, *Robert M'Morran*, *John M'Math*, *John Henry*, *Edward Hunter*, together with such other Persons as shall be elected and appointed additional Trustees under the Provisions herein-after contained, shall be, and they and their Successors, to be appointed in manner herein-after mentioned, are hereby appointed Trustees for repairing, maintaining, and improving the said Roads leading from *Dundalk* to *Castle Blayney* and *Carrickmacross*, and for putting this Act into execution.

Defining Commencement and Termination of Roads.

II. And be it further enacted, That the Road from *Dundalk* to *Castle Blayney*, to be maintained and kept in repair under the Provisions of this Act, shall be deemed and taken to commence at the Linen Market House called the New Market House in the said Town of *Dundalk*, and terminate at the Market House in the Town of *Castle Blayney*; and the Road from *Dundalk* to *Carrickmacross*, to be maintained and kept in repair under the Provisions of this Act, shall commence at the *Friary* Chapel in the said Town of *Dundalk*, opposite to the Road from *Dundalk* to *Ardee*, and proceeding by the new Line of Road lately made under Grand Jury Presentments, terminate at the Market House in the said Town of *Carrickmacross*; as described by the Maps or Plans of said Roads deposited with the several Clerks of the Peace for the Counties of *Louth*, *Armagh*, and *Monaghan*, through which the said Roads pass.

Power to appoint additional Trustees.

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

Election of new Trustees on Vacancies arising.

IV. And be it further enacted, That upon the Death, Refusal, or Disability, Resignation, or Nonattendance for Twelve Calendar Months of any of the said Trustees hereby appointed, or who shall be

elected in manner herein-before mentioned, to act in the Execution of this Act, it shall and may be lawful for the surviving and remaining Trustees, or any Five or more of them, to elect and appoint, by Ballot, one other Person to be a Trustee in the Room of such Trustee so dying, or refusing or being incapable of acting, or so resigning, or not attending any Meeting of the said Trustees for Twelve Calendar Months as aforesaid; and Notice of the Time and Place of the Meeting for every such Election shall, by any one of the said Trustees or by the Clerk of the said Trustees for the Time being, be inserted in some One or more of the Newspapers published in the City of *Dublin*, and circulated in the Counties of *Louth*, *Armagh*, and *Monaghan*, and in some one or more of the Newspapers (if any there shall be) published in any one of the said Counties of *Louth*, *Armagh*, and *Monaghan*; and every Person so elected a new Trustee as aforesaid is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as if he had been originally appointed a Trustee in and by this Act.

Qualification of Trustees.

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

Oath of Qualification.

'I *A. B.* do swear, [*or being one of the People called Quakers*, do solemnly affirm,] That I am in the actual Possession or in the 'Receipt of the Rents and Profits of Lands, Tenements, or Heredita-'ments of the clear yearly Value of One hundred Pounds, or Real and 'Personal Estate together of the Value of One thousand Pounds; or 'that I am the Son of *A. B.*, who is a Peer of this Kingdom; or that 'I am Heir Apparent of who to the best of my 'Knowledge and Belief is possessed of an Estate of the clear yearly 'Value of Two hundred Pounds [*as the Case may be*]; and that I will 'faithfully and impartially act in the Execution of the Trusts and 'Powers reposed in me by virtue of an Act passed in the Eleventh 'Year of the Reign of King *George* the Fourth, intituled *An Act* '[*here set forth the Title of this Act*]. So help me GOD.'

Penalty on Trustees acting without Qualification.

And if any Person, not being so qualified as herein-before mentioned, or not having taken and subscribed such Oath, or being a Quaker not having taken and subscribed such Affirmation, in manner as aforesaid, or being disqualified as in and by this Act is mentioned to act as a Trustee in the Execution of this Act, shall act as a Trustee in the Execution of this Act, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds

Pounds to any Person who shall sue for the same, to be recovered, together with the full Costs of Suit, in any of His Majesty's Courts of Record in *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalties, without any other Proof on behalf of the Plaintiff or Prosecutor than that such Person had acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of every and all Person and Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid, previously to his or their being convicted of the said Offence, shall notwithstanding such Conviction be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Acts of unqualified Trustees before Conviction valid.

Oaths to be entered in a Book, &c.

VI. And be it further enacted, That a Book or Roll shall be kept by the Clerk for the Time being to the said Trustees, in which the said Oath or Oaths shall be entered, and the same shall be signed by the Person taking such Oath, and also by the Trustees or Trustee by whom the same shall be administered, and an Entry thereof shall be made in the Minutes of the Proceedings of the said Trustees, and such Entry shall be and be deemed and taken as sufficient Evidence in any Court of Law or Equity, and before all Judges, Justices, and others, of such Trustee having duly taken such Oath of Qualification in manner by this Act directed.

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

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

No Act of Trustees valid unless done at a Meeting.

VIII. And be it further enacted, That no Act of the said Trustees shall be good, valid, or effectual unless the same be done at some Meeting to be holden in pursuance of this Act (except as is hereinafter provided); and that all the Powers and Authorities by this Act granted to the said Trustees shall and may be exercised from Time to Time by the major Part of them who shall attend at any Meeting to

to be holden in pursuance of this Act, the Number of Trustees present at every such Meeting not being less than Three, and all the Orders and Proceedings of the major Part of the Trustees present at such several Meetings shall have the same Force and Effect as if the same were made and done by all such Trustees for the Time being (save and except as is herein otherwise provided); and at every Meeting of the said Trustees a Chairman shall be appointed, and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question, including the Vote of the Chairman, then and in such Case it shall and may be lawful for the Chairman to give the decisive or casting Vote, in addition to his former Vote.

Chairman to have the casting Vote.

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

Trustees may act as Justices.

X. And be it further enacted, That the said Trustees shall meet at the Court House in the Town of *Dundalk* in the County of *Louth* on the Fourth *Tuesday* after the passing of this Act, between the Hours of Eleven in the Forenoon and Two in the Afternoon; and in case there shall not be a Meeting of the Trustees at the Time and Place so appointed, then and in such Case the Trustees shall meet on the following *Tuesday* at the Time and Place herein appointed, and so *toties quoties* until there shall be a Meeting of the said Trustees; and at such Meetings the Trustees shall proceed to carry this Act into execution, and shall and may, at their several Meetings to be holden for the Purpose of carrying this Act into execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden there, or at any other Place near to the said Road, as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall, from Time to Time as often as such Case shall happen, adjourn such Meeting to some other Day within Fourteen Days then next following, to be holden at the same Place, and Notice thereof shall be inserted in some One or more of the Newspapers published in the City of *Dublin*, and circulated in the said Counties of *Louth*, *Armagh*, and *Monaghan*, and in some One or more Newspaper or Newspapers, if any then be published, in some One or more of the said Counties, Six Days at least before the Day to which such Meeting shall be so adjourned; and the said Trustees shall at their several Meetings defray their own Expences, except any Sum not exceeding Ten Shillings *per* Day for the Use of the Room where they shall meet.

First Meeting of Trustees.

Trustees to defray their own Expences.

XI. And be it further enacted, That if after any Adjournment of any Meeting as aforesaid it shall at any Time be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than

Meetings on Emergencies.

than the Day to which such Meeting shall have been adjourned, or if it shall at any Time happen that no Adjournment shall be made, and it shall be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Annual General Meeting of the Trustees herein-after directed to be held, then and in every such Case any Two or more of the said Trustees, or the Clerk to the said Trustees (upon an Order in Writing signed by Three or more of the said Trustees, mentioning the Time, Place, and Purpose of such earlier Meeting, being given to him, or being left at his last or usual Place of Abode), shall forthwith give Notice in manner herein-before directed of such earlier Meeting, and of the Time and Place of holding such Meeting, such Time not being less than Six Days after such Notice; and all Proceedings of the said Trustees at such earlier Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment, or as if the same were had on the Day appointed for holding such Annual Meeting.

Annual General Meetings to be held.

XII. And be it further enacted, That the said Trustees shall hold a General Meeting on the Second *Tuesday* in every Year in the said Town of *Dundalk*, or at such other Place as the said Trustees shall appoint, which Meeting shall be called the Annual General Meeting of the said Trustees; and at such Annual General Meetings the said Trustees shall examine and audit the annual Accounts of the Clerk, Treasurer, Surveyors, and Collectors, relating to their respective Offices, and then and there from Time to Time shall pass such Accounts, or so much thereof as they shall think proper, and shall and may proceed in all other respects in the Execution of this Act in like Manner as at any adjourned Meeting.

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

XIII. And be it further enacted, That no Order, Appointment, or Proceeding made or had at any Meeting of the Trustees holden in pursuance of this Act shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose, nor unless Notice, specifying the Revocation or Alteration intended to be made, shall have been previously inserted, in the Names of any Three or more of the said Trustees, in some One or more of the *Dublin* Newspapers circulated in the said Counties of *Louth*, *Armagh*, and *Monaghan*, and in some One or more Newspaper or Newspapers, if any there be published, in some One or more of the said Counties, at least Fourteen Days before such subsequent Meeting, nor unless Two Thirds of the Trustees present at such subsequent Meeting shall decide in favour of such Revocation or Alteration, and a greater Number of Trustees shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment, or Proceeding was had or made.

Trustees to ascertain that Notice of Meetings has been given.

XIV. And be it further enacted, That in order to prevent the Notice of Meetings being omitted or neglected to be given as directed by this Act, the said Trustees shall and they are hereby required to examine and ascertain at every such Meeting, in the first place, whether such Notice has been duly given, and upon Proof thereof to cause an Entry to be made in the Book of Proceedings

stating the Fact, and such Entry shall at all Times be deemed and taken to be Evidence that the Notice required under the Provisions of this Act had been duly given previous to the said Meeting.

Books to be kept of the Proceedings of Trustees.

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

Accounts to be kept of Receipts and Disbursements.

XVI. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk or Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books, together with the Book or Books in which the Proceedings of the Trustees shall have been entered, shall at all the Meetings of the said Trustees lie open and liable to the Inspection of all and every of the said Trustees, and of the Creditors on the Tolls hereby granted and made payable, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit any of the said Trustees or Creditors to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, such Clerks shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, on being duly summoned and convicted thereof before any of His Majesty's Justices of the Peace for the Counties of *Louth*, *Armagh*, or *Monaghan*.

Power to apppoint and remove Officers, and make Rules for their Government;

XVII. And be it further enacted, That the said Trustees may and they are hereby required and empowered to appoint a Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors of the Tolls by this Act granted and made payable, and Surveyor or Surveyors of the said Roads, and all such other Officers and Persons, for the Execution of this Act, as they the said Trustees shall think proper, and from Time to Time to make such Rules, Orders, and Regulations for the good Conduct and well-governing of every such Treasurer, Clerk, Collector, Surveyor, and all such other Officers and Persons, and from Time

Time to Time to remove such Officers or Persons respectively as the said Trustees shall see Occasion, and appoint others in the Room of such of them as shall be removed, or shall die, or resign, or refuse or neglect to perform or become incapable of performing their Duty; and the said Trustees shall and may, out of the Monies to be received by virtue of this Act, allow and pay such Salaries and Allowances to the said Officers and other Persons as the said Trustees shall think reasonable, and shall and may from Time to Time alter or vary all or any of such Salaries and Allowances as they shall find Occasion; provided that no such Salary or Allowance do exceed the Sum of Eighty Pounds *per Annum* to any one Officer or Servant.

and allow them Salaries.

XVIII. And be it further enacted, That it shall and may be lawful to and for any Three or more of the said Trustees, although not assembled at any Meeting, upon the Death, Neglect, Refusal, or Incapability to act of any Collector of the Tolls hereby granted, by Writing under their Hands to nominate and appoint some other fit Person in his or her Place until the next Meeting of the said Trustees of the said Road, which Person so to be nominated and appointed shall have the like Power and Authority and be accountable in the same Manner in all respects as the Person in whose Room or Stead such Person shall be so nominated and appointed; and if any Collector of the said Tolls who shall be discharged from his or her Office by the said Trustees shall refuse to deliver up the Possession of the Toll House, Buildings, and Appurtenances which he or she enjoyed in right of his or her Appointment to the Office, within Two Days after Notice given to him or her, or left at such Toll House, in Writing under the Hands of the said Trustees or any Three or more of them, or if the Wife or Family of any such Collector who shall die as aforesaid, or any of them, or any other Person who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such House, Buildings, and Appurtenances within Two Days after Notice of such new Appointment being made as aforesaid shall have been given to him, her, or them, or left at such Toll House, signed by any Three or more of the said Trustees, or if any Lessee or the Wife or Family of any Lessee of the said Tolls, or any Person or Persons who shall by any Means whatsoever obtain Possession of any Toll House, Buildings, and Appurtenances which shall be demised to any such Lessee of the said Tolls, shall, on Demand, after the Expiration of any Demise made, refuse to give up the Possession of any Toll House, Building, and Appurtenances which shall have been demised to such Lessee, with all or any of such Tolls, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the County where such Toll House shall stand, and he and they is and are hereby required, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Premises, in the Day-time, and to remove all Persons who shall be found therein, together with their Goods and Chattels, out of such Toll House and other Premises, and to put the said Trustees, or the new appointed Collector or new Lessee of the said Tolls, or such other Person or Persons as the said Trustees shall direct

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

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

direct or appoint, in Possession thereof; and such Warrant shall be sufficient Authority for such Constable or Peace Officer and his Assistant so acting.

Officers to give Security.

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

Treasurer and Clerk not to be the same Person.

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

Officers to account.

XXI. And be it further enacted, That the Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, and each and every other Officer and Person who shall be appointed for the Execution of this Act, shall from Time to Time, when thereunto required by the said Trustees or any Three or more of them, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, true and perfect Accounts in Writing

of all Matters and Things which shall have come into their Possession or been committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by him, her, or them had, collected, and received by virtue of this Act, and how much, and to whom, and for what Purpose the same and every Part thereof hath been expended and disbursed, together with the Vouchers and Receipts for such Payments; and every such Officer and Person shall and he and she is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her, to the said Trustees, or to such Person or Persons as they or any Three or more of them shall appoint to receive the same; and every such Treasurer shall at each Annual Meeting of the said Trustees to be held as herein-before directed, or at a Meeting of the said Trustees then next following, (although not thereunto required by the said Trustees,) lay his Accounts before the said Trustees, in order that the same may be audited, passed, and allowed by them, if approved of; and all the said Officers and other Persons so accounting as aforesaid, shall, if required, verify their said Accounts by Affidavit; and if any such Officer or Person shall refuse or neglect to render and deliver or to verify such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Ten Days next after being thereunto required by the said Trustees, by Notice in Writing, signed by any Three or more of them, given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint being made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Two Justices of the Peace for the County, City, Town, or Place wherein such Officer so refusing or wilfully neglecting shall be and reside, such Justices may and they are hereby authorized and required to issue a Summons under their Hands for the Officer or Person so refusing or wilfully neglecting as aforesaid to appear before them, and upon his or her appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party against whom such Complaint shall be made, or by the Testimony of any credible Witness or Witnesses upon Oath, which Oath such Justices are hereby empowered to administer, it shall appear to such Justices that any of the Monies that shall have been collected, paid, or raised by virtue of this Act shall be in the Hands of or remain due from any such Officer or Person, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands and Seals to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods and Chattels of such Officer or Person respectively can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if

such Officer or Person shall not appear before the said Justices at the Time and Place appointed for that Purpose, without some reasonable Excuse, or if appearing shall refuse or neglect to make out and deliver to the said Justices such Account in Writing as aforesaid, such Justices may and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Officer or Person to the Common Gaol or House of Correction of the County, City, Town, or Place where he or she shall be or reside, there to remain without Bail or Mainprize until he or she shall have delivered such Account, and shall have delivered up the Vouchers and Receipts relating to the aforesaid Accounts, and shall have paid all the Money which shall happen to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the Trustees for such Money and Charges, and shall have paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and which Composition the said Trustees are hereby empowered to make and receive, and until he or shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be committed for Want of sufficient Distress shall by virtue of this Act be detained in Prison for a longer Space of Time than Six Months; but such Commitment to or Discharge from Prison shall not be deemed a Discharge from any Money due from such Officer or Person, nor exonerate his or her Sureties.

Accounts to be printed, and delivered to Trustees, after they are audited.

XXII. And be it further enacted, That immediately after the annual Account of the Treasurer shall have been audited and settled as herein-before directed, the said Trustees shall cause the same to be printed, and a Copy thereof to be sent by the Clerk of the said Trustees to each of the Trustees of the said Roads for the Time being and each Person having an Interest as a Creditor in the Tolls of the said Roads.

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

XXIII. And be it further enacted, That the said Trustees may take all such Securities as they are or may be authorized or think fit to take under this Act, and may sue and be sued for or concerning any thing relating to the Execution of this Act, in the Name of their Clerk or Treasurer for the Time being, or in the Name of any one of the said Trustees; and no Action or Suit to be commenced by or against the said Trustees in the Name or Names of any one of such Trustees, their Clerk or Treasurer for the Time being, shall abate or be discontinued by the Death or Removal of any such Trustee, Clerk, or Treasurer, or by the Act of any such Trustee, Clerk, or Treasurer, without the Consent of the said Trustees; but that the Trustee, Clerk, or Treasurer in whose Name or against whom such Action or Suit shall have been so brought shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in such Action or Suit, as the Case may be: Provided always, that every such Trustee, Clerk, or Treasurer in whose Name or against whom any Action, Suit, Prosecution, Information, Appeal, or other Proceeding shall be had, taken, prosecuted, continued, or defended, in

pursuance

pursuance of this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action, Suit, Prosecution, Information, or Appeal or other Proceeding he shall pay, bear, sustain, expend, or be put to, or may have become chargeable with or liable for, or be fairly entitled to, by reason of being so made Plaintiff, Prosecutor, Defendant, Informant, Appellant, or Respondent, and shall not be disqualified from being a Witness by reason of his so being Plaintiff, Prosecutor, Informant, Defendant, Appellant, or Respondent as aforesaid.

Trustees and Surveyors to have the like Powers as Overseers of public Roads.

XXIV. And be it further enacted, That the said Trustees, and their Surveyor or Surveyors of the said Roads, appointed by the said Trustees, shall have and they are hereby invested with the like Powers and Authorities in respect of the Roads directed to be amended and kept in repair by virtue of this Act as any Overseer appointed by any Law or Statute in force and effect in that Part of the United Kingdom called *Ireland*, for amending, making, or repairing public Roads, is invested with.

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

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

XXVI. And

Power to erect Gates, Toll Houses, &c.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to erect, set up, or build, or cause to be erected, set up, or built, upon, in, or across the said Roads, or on the Sides thereof, or any Part thereof, when and where and as they shall think expedient, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also to erect, purchase, hire, or rent One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to purchase or rent, take in and inclose, on the Sides of the said Road, suitable Garden Spots 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 to take down and remove or alter or discontinue the same or any of them as they the said Trustees shall think proper to direct or appoint.

Power to take Tolls.

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

Tolls.

For every Horse or other Beast of Draught drawing any Coach, Berlin, Landau, Landaulet, Vis-a-vis, Chariot, Chaise, Phaeton, Curricle, Cabriolet, Calash, Chair, Caravan, Gig, Tilbury, Dog Cart, Jaunting Car, Hearse, or Litter, or other such Carriage not before named, the Sum of Sixpence:

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

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Two Shillings and Sixpence by the Score, and so in proportion for any greater or less Number:

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

For every Carriage, of whatever Description the same may be, not drawn by Animals immediately attached thereto, the same Toll as any such Carriage drawn by Two Horses.

Only One Toll to be demanded in each Day on each Road.

XXVIII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed, deemed, or taken to extend, to empower the said Trustees, or any Collector or Collectors to be by them appointed for that Purpose, to take more in any One Day (such Day to be computed from Twelve of the Clock of the Night to Twelve of the Clock in the next succeeding Night) than One full Toll for passing over the said Road from *Dundalk* to *Castle Blayney*, and One full Toll for passing over the said Road from *Dundalk* to *Carrickmacross*, with the same Cattle and the same Carriage; but that every Person on having paid such Toll once on either of the said Roads shall during the Remainder of that Day be permitted to pass and repass Toll-free through every Turnpike or Toll Gate on the same Road, with the same Horse, Beast, Cattle, and Carriage for which such Toll shall have been so paid, on producing a Ticket denoting the Payment thereof; which Ticket every such Collector is hereby required to deliver, *gratis*, on the Payment of such Toll.

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

XXIX. 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 or 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 each of the said Roads.

Post Chaises returning empty not to pay Toll.

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

Power to erect Weigh-houses.

XXXI. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby empowered to erect or cause to be erected on any Part or Parts of the said Roads respectively contiguous or near to any of the Toll Gates thereon, any

Weigh-house or Weigh-houses, with the necessary Apparatus for weighing all Waggons, Wains, Drays, Carts, Cars, and other Carriages of Burthen, with all Manner and Kind of Loading thereon, and in lieu of the Tolls herein-before mentioned and directed to be taken and paid on the said Roads to demand and take Toll at the said Gates by the Ton Weight of Twenty Hundred Weight to the Ton: Provided always, that the Tolls so to be taken and paid at such Gate shall not exceed Four-pence by the Ton Weight if the Shoeing of the Wheels of such Carriage be flat and not less in Breadth than Three Inches, nor Eight-pence per Ton if the Shoeing of the Wheels be less in Breadth than Three Inches, and so in proportion for any greater or less Weight; and that it shall and may be lawful for the Collectors of the Tolls on the said Roads, and for the Surveyor and other Persons employed thereon, to stop and detain all such Carriages at the several Toll Gates on the said Roads for the Purpose of weighing the same.

Tolls may be varied.

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

Collectors may measure the Dimensions of Wheels.

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

Trustees to put up a List of Tolls, &c.

XXXIV. And be it further enacted, That the said Trustees shall and they are hereby required to put up and afterwards cause to be continued, at each and every Toll Gate on the said Roads which shall be erected by virtue of this Act, within One Calendar Month after such Toll Gate shall have been erected, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List or Account of all the Tolls payable at every such Gate, distinguishing the several Tolls, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated, and also a List of the several Gates which shall be cleared by the Payment of Toll at the Toll Gate or Bar where such Table of Tolls shall be affixed; and shall

shall also provide or cause to be provided Tickets denoting the Payment of Toll, and on such several Tickets shall be named and specified the Name of the Gate at which the same respectively shall be delivered, and also the Names of the several Gates freed by such Ticket; One of which Tickets shall be delivered, *gratis*, to the Person paying the Toll, and on the Production of such Ticket at any Gate or Gates therein mentioned to be cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate or Gates therein mentioned without paying any further or additional Toll.

Tolls not to be taken when List is down.

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

Tolls vested in Trustees.

XXXVI. And be it further enacted, That the said Tolls shall be and they are hereby declared to be vested in the said Trustees, and the said respective Sums herein granted or made payable shall be demanded and taken in the Name of and as Toll by such Person or Persons as the said Trustees shall from Time to Time authorize and appoint to receive the same; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Person or Persons authorized to receive the same, neglect or refuse to make Payment thereof or of any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized to seize and distrain any Horse, Cattle, or Beast upon which by this Act any Toll is imposed, or any Carriage in which the same shall be drawing, or any Part of the Lading of such Carriage, or the Harness and Accoutrements of any such Horse, Carriage, or Beast, (except the Bridle or Reins, which shall not be seized or distrained separate from such Horse or Beast,) or any of the Goods and Chattels of the Person or Persons so neglecting and refusing to pay the same, and if such Tolls, and the reasonable Charges of such Distress, and of keeping the same, shall not be paid within the Space of Four Days next after the Day of making such Distress, the Person or Persons so distraining shall and may, at any Time or Times thereafter, sell by Public Auction (Notice in Writing of such intended Sale having been affixed at the Toll Gate where such Distress was made, and at the nearest Toll Gate on the said Road, Three Days at least before such Sale,) the Horse, Cattle, Beast, Carriage, Goods, and Chattels so distrained, and out of the Money which shall arise by such Sale pay or retain such Tolls, and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any), upon Demand, to the Owner or Owners thereof.

Recovery of Tolls.

For settling Disputes concerning Tolls.

XXXVII. And be it further enacted, That in case any Dispute shall happen respecting the demanding or taking or the Payment of Toll,

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

Collectors competent Witnesses.

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

Penalty on evading Tolls.

XXXIX. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, or Beast upon which any Tolls by this Act are imposed, pass through any Land or Ground within the Distance of One Mile from any Toll Gate or Turnpike which shall be erected by virtue of this Act, the same not being a public Road, and such Person not being the Owner or Occupier, or Servant or one of the Family of the Owner or Occupier of such Land or Ground, or if any Owner of such Land or Ground shall knowingly permit or suffer any Person or Persons, except as aforesaid, with any Horse, Beast, or other Cattle, to pass through the same, whereby Payment of any of the said Tolls, or any Part or Parts thereof shall be evaded; or if any Person or Persons shall give or receive from any Person or Persons, other than a Collector of the said Tolls, any Ticket by this Act directed to be given by a Collector of the said Tolls, or shall forge or counterfeit any such Ticket, or shall forcibly pass through any Toll Gate or Turnpike as aforesaid with any Horse, Cattle, or other Beast, or shall at any Time or Times take off or cause to be taken off any Horse, Cattle, or other Beast from any Carriage, whereby the Payment of the said Tolls, or any Part or Parts thereof, shall be evaded; or if any Person or Persons shall leave or cause to be left upon or near any Part of the said Road any Carriage, Horse, Cattle, or Beast, with

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

Exemptions from Tolls.

XL. And be it further enacted, That no Toll shall be demanded or taken on the said Roads for any Horses or Carriages belonging to His Majesty, or attending any of the Royal Family, or returning after having so attended; or drawing or carrying any Person or Persons going to or returning from any Place of Public Worship between Sunrise and Sunset on *Sundays*, *Christmas Day*, or *Good Friday*; or for any Horse, Ox, or other Beast drawing any Carriage employed in carrying or conveying Stones, Bricks, Lime, Timber, Trees, Woods, Gravel, or other Materials for making or repairing the said Roads, or making or repairing any Bridge thereon, or any of the public Roads in the several Parishes through which the said Roads pass, or Corn in the Straw, the Produce of any Townlands through which the said Roads pass, or carrying Manure only to be used for the Improvement of Lands, or drawing or carrying Turf or Peat only, nor when returning unladen after carrying or conveying any such Materials or Things; nor shall any of the Tolls hereby granted be demanded or taken for any Horse, Ox, or other Beast, drawing or not drawing, and employed only in carrying or conveying any Ploughs, Harrows, or other Implements of Husbandry; nor for any Horses, Beasts, or other Cattle when going to or returning from being shod or farried, or to or from Work in cultivating the Lands or Grounds within the Parishes through which the said Roads pass, or going to or returning from Pasture or Watering Places, provided that such last-mentioned Exemption shall only extend to such Cattle as shall not pass upon the said Road more than Two Miles in going to or returning from Water or Pasture; nor shall any of the Tolls hereby granted be demanded or taken for any Horse, Ox, or other Beast which shall only cross such Road, and shall not pass above One hundred Yards thereon; nor for any Horses belonging to Officers or Soldiers upon their March or upon Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of such Officers or Soldiers, or carrying any wounded, sick, or disabled Officers or Soldiers, or returning after having been so employed, provided such Horses, Cattle, or Carriages shall return empty; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or to and for the Use of His Majesty's Forces; nor for any Horse furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them, nor Carriages conveying

Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person or Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; nor for any Horse or Carriage used by or conveying any Constable or Policeman, or any Magistrate commanding and accompanying such Constable or Policeman, provided that such Horse or Carriage be used by such Magistrate, Constable, or Policeman while on Duty, and that such Constable or Policeman be dressed in his proper Uniform and Accoutrements at the Time of claiming such Exemption as aforesaid; nor for any Horse, Cart, or Carriage employed only in carrying or conveying any Vagrant or Prisoner sent by legal Warrant; nor for any Horses or Carriages carrying or conveying any Person or Persons going to or returning from voting at any Election for a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Louth*, *Monaghan*, and *Armagh*; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, or if any Person claiming Exemptions from the Payment of the Tolls hereby granted, or any Part thereof, shall refuse or decline to tell his or her Place of Residence to the Collector or Collectors at any Gate or Gates at which such Exemption shall be claimed, or shall give a false Name or Place of Residence, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Twenty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

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

XLI. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby enabled, at any Meeting, having had Fourteen Days previous Notice thereof inserted in a Newspaper published in the City of *Dublin*, and circulated in the said Counties of *Louth*, *Armagh*, and *Monaghan*, and in some One or more Newspaper or Newspapers, if any there be, published in some or One of the said Counties, from Time to Time to lease or demise all or any of the Tolls to be collected by virtue of this Act on both or either of the said Roads, or at any Gate or Gates, Turnpike or Turnpikes to be erected thereon, and all or any of the Toll Houses, Conveniences, and Appurtenances thereto belonging, for any Time not exceeding Three Years, upon public Bidding to the highest Bidder, and for the best Rent or Price that can be gotten for the same, payable at such Times and in such Manner, and with, under, and subject to such Covenants, Conditions, and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit; and at each and every such Letting the Trustees present shall have and be entitled to One or more Biddings for the Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm all or any of such Tolls at the best Rent that can be reasonably

reasonably gotten for the same, provided that the Leases, Contracts, or Agreements for the same be in Writing and duly executed by the Lessee or Lessees, Farmer or Farmers of such Tolls, and also by any Five or more of the said Trustees, and that the said Trustees have a Counterpart or Counterparts of such Lease or Leases, and take such other sufficient Security for Payment of the Rents to be reserved by, and for the Performance of the Covenants to be contained on, such Lease or Leases, as the said Trustees, or any Five or more of them, shall think proper.

Lessee invested with Power to collect Tolls.

XLII. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, and such other Person or Persons as he, she, or they shall by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees is by this Act invested with; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees is or may be subject or liable to.

For preventing Misconduct of Toll Collectors.

XLIII. And be it further enacted, That each and every Toll Collector, being a Lessee of the Tolls authorized to be collected upon the said Roads, or either of them, or any Part or Parts thereof respectively, or appointed or continued either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike or Toll Gate erected or to be erected by virtue of this Act, shall and he and she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his or her coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall be on Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take, or shall cause to be demanded or taken, any Toll not authorized by this Act to be taken, or a greater or less Toll than authorized to be taken by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand or take, or cause to be demanded or taken, a Toll from any Person or Persons who shall be exempt from the Payment thereof, and shall claim such Exemption, or shall refuse to permit or suffer, or shall in any Way hinder, any Person or Persons from reading such Christian or Surname as aforesaid, or shall refuse to tell his or her Christian or Surname to any Person or Persons

sons who shall demand the same on having paid the said Tolls or any of them, or shall, in answer to such Demand, give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, or shall unnecessarily detain any Passenger or Passengers, or shall unprovokedly insult or make use of any abusive Language to any Trustee, Traveller, Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge.

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

XLIV. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear for the Space of Fourteen Days next after any of the Days on which the same ought to be paid pursuant to the Agreement for the demising or letting thereof, or in case such Lease or Agreement shall in any other Manner become void, then and in either or any of such Cases it shall and may be lawful for any Justice or Justices of the Peace for the County where the Toll House or Toll Gate shall be situate, and he and they is and are hereby required, upon Application made to him or them by the said Trustees, or their Clerk or Clerks, Treasurer or Treasurers, or any other Person authorized by Writing under the Hands and Seals of any Three or more of the said Trustees, to order and direct, by Warrant in Writing under his or their Hand and Seal or Hands and Seals, any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of any and every such Toll House or Toll Houses, Toll Gate, Bar, or Chain, and the Buildings, Gates, and Appurtenances thereunto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls, and also any and all other Person and Persons residing thereat respectively, from the Possession thereof and from the Collection of such Tolls, and to put the Trustees, or any Person acting by or under their Authority, into Possession thereof; and such Warrant shall be a sufficient Authority, to such Constable or Peace Officer and his Assistants for so acting; and that thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Demise of the said Tolls, or the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void, to all Intents and Purposes, (save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part,) as if such Demise or Agreement had never been made; and in that Case, or in case such Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees in every such Case to demise and let to farm the said Tolls again to any other Person or Persons, or cause them

them to be collected, in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Trustees may enter into Contracts for Purposes of this Act;

XLV. And be it further enacted, That it shall and may be lawful for the Trustees of the said Roads and they are hereby empowered to enter into any Contract or Contracts for the altering, widening, amending, and keeping in repair for any Term or Time all or any Part or Parts of the said Division of the said Road, and for building any Toll House or Toll Houses, and Offices, Weigh-house or Weigh-houses, and providing the necessary Apparatus for the same, and for erecting any Turnpike Gate or Gates, providing and erecting Milestones and Finger Posts, or any of the Matters aforesaid, or for doing any Work which may be necessary on the said Roads, or for furnishing Materials for the Repair of the said Roads or either of them, or for any Work to be done thereon, or for any Purpose or Purposes relating to the Execution of this Act; but no such Contract shall be entered into unless Fourteen Days previous Notice shall have been given in some One or more of the Newspapers published in the City of *Dublin*, and circulated in the said Counties of *Louth*, *Armagh*, and *Monaghan*, and in some One or more Newspaper or Newspapers, if any there be, published in some One or more of the said Counties, expressing the Purposes of such Contract or Contracts, in order that any Persons willing to undertake the same may make Proposals for that Purpose, to be laid before the said Trustees at the Time and Place in such Notice mentioned; and the said Trustees shall and they are hereby required to take Security from every and all such Contractor and Contractors for the due Performance of his or their Contract; and every such Contract shall be signed by Three at least of the said Trustees, and by the Person or Persons contracting to perform such Works respectively, and shall be entered in a Book to be kept for that Purpose by the Clerk of the said Trustees.

and take Security for due Performance of the same.

Trustees may compound for Breach of Contract.

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

Trustees may borrow Money on Security of the Tolls.

XLVII. And for the more speedy raising such Money as may be necessary for putting the said Roads in repair, and for the other Purposes of this Act; be it further enacted, That it shall and may be lawful to and for the said Trustees and they are hereby empowered from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary for the Purposes of this Act, not exceeding in the whole the Sum of Four thousand Pounds, and by Writing under the Hands and Seals of any Five or more of them to assign over the Tolls hereby granted, or any Part thereof, and the several Turnpikes and Toll Houses to be erected on the said Roads, (the Charges of such Assignments to be paid out of

of the said Tolls,) as a Security for the Repayment of such Sum or Sums of Money, with Interest for the same, to the Person or Persons who shall advance and lend such Money, his, her, or their Executors, Administrators, or Assigns, such Interest to be paid and payable, by equal half-yearly Payments, at the Dwelling House of the Treasurer to the said Trustees for the Time being; all which Assignments shall be in the Words or to the Effect following:

Form of Security.

'BY virtue of an Act made in the Eleventh Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], we, whose Names are hereunto subscribed and Seals affixed, (being Five or more of the Trustees acting in execution of the said Act,) in consideration of the Sum of to the Treasurer of the Trustees of the said Roads in Hand paid by *A. B.*, do hereby grant, bargain, sell, and demise unto the said *A. B.*, his [*or* her] Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and also of the Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum charged or advanced, or which may at any Time be charged and advanced, on the Credit of the said Act; to be had and holden from the Day of in the Year of our Lord for and during the Continuance of the said Act, unless the said Sum of with Interest after the Rate of *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our Hands and Seals the Day of in the Year of our Lord .'

Copies of Securities to be entered in a Book.

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

Securities may be transferred.

Form of Transfer of Security.

'I do transfer this Security unto his [*or* her, *or* their] Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord .'

And

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

And every such Transfer shall be produced and notified to the Clerk of the said Trustees within Six Calendar Months next after the Date thereof; and such Clerk shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the said Book or Books to be kept for entering the said original Assignments to be made by virtue of this Act, and for which Entry the Clerk who shall enter the same shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, every such Transfer shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and after such Entry or Memorial made thereof as aforesaid, it shall not be in the Power of any Person or Persons making such Transfer to make void, release, or discharge the same, or the Monies thereby secured and then due, or any Part thereof; and all Persons to whom such Assignments or Transfers shall be made as aforesaid shall be, in proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or of the Dates of such Mortgages or Assignments: Provided nevertheless, that, before any Sum or Sums of Money shall be taken up or borrowed, Fourteen Days Notice at the least shall be given of the Intention of borrowing such Money, by inserting the same in One or more of the Newspapers published or circulated in the City of *Dublin*, and circulated in the said Counties of *Louth*, *Armagh*, and *Monaghan*, and in One or more Newspaper or Newspapers, if any there be, published in One or more of the said Counties.

Notice to be given previously to borrowing Money.

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

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

Trustees may borrow Money from Commissioners acting under the Provisions of 57G. 3. c. 88.,

XLIX. And be it further enacted, That if the said Trustees shall deem it more expedient to borrow the said Sum of Four thousand Pounds, or any Part or Parts thereof, by Money to be advanced to them by Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, under the Provisions of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the*

Poor in Great Britain, *in manner therein mentioned;* or of another Act passed in the same Year to amend the said Act; or of an Act passed in the Fifty-eighth Year of His late Majesty, intituled *An Act to amend Two Acts made in the last Session of Parliament, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on the Public Works and Fisheries and Employment of the Poor, and to extend the Powers of the Commissioners appointed for carrying the said Acts into Execution in* Ireland; or of an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to authorize the further Advance of Money out of the Consolidated Fund for the Completion of Works of a public Nature, and for the Encouragement of the Fisheries in* Ireland; or of an Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled *An Act for the further Amendment and Extension of the Powers of the several Acts authorizing Advances for carrying on Public Works;* or under the Provisions of any other Act or Acts now in force, or which may hereafter be passed, authorizing the Issue of Exchequer or Treasury Bills, or enabling the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or the Commissioners of His Majesty's Treasury, to advance Money out of the Consolidated Fund or any other Fund for the carrying on of Public Works, it shall be lawful for the said Trustees to borrow the same accordingly, and to mortgage or assign all or any of the Rates, Tolls, or Duties expected to arise and be payable, or which shall arise and be payable, under this Act, as a Security for the Payment of the Interest and Principal of any Sum or Sums so to be advanced, at such Time or Times, and by such Instalments, and to such Person or Persons as shall be directed or appointed pursuant to the Directions of such Act or Acts; and all the Tolls to arise by virtue of this Act shall be subject to all such Payments at the Receipt of His Majesty's Exchequer, and to all such Regulations in respect to such Payments as are or shall be enacted in any Act or Acts authorizing the Issue of such Exchequer or Treasury Bills, or the Advance of such Money out of the Consolidated Fund or any other Fund for carrying on of Public Works as aforesaid.

58 G. 3. c. 88.

3 G. 4. c. 112.

and 7 & 8 G. 4. c. 47.

Application of Tolls and Money borrowed.

L. And be it further enacted, That all the Monies which shall arise and be produced from the Tolls by this Act granted, together with the Monies which shall from Time to Time be borrowed in pursuance of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and shall be applied by them to and for the several Uses, Intents, and Purposes, and in Order and Manner following; (that is to say,) in the first place, in Payment of all the Costs, Charges, and Expences preparatory and relative to the 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 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 Turnpikes, Toll Houses, and other Buildings, and of repairing, widening, fencing, maintaining, and altering the said Roads, and purchasing Lands for

those Purposes, and of erecting and maintaining necessary and convenient Bridges upon the said Roads, and of executing the several other Powers and Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums for the Time being due on such Securities as aforesaid.

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

LI. And be it further enacted, That it shall and may be lawful to and for the said Trustees and they are hereby fully empowered from Time to Time, as they shall think proper, to lower any Hills and fill up any Hollows on the said Roads, or either of them; and to divert, widen, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the Roads intended to be repaired, improved, and maintained under and by virtue of this Act; and that any Variation of Road may be made, of any Width not exceeding Sixty Feet, through any Common or Waste Ground, without making any Satisfaction for the same, and through any private or inclosed Lands, Grounds, or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may sustain thereby, and for that Purpose it shall and may be lawful to and for the said Trustees, or for their Clerk, or any other Person or Persons by them duly authorized and deputed for that Purpose by Order of a Meeting of the said Trustees, to treat, contract, and agree with the Owners of and Persons interested in any Lands, Tenements, or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads, or either of them, through such Lands, Tenements, or Hereditaments; and the said Lands, Tenements, or Hereditaments so purchased, or any Part thereof, shall and may, by Order and Direction of the said Trustees, be laid into and made Part of the said Road in such Manner as the said Trustees shall think convenient, and shall, by such Person or Persons as they shall order and appoint, be sufficiently drained, ditched, and fenced out for that Purpose; and after the said Lands and Grounds shall be so drained, ditched, and fenced out, the same shall, to all Intents and Purposes whatsoever, become and be deemed and taken to be a public and common Highway, and to be Part of the Roads to be maintained, amended, and kept in repair by virtue of this Act, and shall be maintained and kept in repair by such Ways and Means and in such Manner as the old Roads, or the rest of the said Roads, were and ought to be kept in repair; and after any such Lands shall be made Part of such Road as aforesaid, the Lands or Grounds comprised in or constituting any former Road, in lieu whereof such Lands or Grounds shall be purchased as aforesaid, shall be sold by the said Trustees to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof for the best Price that can reasonably be had or gotten for the same; and the Conveyance thereof, being executed by Five or more of the said Trustees, shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Houses, &c. not to be taken or in-

LII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable

the said Trustees to take, use, injure, or damage any Dwelling House or other Building built of Stone and Mortar or Brick and Mortar, or any Garden, walled-in Orchard, Yard, Park, Paddock, or other Field or Place, so as that the Wall or Walls of the said Field or Place be of the Height of Five Feet or more, and made with Lime Mortar, and Brick or Stone, or any planted Walk or Avenue to a House, without the Consent of the Owners or Proprietors thereof.

Jured without Consent of Owners.

LIII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to divert, turn, vary, or alter the Direction of the said Roads above One hundred Yards from the present Line and Course thereof, without the Consent in Writing of the Owners of the Lands through which such Diversion or Alteration shall be made, save and except in such Manner as the said Roads shall by or by means of any Grand Jury Presentment be diverted, turned, varied, or altered.

Trustees not to divert Road more than One hundred Yards, without Consent.

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

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

LV. And be it further enacted, That it shall and may be lawful to and for the said Trustees to treat, contract, and agree with the Owners and Persons interested in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which it may be necessary to purchase for making, widening, diverting, altering, and improving the said Roads, or either of them, for making necessary Fences on the Sides of the said Roads respectively, and for the Erection of Toll Houses, with necessary Accommodations thereto, for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, or any Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for every

Trustees may purchase Lands, &c. for the Purpose of making and improving the Roads.

every and all other Person and Persons whomsoever, who is, are, or shall be seised of or interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or who shall sustain any Damage as aforesaid, to sell and convey unto the said Trustees all or any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for all or any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be good, valid, and effectual, to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, and Interests whatsoever, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons shall be and they are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

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

LVI. And be it further enacted, That if any Owner, Proprietor, or Occupier of, or other Person or Persons interested in, any Lands, Tenements, or Hereditaments which the said Trustees shall judge necessary or proper to be purchased, taken, or used for the Purposes of this Act, or any such Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, General or Special, or for Years determinable on any Life or Lives, or any Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or Administrators, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, shall, for the Space of Fourteen Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained upon the Oaths of a Jury of Twelve indifferent Men of the County wherever such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie, and which Oaths the said Trustees, or any Three or more of them, are hereby empowered to administer.

Trustees may issue Warrants to impannel a Jury.

LVII. And be it further enacted, That for summoning and returning such Juries, the said Trustees are hereby empowered from Time to Time to issue their Warrant or Warrants, signed by any Three or more of them, to the Sheriff of the County wherein such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie, commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff or his Deputy is hereby required to impannel, summon, and return such Number of Persons accordingly;

accordingly; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purpose aforesaid; and, in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve, whose Names shall be added to the former Pannel: Provided always, that all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned or returned in pursuance of this Act in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record in *Dublin* is, are, or shall be by Law entitled to.

Trustees may summon and examine Witnesses.

LVIII. And be it further enacted, That in all Cases of Trials by Jurors before the said Trustees as aforesaid, the said Trustees shall and may, and they are hereby authorized, empowered, and directed, by Summons or Summonses, from Time to Time, as Occasion may require, to call before them every and all Person and Persons whatsoever who shall be thought proper and necessary as Witness or Witnesses, and to examine them on their Oath or Oaths touching or concerning the Premises, which Oath any Three or more of the said Trustees are hereby authorized, empowered, and directed to administer; and the said Trustees, if they shall think fit, shall and may authorize and require the said Jury, or any Three or more of them, to view the Lands, Grounds, Messuages, Tenements, or Hereditaments then intended to be valued, or any Part or Parts thereof; and the said Trustees shall have Power to adjourn such Meeting from Day to Day and Place to Place, as Occasion shall require, and to command such Jurors and Witnesses and Parties to attend until the Business for which they shall be summoned by virtue of this Act shall be concluded; and the said Jury shall, upon their Oaths, fairly, truly, and impartially inquire of the Value of such Lands, Grounds, Messuages, Tenements, or Hereditaments, and of the respective Estates, Rights, Titles, Terms, and Interests of every and all Person and Persons seised or possessed thereof or interested therein, or of or in any Part thereof, or of any Estates, Rights, Titles, Terms, and Interests therein, or what Loss or Damage will or may be sustained by, and what Recompence and Satisfaction ought to be made to, any Owner, Proprietor, or Occupier of or other Person or Person interested in any Lands, Grounds, Messuages, Tenements, or Hereditaments required for the Purposes of this Act, and shall assess or award the Sum or Sums to be paid to every and all such Person and Persons for the Purchase of such their respective Estates, Rights, Titles, Terms, and Interests, or as a Recompence for any such Loss or Damage; and if it shall not be made appear to the said Jurors what Person or Persons is or are entitled to the respective Estates, Rights, Titles, and Interests which may be subsisting therein respectively, then it shall and may be lawful to and for the said Jury to enquire and ascertain and find the Value of such Lands, Grounds, Messuages, Tenements, or Hereditaments, or any of them, as of an Estate in Fee Simple, without specifying

May cause Jury to view Premises, &c.

Jury to ascertain Title and Value of Lands.

fying the Person or Persons entitled to the same, or to ascertain and find the Value of any Estate or Interest therein, or the Amount of Recompence or Satisfaction for Damages which shall be made by the said Trustees, without specifying the Person or Persons entitled to the same respectively; and after the said Jury shall have enquired of, ascertained, and settled the Value of such Lands and Premises, or the Amount of such Damage and Recompence, the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to such Owners, Occupiers, or Proprietors of or other Persons interested in the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury; and every such Judgment of the said Jury, and every such Judgment respectively of such Trustees, shall be fairly written on Parchment, and signed by Three of the Trustees at the least, and be lodged with the Clerk of the Peace of the County in which such Lands, Hereditaments, or Premises shall be situate, to be kept among the Records of such County; and the same, or a true Copy thereof, attested by the Clerk of the Peace for the Time being in whose Custody the same shall be, shall be deemed and taken in all Courts of Law and Equity to be good, full, and sufficient Evidence of the several Matters therein set forth, and also of the due Performance of all previous Matters necessary under this Act to the Validity thereof, and shall in all Cases, whether in or out of Court, be taken and received as such Evidence accordingly; and such Verdict or Inquisition, and Judgment, Order, or Determination, so had and made, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, or Remainder, in Fee, or in Tail, General or Special, or for Life or Lives, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic and Corporate, or Collegiate, Aggregate or Sole, and all other Persons whomsoever.

Trustees to award Compensation according to Verdict of Jury.

Trustees may impose Fines on Sheriff, Jury, or Witnesses for Neglect.

LIX. And be it further enacted, That it shall and may be lawful for the said Trustees acting in the Premises, and they are hereby empowered, from Time to Time to impose any reasonable Fine or Fines upon any Sheriff or his Deputy, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on any Jury, and who, without sufficient Excuse, shall not appear, or appearing shall refuse to be sworn on the said Jury, or on any Person who being sworn shall refuse to give or shall not give their Verdict, or in any other Manner shall wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being summoned and required to give Evidence before the said Jury shall, without sufficient Excuse, refuse or neglect to appear, or appearing shall refuse to be sworn and examined or to give Evidence, so that no One Fine be more than Ten Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person, for One Offence.

LX. And

How Expences of Jury and Witnesses are to be paid.

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

Expences of Persons who by Absence are prevented from treating.

Power to enter and take posses-

LXI. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or

sion of Lands, &c. on Payment or Tender of Purchase Money.

or agreed for between the Parties, or assessed by such Juries in manner herein mentioned, for the Purchase of any such Lands, Tenements, or Hereditaments, within Nine Calendar Months after the same shall have been so contracted or agreed for or assessed as aforesaid, and in case of Refusal to accept the same, or of Disability or Incapacity as herein mentioned, upon Payment of the said Sum Sums of Money into the Bank of *Ireland* for the Use of the Person or Persons entitled thereto, it shall and may be lawful to and for the said Trustees, and their Agents, Workmen, and Servants, or any Person or Persons authorized or appointed by the said Trustees so to do, immediately to enter upon such Lands, Tenements, and Hereditaments respectively, and then and thereupon such Lands, Tenements, and Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Trustees to and for the Purposes of this Act, for ever; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion or Remainder of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment as aforesaid, it shall not be lawful for the said Trustees, or any Person acting under their Authority, to dig, cut, take, or use the Lands, Tenements, or Hereditaments of the Person or Persons entitled to such Payment, for the Purposes of this Act, without the Consent in Writing of such Person or Persons, or of the Person or Persons herein-before enabled to receive the same respectively.

In case of Refusal to give up Possession, Trustees may issue Warrant to Sheriff to deliver it.

LXII. And be it further enacted, That in case any Person or Persons who shall be in Possession of any Lands, Tenements, or Hereditaments which shall be required by the said Trustees for the Purposes of this Act, after Tender or Payment or Deposit made as herein-before directed of the Sum or Sums of Money which shall be agreed on or awarded to be paid for the Purchase of such Lands, Tenements, or Hereditaments, shall refuse to deliver up the quiet and peaceable Possession of the said Premises to the said Trustees, or to any Person or Persons authorized by the said Trustees to take possession thereof, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Three or more of them, to issue their Precept or Precepts to the Sheriff of the County in which such Lands, Tenements, or Hereditaments shall be, commanding him by virtue of this Act to deliver Possession of the said Premises to such Person or Persons as shall in the said Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver such Possession of the said Premises accordingly.

When any Part of the Roads is to be sold, the

LXIII. Provided always, and be it enacted, That whenever the Course of any Part of the said Roads shall be altered in pursuance of the Powers given by this Act, and a new Road opened and made in

and upon the adjoining Land, the Offer of the Purchase of such old Road shall be first made to the Owner of such adjoining Land which shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, then and in such Case the Value thereof shall be settled and ascertained by a Jury in such and the like Manner as the Price for any Land to be purchased or taken in pursuance of this Act is directed to be settled and ascertained in and by this Act; and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by a Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money upon Demand made thereof by the Treasurer or Clerk of the said Trustees, and Tender of the Conveyance of such old Road, the same shall and may be recovered by the said Trustees by Action of Debt in any of His Majesty's Courts of Record in *Dublin;* and in case any such Owner shall not agree or shall refuse to purchase any such old Road, it shall and may be lawful to and for the Clerk for the Time being to the said Trustees, or any other Person or Persons not interested in the Premises, to make an Affidavit to be sworn before a Master or Master Extraordinary of the High Court of Chancery, or before Two of His Majesty's Justices of the Peace for the County where such old Road shall lie, stating that such Offer had been made by or on behalf of the said Trustees, and that such Owner has not agreed or has refused to purchase such old Road, as the Case may be; and such Affidavit shall be filed in the Office of the Clerk of the Peace for the County in which such old Road shall be situate, and shall be preserved among the Records of such County, and the same or a true Copy thereof shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to or was refused by such Owner: Provided nevertheless, that if the Lands of Two or more Persons shall be purchased or taken for any such new Road as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road as is lying immediately adjoining to his, her, or their Land respectively, in manner aforesaid: Provided also, that if such Owner or Owners respectively shall be willing and content to take such old Road in Exchange for such new Road, it shall and may be lawful to and for the said Trustees, and they are hereby required to assure the same to such Person or Persons by entering the same in their Books, and delivering to him or them a Copy of the Entry thereof signed by any Five or more of the said Trustees, which Copy shall be a good and valid Title to the same, and be available in any Suit in Law or Equity.

first Offer to be made to the original or adjoining Owner.

LXIV. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, or Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf

Application of Compensation if amounting to 200*l.*

behalf of any Infant, Idiot, Lunatic, Feme Covert, or Cestuique Trust, or to any other Person or Persons whose Lands, Houses, Buildings, Tenements, Hereditaments, and Premises are limited in strict or other Settlement, or to any Person or Persons under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the High Court of Chancery in *Ireland*, to be placed to his Account *ex parte* the Trustees for carrying this Act into execution, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, in or towards the Discharge of any Debt or Debts, or such Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or affecting other Lands, Tenements, and Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, Hereditaments, and Premises which shall be so purchased, taken, or used as aforesaid stood settled and limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by the Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Government Securities; and in the meantime, and until the said Government Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Government Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so to be purchased, in case such Purchase or Settlement were made.

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

LXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used for the Purpose aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Houses,

Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *Ireland* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees for carrying this Act into execution, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Produce and Dividends arising thereon and therefrom, may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

When less than 20*l.*

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

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

LXVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used under and by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, (describing them,) subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making claim to any such Sum or Sums of Money, or any

Part

Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or the Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall appear just and reasonable; and the Cashier or Cashiers of the Bank of *Ireland* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying therein for what and for whose Use the said Sum or Sums of Money is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank of *Ireland* as aforesaid.

Persons in Possession to be deemed entitled.

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

Court may order reasonable Expences on certain Cases.

LXIX. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied to the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in

in pursuance of this Act, or so much of the said Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power of Grand Juries not to be affected.

LXX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away from any Grand Jury the Power of the Obligation to repair any Part of the Roads to which this Act is specially applicable; but it shall and may be lawful for the Grand Juries of the Counties of *Louth*, *Armagh*, and *Monaghan* respectively, and they are hereby required, to present from Time to Time such Sums, to be levied on the County at large, or any Barony or Baronies therein, as shall appear to be necessary, in consequence of a Deficiency in the Tolls after paying the other Expences chargeable thereon, for repairing any Part of the said Road, or for making or repairing the Bridges, Walls, Pipes, and Gutters thereon, or the Footpaths thereto, although a Turnpike or Turnpikes may be erected thereon, provided it shall appear that the Receipts of such Turnpike or Turnpikes are not sufficient for defraying the Expence of such Repairs; and that such Sum and Sums of Money, if any, as shall be so presented shall be paid over to the Treasurer for the Time being to the said Trustees, to be applied and disposed of under the Directions of the said Trustees; and the Receipt or Receipts of such Treasurer shall be a sufficient Discharge or sufficient Discharges for such Sum or Sums of Money as shall be so presented and raised.

For getting Materials to repair the Roads.

LXXI. And be it further enacted, That it shall and may be lawful for the said Trustees, or their Surveyor or Surveyors, and for all such Persons as they shall respectively appoint, to search for, cut, dig, prepare, gather, and take away any Materials for making or repairing the said Roads, or for other the Purposes of this Act, out of any Common or Waste Ground, River or Brook, in any Parish, Townland, or Place in or near which any Part of the said Road may lie, or in any adjoining Parish, Townland, or Place, without paying any thing for the same, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be so taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors or other Persons as aforesaid may, by Order of the said Trustees, (such Order to be made at some Meeting of the said Trustees to be holden in pursuance of this Act, and a Copy thereof to be given to such Surveyor or Surveyors or other Person or Persons, attested and signed by the Clerk to the said Trustees,) search for, dig, get, gather, prepare, and take away any such Materials as aforesaid in, of, from, and out of the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, walled in Orchard, Yard, Deer Park, or Paddock, or Field

enclosed with a Wall made of Lime Mortar, Stone, or Brick, of the Height, of Five Feet at least, Walk or Walks or Avenue to a House, or any Piece of Ground planted or set apart as a Nursery for Trees,) making or tendering such Satisfaction for such Materials, as well as for the Damages done to the Soil thereby, to the Owners and Occupiers of such Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for repairing the said Roads or other Purposes of this Act shall be carried, according to their respective Rights and Interests in the said Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Damages, it shall and may be lawful to and for any Two or more Justices of the Peace of the County or Place where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away, on Application made to them for that Purpose, and Six Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payment and Damages; and the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

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

LXXII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or other Person or Persons acting under the Authority of this Act to dig, gather, get, take, or carry away any Materials for repairing such Road out of or from any inclosed Lands or Grounds, without Two Days Notice in Writing signed by the Surveyor shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees, or any Two or more Justices of the Peace acting for the County or Place where such Premises shall be, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case the said Trustees or such Justices shall and may authorize such Surveyor or other Person or Persons to dig, get, gather, take, prepare, and carry away such Materials at such Time or Times as to the said Trustees or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear, without sufficient Excuse, by himself or his Agent, pursuant to such Notice, the said Trustees or Justices shall and may make such Order therein as they respectively shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Power to contract for Lands to get Materials.

LXXIII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to contract and agree with any Person or Persons whomsoever for the Purchase or Demise from him or them of any Lands or Ground, and to hold the same for the Purpose of digging and carrying away therefrom Stones, Gravel, and Materials for the Repair and Use of the said Road, or

for making any Buildings, Fences, or Improvements upon or adjoining the said Road, and at any Time afterwards to sell the Land or Ground so purchased by public Auction or Tender: Provided also, that the entering into any such Contract or Agreement as last aforesaid shall not be compulsory upon any Person or Persons unwilling to enter into the same.

Penalty on taking away Materials provided for the Roads.

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

Repositories for Materials may be purchased or rented.

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

Surveyors to make Drains, &c.

LXXVI. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Road, and to and for any Person or Persons whom he or they shall appoint, by Order of the said Trustees, to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to

to any Part of the said Road, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending or keeping in repair, draining or improving, any Part of the said Road, and also to make a Way or Ways through the Lands or Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads, (not being a Garden, walled-in Orchard, Yard, Park, Paddock, planted Walk or Avenue to any House,) to be made use of as a public Highway whilst the narrow or ruinous Parts of the said Road are widening or repairing, or until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively through and into which any such Drain shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case any Difference shall happen between such Owners or Occupiers and such Trustees touching such Damage, then and in every such Case the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the said Counties of *Louth*, *Armagh*, and *Monaghan* respectively, according as the Land shall lie, next after the Expiration of Ten Days from the Time of doing such Damage, shall and they are hereby authorized and required to hear, settle, and determine the same, and their Determination therein shall be final and conclusive.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods vested in the Trustees or their Treasurer.

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

Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Penalty for Encroachments on the Sides of the Road.

LXXVIII. And be it further enacted, That if any Person shall encroach upon the said Road by making or causing to be made any Dwelling House or other Building within Thirty Feet of the Centre thereof, or any Hedge, Ditch, or other Fence on or at the Sides of the said Road, so as to reduce the Breadth or confine the Limits thereof, or shall have any Gate or Rail in any such Fence, which when open shall swing toward or project into or over any Part of the said Road, or shall make any Drain, Gutter, Sink, or Watercourse across, or otherwise break up or injure the Surface of the Road or any Part thereof, or shall place any Sluice or Dam in any Brook or Watercourse, whereby the said Road or any Part thereof shall be flooded or injured, every Person so offending shall forfeit for every such Offence the Sum of Forty Shillings to such Person as shall give Information of the same; and it shall be lawful for the said Trustees to cause all such Dwelling Houses, Buildings, Hedges, Fences, Gates, Rails, Sluices, or Dams to be taken down, and such Ditches, Drains, Sinks, or Watercourses to be filled up, at the Expence of the Person or Persons to whom the same shall belong; and it shall be lawful for any One or more Justice or Justices of the Peace for the County or Place where such Offence shall be committed, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, Fences, Gates, Rails, Sluices, and Dams, and filling up of the Ditches and Drains as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus, if any, to the Owner, on Demand.

For removing Annoyances and Nuisances.

LXXIX. And be it further enacted, That it shall be lawful for the said Trustees or other Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to pull down and remove any Windmill or Windmills which shall after the passing of this Act be erected within Three hundred Feet of the Centre of any Part of the said Road, and to remove and prevent all Annoyances by Timber, Stone, Carriages, Cars, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things being laid on any Part of the said Road, or upon Open, Common, or Waste Land within Fifty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Road, in case the Owners thereof shall neglect to remove the same within Twenty-four Hours after Notice in Writing, signed by any Two Trustees or their Surveyor, or given to such Owner, or left at his last or usual Place of Residence for that Purpose, or in case the Owner is not known, then after a like Notice affixed for Three Days on the nearest Turnpike Gate; and to turn any Watercourse, Sinks, or Drains running along, into, or out of the said Road, to the Prejudice thereof, and to open, scour, cleanse, widen, or make

deeper any Watercourses or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think necessary, and to cut down or lop any Branches, Shrubs, or Bushes growing on or over the said Road, or in the Hedges or Banks adjoining thereto respectively, at proper Seasons of the Year, and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Six Feet, in case the Owners or Occupiers of the Premises shall, for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop, top, cut down, or remove such Branches, Shrubs, or Bushes, or to open, cleanse, scour, widen, or deepen such Watercourses or Ditches, in such Manner as the said Trustees, or their Surveyor or Surveyors, shall require; and the Charges thereof, and of removing any Annoyances (to be settled by any Two or more Justices of the Peace for the County or Place where such Part of the Road shall be,) shall be reimbursed to the said Surveyor by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if, after the Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

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

LXXX. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind shall at any Time be found tethered, or wandering, straying, or lying upon or about either of the said Roads, or any Part thereof, (except on such Parts as may pass through or over any Common or Waste, or uninclosed Ground,) it shall be lawful for the Surveyor, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the common Pound of the Parish, Townland, or Place where the same shall be found, or in such other Place as the Trustees shall provide for that Purpose, and the said Beasts there to detain until the Owner or Owners thereof shall for every such Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Two Shillings, together with the reasonable Charges and Expences of impounding and keeping the same, to the Treasurer, Clerk, or Surveyor of the said Road, to be by him applied to the Use of and in Aid of the Tolls of the said Road; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, Notice thereof having been first given to the Owner, if known at the Time, or, if not known, by affixing written Notices on the Two Toll Gates on the Road nearest to the Place where the same shall be impounded, it shall be lawful for any One or more Justices of the Peace of the County where the Offence shall have been committed to order any such Horse, Ass, Sheep, Swine, or other Beast or Cattle to be sold; (except where it shall be made to appear to such Justice or Justices that the Horse, Ass, Sheep, Swine, or other Beast or Cattle impounded, escape from any Inclosure by any Gate or Fence being wilfully or negligently left open or destroyed by any Person not being Owner or Occupier of such Inclosure, or employed by such Owner or Occupier, in which

Case such Justice or Justices may remit the Penalty;) and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been; and in case the Owner thereof shall not be known, and no Application shall be made for the Money arising from such Sale within Twenty-one Days after such Sale shall have taken place, the said Money shall be applied, after deducting the said Charges and Expences, in the same Manner as the said Penalty of Two Shillings is herein-before directed to be applied: Provided always, that no Owner of any Horse, Ass, Sheep, Swine, or other Beast or Cattle impounded as aforesaid, shall in any Case pay more than the Sum of Five Pounds, over and above the Charges and Expences of impounding and keeping the same, for any Number of Horses, Asses, Sheep, Swine, or other Beasts or Cattle impounded at One Time.

Punishment of Persons guilty of Pound-breach.

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

Roads to be measured, and Mile-stones and Direction Posts to be set up.

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

Penalty for Nuisances, or Injuries, to Roads.

LXXXIII. And be it further enacted, That if any Person or Persons whomsoever shall wilfully pull up, injure, or damage any of the Posts, Boards, or Milestones, or Tables of Tolls, or wilfully or designedly

signedly deface or obliterate any of the Inscription Letters, Figures, or Marks thereon, or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp Post, or Lamp Iron, set up or affixed by Order of the said Trustees at or near any of the said Turnpike Gates, or in any other Part of the said Road, or shall cause or procure the same so to be done; or if any Person or Persons in attempting to evade the Payment of any of the aforesaid Tolls, or on any other Occasion, shall pull up, pull down, displace, or damage any Hedge, Bank, Ditch, Gate, or Stile, or cause the same to be done; or if any Person or Persons shall wilfully pull up, remove, injure, or damage any other Posts, Rails, or Fences now or at any other Time or Times to be placed or put up by Order of the said Trustees, or their Surveyor or Surveyors, either by the Side or Sides of the said Roads, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of this Act, in order to prevent Accidents, or to protect or preserve any Hedge or Quickset, or any Part or Parts thereof, which the said Trustees shall or may make or plant for the Purposes of this Act, or which by virtue of this Act they are authorized to keep in good Order; or if any Person or Persons shall wilfully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part or Parts thereof, or shall wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches now or hereafter to be erected along the said Roads, or either of them, or shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon wheeled Carriages, or shall suffer any Tree or Piece of Timber or any Stone, which shall be conveyed upon a Wheel Carriage or Wheel Carriages, to drag upon any Part of the said Road, to the Prejudice thereof, or to project beyond the Widths or Outside of the Wheels of such Carriage, or shall, without being thereto authorized by the Surveyor or Surveyors for the Time being acting under this Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, or other Material, Slush, Dirt, Mire, Drift, or Soil, from off any Footway or Causeway being Part of or adjoining to the said Road, or from or off any other Part or Parts of the said Road; or if any Person or Persons shall ride upon or wilfully drive any Waggon, Cart, or other Carriage upon, along, or against any such Footway or Causeway, or any other Way or Ways, already made or to be made upon the said Road for the Use of Foot Passengers, or shall wilfully lead, ride, or drive any Horse or other Cattle, Sheep or Swine, or any Cart or Carriage thereon, or shall wilfully or carelessly cause any Damage to be done to such Footway or Causeway; or if any Person or Persons driving any Pigs or Swine upon the said Roads, or either of them, shall suffer such Pigs or Swine to root up or damage the said Roads or any Part thereof respectively, or the Fences, Hedges, Banks, or Copse on either Side thereof; or if any Person or Persons shall wheel any Hurdle, Truck, or Wheelbarrow on any Foot or Causeway adjoining to the said Road, or shall winnow or sieve any Corn within Sixty Feet of the Centre of any Part of either of the said Roads, or shall in or upon any Part of either of the said Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter;

slaughter, singe, scald, dress, or cut up any Beast, Sheep, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughterhouse, Buildings, Butchers Shops, or Shambles into the said Road, or any Part thereof, or shall hoop, fire, cleanse, wash, or scald any Cask or Casks, or bind any Wheels, in any Part or Parts of the said Road, or in any exposed Situation near thereto, or shall hew, saw, or cut, or cause to be hewn, sawn, or cut, any Stone, Wood, or Timber. or shall shoe, farry, or bleed any Horse, Mule, or Ass (except in a Case of Accident), upon any Part of either of the said Roads; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts or any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, without having Reins to guide the Horse or Horses, Beast or Beasts, drawing the same, or on any of the Horses drawing the same, upon any Part of the said Road; or if any Person on Horseback, or drawing any Coach, Chaise, Waggon, Cart, or other Carriage, upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, or Person on Horseback, shall not keep his Horse or Carriage on his Left or Near Side of the same Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person or Persons shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever upon either of the said Roads, or within Sixty Feet of the Centre thereof, or play at Football, Handball, Bowls, or any Game upon any Part or Parts of either of the said Roads, to the Annoyance of any Passenger or Passengers; or if any Higler, Hawker, Pedlar, Tinker, or other Person travelling with any Machine, Vehicle, Cart, or other Carriage, or with or without any Horse, Mule, or Ass, shall pitch any Tent or encamp or make any Fire upon or by the Sides of any Part of either of the said Roads; or if any Blacksmith or any other Person occupying a Blacksmith's Shop having any Window to the Front next either of the said Roads shall not by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into the said Road; or if any Person shall carry any Rods or Bars of Iron, Beams of Wood, Basket, Pannier, or other Matter or Thing across the Back of any Horse, Mule, or Ass, or across any Cart or Car or other Carriage, passing along either of the said Roads, so that the same or any of them shall project beyond the Distance of Thirty Inches on either Side of such Horse, Mule, or Ass, Cart, Car, or other Carriage; or if any Person shall leave any Waggon, Wain, Cart, or other such Carriage, longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of either of the said Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not during such Time be placed as near to the Side of the said Road as conveniently may be; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart, or other Carriage in going up a Hill or rising Ground, leave or suffer to be or remain on the said Road,

or any Part thereof, the Stone or other Thing with which any such Waggon, Wain, Cart, or other Carriage shall have been blocked or stopped; or if the Driver of any Waggon, Wain, Cart, or other Carriage shall wilfully or carelessly pull up, break, or damage any Post or Stone erected or to be erected for the Security of any Footway or Causeway on or adjoining to either of the said Roads, or shall wilfully or carelessly drive the Wheel of any Carriage against the same, or shall lay any Piece of Timber, Packs of Wool, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing whatsoever, on any Part of either of the said Roads, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to either of such Roads, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; or if any Person or Persons shall otherwise wilfully hinder, obstruct, or prevent the free Passage on any of the said Footpaths, or shall lay or place on the Walls or Fences of either of the said Roads, or on the Side thereof, for any Purpose whatsoever, any Wool, Woollen or Cotton Cloth, Warp, or Linen; every such Person shall forfeit and pay, over and above the Damages, if any, occasioned, any Sum not exceeding Forty Shillings for every such Offence, to be levied, recovered, and applied in the same Manner as other Penalties are by this Act directed to be levied, recovered, and applied; and such Offenders shall also pay to the said Trustees, or to their Treasurer or Treasurers, such Sum of Money as shall be a full Satisfaction for the Damage so done, which shall be settled or ascertained by a Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid, and shall and may be levied and recovered in like Manner as other Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied for the Purposes of this Act.

Penalty on obstructing the Execution of this Act.

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

Power to Collectors to detain unknown Persons guilty of Offences.

LXXXV. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, and other Officers under this Act; be it further enacted, That it shall and may be lawful to and for any of the said Trustees, Collectors, Surveyors, or other Persons respectively, or their Assistants, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to carry him, her, or them before One or more Justice or Justices of the Peace for the County or Place

where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

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

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

Recovery and Application of Penalties.

LXXXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not otherwise particularly directed,) shall, upon Proof of the Offences respectively before any Justice or Justices of the Peace for the Counties of *Louth*, *Armagh*, or *Monaghan*, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices; and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising from such Penalties, Forfeitures, and Fines respectively, when paid and levied, (if not otherwise directed to be applied by this Act,) shall be from Time to Time paid, one Half to the Informer, and the other Half to the Treasurer or Treasurers of the Trustees of the said Roads, to be applied for the Purposes of the said Roads; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Four Days from the Time of making any such Security, and such Security such Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise, as to him or them shall seem right and proper; and if upon Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath not nor have Goods and Chattels within the Jurisdiction of such Justice or Justices sufficient whereon to levy all such Penalties and Forfeitures, Costs and Charges, such

Justice

Justice or Justices may, at his or their Discretion, without issuing any Warrant of Distress, commit the Offender or Offenders to the Common Gaol of whichever of the said Counties of *Louth*, *Armagh*, and *Monaghan* such Offence shall be committed in, or to any House of Correction within the same, there to remain, without Bail or Mainprize, at hard Labour, for any Time not exceeding Three Calendar Months nor less than Fourteen Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Justices may proceed by Summons in the Recovery of Penalties.

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

Form of Conviction.

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

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

Allowing an Appeal to Quarter Sessions.

XC. Provided always, and be it further enacted, That if any Person or Persons shall think himself or themselves aggrieved by any thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the County or Place within which the Matter of Appeal shall arise, within Three Calendar Months from the Time of such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Twenty-one Days Notice at the least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Trustees, and within

within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the Justices at such Sessions, upon due Proof of such Notice and Recognizances having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, or otherwise, as they shall think proper; and all such Determinations shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Distress not unlawful for Want of Form.

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

Penalty on Persons guilty of giving false Evidence.

XCII. And be it further enacted, That if any Person or Persons, upon any Examination upon Oath or Affirmation before the said Trustees or any of them, or any Justice or Justices of the Peace acting in the Execution of this Act, shall wilfully and corruptly give false Evidence touching any Matter or Thing relating to this Act, or shall wilfully or corruptly swear or affirm any Matter or Thing which shall be false or untrue, every such Person so offending, and being duly convicted thereof, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law in force and effect Persons guilty of wilful and corrupt Perjury are liable to.

Proceedings not to be removed by Certiorari.

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

General Issue.

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

Plaintiff not to recover without No-

XCV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons

tice, or after Tender of Amends.

Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-one Days before such Action be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions when the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XCVI. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County where such Cause of Action shall arise, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall be given, or after sufficient Satisfaction made and tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs of Suit, and have such Remedy for recovering the same as any Defendant or Defendants has or have for Costs of Suit in other Cases by Law.

Public Act.

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

Term of Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1830.