ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. lxxiv.

An Act for more effectually repairing the Road from *Dundalk* to *Dunleer* in the County of *Louth*. [4th *July* 1838.]

WHEREAS an Act was passed in the Parliament of *Ireland* in the Thirteenth and Fourteenth Years of the Reign of His Majesty King *George* the Third, intituled *An Act for amending the Road from* Dundalk *to* Dunleer *in the County of* Louth: 13 & 14 G. 3. (I.) And whereas another Act was passed in the Parliament of *Ireland* in the Fifteenth and Sixteenth Years of His said Majesty, intituled *An Act to explain and amend an Act passed last Session of Parliament, intituled* '*An Act for amending the Road from* Dundalk '*to* Dunleer *in the County of* Louth:' 15 & 16 G. 3. (I.) And whereas another Act was passed in the Fifty-fifth Year of the Reign of His said Majesty, intituled *An Act to continue and amend Two Acts of His present Majesty, for amending the Road from* Dundalk *to* Dunleer *in the County of* Louth: 55 G.3. c.77. And whereas by the said recited Acts certain Persons therein named and described were appointed Trustees for the Purposes thereof, with Power to levy Tolls upon the said Roads, and to borrow Money upon the Credit thereof, and various other Powers and Authorities were granted to them: And whereas the said Trustees have proceeded to put the said Act into execution, and considerable Sums have been borrowed on the Credit of the Tolls by the said Acts authorized to be levied, and the same or a great Part thereof

are still owing: And whereas the Term granted by the said last-recited Act would have expired at the End of the Session of Parliament now last past: And whereas by an Act of Parliament made and passed in the Sixth and Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to continue for One Year, and from thence to the End of the then next Session of Parliament, the several Acts for regulating the Turnpike Roads in* Ireland, it was enacted, that all and every Act and Acts of Parliament for making, amending, and repairing any Turnpike Road or Roads in *Ireland* which would expire during or with the then present Session of Parliament should be and the same was and were thereby continued for One Year from the passing of that Act, and thenceforth until the End of the then next Session of Parliament: And whereas it is necessary that the said recited Acts should be repealed, but the same cannot be done without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Powers, Authorities, Provisoes, Provisions, and Clauses therein respectively contained, shall be and they are hereby respectively repealed.

6 & 7 W. 4. c. 40.

Recited Acts repealed.

Trustees.

II. And be it further enacted, That the Right Honourable Sir *P. Bellew*, Sir *A. Bellingham*, the Right Honourable Sir *A Foster*, Sir *R Robinson*, *Thomas Fortescue*, *Frederick Foster*, *Thomas Macan*, *John Woolsey*, *B B Stafford*, *Edward Tipping*, *Donald Macneale*, *Matthew Fortescue*, *James O'Callaghan*, *John M'Clintock* junior, *John James Bigger*, *Thomas Tisdale*, *George Taaffe*, *John Henry Dawson*, *Matthew O'Reilly*, *William Filgate*, *Henry Brabazon*, *Rodolph De Salis*, *John Chester*, *Nicholas Markey*, *James M'Allister*, *Robert Haig*, *Thomas Coleman*, *Patrick Wynne*, *James Eastwood*, *John Townley*, *Charles Duffey*, *Neale Kelly*, *James Carrol*, *Graham Johnstone*, *Henry Corbally*, *T Lee Norman*, *Henry Chester*, *R M Bellew*, *James Carragher*, *Richard De Vernon*, *John Patrick Kelly*, *Matthew M'Cann*, *Patrick Jennings*, *Thomas Byrne*, *Dennis Brennan*, *Owen Newry*, *Nicholas Callan*, *George Boyton*, Esquires, and such Persons as shall from Time to Time be chosen in manner herein-after mentioned, and in the Room of such of them as shall die, resign, or be disqualified, shall be Trustees for executing the several Powers, Authorities, and Trusts continued in this Act and the said severally recited Acts, for the repairing and keeping in repair the said Road leading from *Dundalk* to *Dunleer* aforesaid.

Qualification of Trustees.

III. 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 be possessed of a Personal Estate to the Amount of One thousand Pounds over and above all Debts or Demands against him, or shall be the Son of a Peer,

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:

Form of Oath or Affirmation.

'I *A. B.* 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 Hereditaments of the clear yearly Value of One hundred Pounds, *or* Real 'and Personal Estate together of the Value of One thousand Pounds, 'over and above all Debts and Demands; *or* That I am the Son of '*A. B.*, who is a Peer of this Kingdom; *or* That I am Heir Apparent 'to *C. D.*, 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 First Year of the Reign of Queen *Victoria*, '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 or 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 to any Person who shall sue for the same, to be recovered, together with the full Costs of Suit, in any of Her Majesty's Courts of Record in *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every such Person so sued or prosecuted shall prove that he is 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: Provided always, that nothing in this Act contained shall extend or be deemed or construed to extend to Persons holding certain Offices or Professions, and by the said first-recited Act qualified by virtue of such Profession or Office to act in the Trusts of this Act, merely on account of such Office or Profession; but, on the contrary, so much of the said former Act as relates or refers to *ex officio* Trustees is hereby declared to be repealed; and it is the true Intent and Meaning of this Act that

Acts of unqualified Trustees before Conviction valid.

Appointment of ex-officio Trustees repealed.

no

no Person shall act in the Trusts thereof merely by virtue of his Office or Profession, neither shall any other, unless qualified as herein-before particularly mentioned and prescribed.

Oaths to be entered in a Book.

IV. 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 as Victuallers, not to vote.

V. 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 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 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.

Power to appoint additional Trustees.

VI. And be it further enacted, That it shall and may 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 Three in the whole.

Election of new Trustees on Vacancies arising.

VII. And be it further enacted, That upon the Death, Refusal, Resignation, or Disability 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 as aforesaid; and Notice of the Time and Place of the Meeting

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 County of *Louth*, and in some Newspaper published in *Drogheda* or *Dundalk*; 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.

No Act valid unless at a Meeting of not less than Five Trustees.

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 herein-after provided), and that all the Powers and Authorities by this Act granted to the said Trustees shall and may be exercised from Time to Time by the major Part of them who shall attend at any Meeting to be holden in pursuance of this Act, the Number of Trustees present at every such Meeting not being less than Five; and all the Orders and Proceedings of the major Part of the Trustees present at such several Meetings shall have the same Force and Effect as if the same were made and done by all such Trustees for the Time being (save and except as is herein otherwise provided for); 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 be appointed, and to have a casting Vote.

No Act to be revoked unless at a Meeting for the Purpose, nor unless Two Thirds of the Number concur, being a greater Number than at original Meeting.

IX. 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 such Notice as herein-after provided, specifying the Revocation or Alteration intended to be made, shall have been previously given, in the Names of any Three or more of the said Trustees, in such Manner as Notices are herein-after directed to be given, at least Fourteen Days before such subsequent Meeting, nor unless 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, and Two Thirds of such Number decide in favour of such Revocation or Alteration.

Notice of Meeting, how to be given.

X. Provided always, and be it further enacted, That all Notices in this Act directed to be given of any Meeting or Special Meeting, or of any other Matters, and not herein otherwise provided for, shall be signed by the Secretary of the said Trustees for the Time being, or in case such Special Meeting shall be called for the Purpose of altering or revoking all or any of the Proceedings of any previous Meeting, or for any other special Cause, Matter, or Thing, then by at least Five of such Trustees, and each such Notice shall state generally the Business intended to be done or transacted at such Meeting, and shall be given by Advertisement in One or more

Dublin Newspapers circulated in the County of *Louth*, and also in a Paper published at least Fourteen clear Days previous to such Day of Meeting; and such Advertisement shall be inserted during the Period intervening between the first Insertion and the Day of Meeting in either of the Towns of *Drogheda* or *Dundalk* at least Three *Saturdays* in each such Paper; and such Notice when so published and given shall be deemed and considered the same as personal Notices.

Business of special and adjourned Meetings.

XI. And be it further enacted, That no Business shall be transacted at any Special Meeting other than the Business for which it shall have been called, and no Business shall be transacted at any adjourned Special Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Trustees to to ascertain that Notice of Meeting has been given.

XII. 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; and if it shall appear that such Notice has not been given in manner hereby directed it shall not be lawful for the said Trustees to proceed with the Business for which they were so informally called, nor with any other Business whatsoever.

Quorum of Trustees.

XIII. And be it further enacted, That any Five of the said Trustees who shall have qualified in manner directed by this Act shall be a sufficient Number to constitute a Meeting; and all Acts, Matters, and Things in or relative to the Execution of this Act may be done and executed by the Majority of the Trustees present at any Meeting, unless where it is specially directed otherwise by this Act, and shall have full Power and Authority to carry into effect all and every or any of the Purposes or Provisions of the said recited Acts and of this Act.

Power to appoint and remove Officers, and make Rules for their Government.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees 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 and Surveyors of the said Road, and all such other Officers and Persons for the Execution of this Act, and from Time to Time to make such Rules, Orders, and Regulations for the good Conduct and well governing of any such Treasurer, Clerk, Collector, Surveyor, and all such other Officers and Persons, and from Time to Time to remove such Officers and Persons respectively as shall hereafter be appointed, as the said Trustees 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; provided however that no new Appointment in the Room of any such Officers or Persons respectively so removed, having

having died or resigned, or become incapable or unfit to perform the Duties of his Office, shall take place unless special Notice, signed by at least Three of the said Trustees, be given in such Manner as Notices are by this Act directed to be given, by Writing under their Hands (such Writing to be countersigned by the Secretary or Clerk to the said Trustees for the Time being), to nominate or appoint some other fit Person in his or her Place until the next Meeting of the said Trustees of the said Road; which Person or Persons so to be nominated or 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 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, Buildings, 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 said County of *Louth*, 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 there, 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 or appoint, in Possession thereof; and such Warrant shall be sufficient Authority for such Constable or Peace Officer and his Assistants so acting.

If discharged Gatekeeper or Lessee refuse to deliver up Possession, a Justice of Peace may cause him to be removed.

XV. 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 Fifty Pounds *per Annum* to any one Officer or Servant.

Officers Salaries.

XVI. Pro-

Officers to give Security.

XVI. Provided, and be it further enacted, That the said Trustees shall take 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, provided that no Trustee shall be such Security.

Treasurer and Clerk not to be the same Person.

XVII. 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, 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 Purposes of this Act, or 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 Partner or Partners, shall accept the Office of Treasurer, or shall act as a 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 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 Profits 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 Her Majesty's Courts of Record in *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

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

XVIII. And be it further enacted, That it shall and may be lawful to and for any Five or more of the said Trustees, although not assembled at any Meeting, upon the Death, Neglect, Refusal, or Incapacity to act, or absconding, 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, to continue 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 he or she shall be so nominated and appointed.

XIX. And

Trustees, being Justices, may act.

XIX. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace shall and may in their respective Jurisdictions and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested, and that any Mortgagee or Assignee of any Mortgage or other Security upon the Credit of any Tolls granted by this Act, or receiving Interest for the same, shall not on that Account be deemed unqualified to act as Trustee.

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

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

Proceedings to be entered in a Book.

XXI. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or the major Part of them, or by their Clerk by their Order; which said Book or Books, and also the Books herein-after mentioned and directed to be kept for registering the Mortgages and Assignments of Tolls hereby intended to be granted, or Transcripts thereof, signed by the Clerk to the said Trustees, shall and may be read in Evidence in all Cases of Appeal, and in all Suits or Actions touching any thing done or to be done in pursuance of this Act.

Treasurer to pay all Monies into the Bank, so as never to have more than 20*l.* in his Hands, to be drawn out

XXII. And be it further enacted, That the Treasurer to the said Trustees shall from Time to Time pay to their Credit in the Bank of *Ireland*, or such other Bank as the said Trustees shall appoint, all and every Sum or Sums of Money exceeding Twenty Pounds Sterling which shall be at any Time in his Hands as Treasurer; and that no Sum or Sums which shall be deposited in the Bank of *Ireland* or such other Bank as aforesaid by the Treasurer or any other Person

by Orders of the Trustees at Meeting, entered and signed on Proceedings.

to the Credit of the Trustees shall be drawn out therefrom, except upon Orders for the Purpose made at a Meeting of the said Trustees, and entered in a Book of their Proceedings, and signed therein by Two at least of the Trustees present; and that the said Treasurer shall once at least in every Six Months pass his Accounts at a Meeting of the said Trustees.

Power to erect Gates, Toll Houses, &c.

XXIII. 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, Chain, or Weighing Machine, and to purchase or rent, take in and inclose, on the Sides of the said Road, suitable Garden Spots or Ground for the same respectively, not exceeding One Eighth Part of a Statute Acre for each, as they shall think necessary, and from Time to Time 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.

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

XXIV. 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 building and repairing the same, and for repairing the said Road or any Part thereof, and all Fences and Rails erected or to be erected and set up by the said Trustees, or by their Order or Direction, upon, 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, deface, take away, injure, or spoil any such Turnpikes, Toll Gates, Toll Houses, Fences, Rails, Milestones, Tables of Tolls, Posts, Conveniences, Appurtenances, Materials, Articles, or Things, 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 the Turnpike Road "from *Dundalk* to *Dunleer* in the County of *Louth*," without particularly

cularly stating or specifying the Name or Names of all or any of the said Trustees.

Power to take Tolls.

XXV. 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 any Tolls or Sums not exceeding the Sums or Tolls mentioned and set forth in the Schedule hereunto annexed, 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.

Only One Toll to be demanded in One Day.

XXVI. 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 ensuing Night) than One full Toll for passing over the said Road with the same Cattle and the same Carriage, but that every Person, on having paid such Toll, 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, &c. travelling for Hire to pay each Time of passing.

XXVII. 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 the said Road.

Post Chaises returning empty not to pay Toll.

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

Power given to erect

XXIX. 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

Weigh-houses.

to be erected on any Part or Parts of the said Road contiguous or near to any of the Toll Gates thereon, a Weigh-house or Weigh-houses, with the necessary Apparatus for weighing all Waggons, Wains, Drays, Carts, Cars, and other Carriages of Burthen, with all Kind of Loading thereon, and, in lieu of the Tolls herein-before mentioned and directed to be taken and paid on the said Road, 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 Road, for the Purpose of weighing the same.

Toll may be regulated by Weight.

As to Breadth of Wheels.

Tolls may be varied.

XXX. And be it further enacted, That it shall and may be lawful for the Trustees of the said Road, and they are hereby empowered, at a Meeting to be holden for that Purpose, from Time to Time to lessen or reduce all or any of the said Tolls, in such Manner as to them shall seem fit and convenient, either generally or so far as they may be payable by Persons partially using the said Road, and to cause such reduced Tolls to be received and taken at each and every or any such Gate or Gates, Toll Bar or Toll Bars, or Chains, erected or to be erected along or at the Side or Sides of such Road, 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 Dimensions of Wheels.

XXXI. And be it further enacted, That it shall and may be lawful for the respective Collectors of the said Tolls to stop and measure 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 Burden, before any such Carriage shall be permitted to pass through any Gate or Gates to be erected on the said Roads.

Trustees to put up a Table of Tolls.

XXXII. 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 Road 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 also provide or cause to be provided

Tickets

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 be taken, List thereof is down.

XXXIII. 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.

XXXIV. 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 Persons 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 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, and also delivered or sent to the Magistrate residing nearest to the Gate whereat such Distress shall be made, 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 in Writing, to the Owner or Owners thereof.

Recovery of Tolls.

For settling Disputes concerning Tolls.

XXXV. And be it further enacted, That in case any Dispute shall happen respecting the demanding or taking or the Payment of Toll, or the Amount of Toll, or the Charges of keeping or selling any Distress, then and in every such Case such Dispute shall be heard and determined by any Justice or Justices of the Peace for the County of *Louth*, upon Application made to him or them for that Purpose, who shall examine the Matter upon Oath of the Parties or other Witness or Witnesses (which Oath said 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 the Payment of the Costs of such Distress and Sale, shall be returned, upon Demand in Writing, to the Person or Persons whose Goods and Chattels shall have been distrained and sold.

Collectors competent Witnesses.

XXXVI. 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.

General Exemptions, and Penalty for falsely claiming Exemptions.

XXXVII. And be it further enacted, That no Tolls shall be demanded or taken on the said Roads for any Horses or Carriages belonging to Her 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, Wood, 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 to be used for the Improvement of Lands 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

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 Her Majesty, or to and for the Use of Her 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 County of *Louth;* or for any Horses or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of Her Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; 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, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

For preventing Toll Collectors from taking undue Tolls.

XXXVIII. And be it further enacted, That all and every Toll Collector, being a Lessee of the said Tolls, or appointed either by the said respective Trustees or by any such Lessee or Lessees to collect the Tolls by this Act granted, shall, and he or 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 a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall

shall continue the same so placed during the whole Time he or she shall be upon such 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 a greater or less Toll from any Person than he or she shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the respective Trustees to be from Time to Time made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, and shall have stated to them the particular Part of the Law giving to him or her or them such Exemption, or shall refuse to permit or suffer or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his or her Christian or Surname to any Person or Persons 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 to give a Ticket denoting the Payment of the said Toll, and naming and specifying the several Gate or Gates where such Payment was made, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any 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; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

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

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered, at any Meeting, Fourteen Days previous Notice thereof having been given in manner herein-before directed, from Time to Time to lease, let, or demise all or any of the Tolls to be collected by virtue of this Act on the said Road, 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 Two 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, Provisoes, 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 or public Bidding, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm all or any of such Tolls at the best Rent that can be reasonably gotten for the same, provided that the Leases, Contracts, or Agreements for the same be in Writing, and duly executed by the Lessee

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; in all which said Demises or Leases there shall be contained a Covenant binding the Lessee therein, his Executors or Administrators, to set up and keep lighted at the Toll Gate or Bar at which such Tolls as he collects are payable, from Sunset till Sunrise, each Day in the Months of *September*, *October*, *November*, *December*, *January*, *February*, and *March* in every Year, a Lamp or Burner of such Description as the said Trustees may deem sufficient.

Lessees invested with Power to collect Tolls.

XL. 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 whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or 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 same 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.

No Composition for Tolls.

XLI. And be it further enacted, That it shall not be lawful for the said Trustees to make any yearly or other Composition with any Person whatever in lieu of the Payment of any of the Tolls made payable by this Act.

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

XLII. 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 Persons residing thereat respectively, from the Possession thereof, and from the Collection of such Tolls, and 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 the Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessees 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 to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

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

XLIII. And be it further enacted, That it shall and may be lawful for the Trustees of the said Road and they are hereby empowered to enter into any Contract or Contracts for the altering, widening, amending, and keeping in repair for any Term or Time all or any Part or Parts of the said 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 Road, or for any Work to be done thereon, or for any Purpose or Purposes whatsoever 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 manner hereinbefore directed, and a Copy of such Notice be posted on the Turnpike Gates on the said Road, and at the usual Places of posting Notices in the Towns of *Dundalk*, *Castlebellingham*, and *Dunleer*, Twenty-one Days at least previous to the Day mentioned in such Notice for such Meeting, expressing the Purposes of such Contract or Contracts, in order that any Person willing to undertake the same may make Proposals for that Purpose, to be laid before the said Trustees at the Time and Place in such Notice mentioned; and the said Trustees shall and they are hereby required to take Security from every and all such Contractor 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.

To take Security for due Performance of the same.

XLIV. And

Payment for Works performed by Contract.

XLIV. And be it further enacted, That no Money shall be paid by the Treasurer of the said Road on account of such Contract, except on the Order of Three of the said Trustees; and that no such Order shall be made unless sufficient Proof shall be advanced by One or more of the Contractors, to the Satisfaction of the said Trustees present at some Meeting, that the Work has been fairly, honestly, and effectually executed, pursuant to the Contract.

Proviso for a Covenant in every such Contract to guard against Contractors injuring the Public by Delay, Insufficiency of Work, &c.

XLV. Provided always, and be it further enacted, That every Contract shall contain a Covenant on the Part of the Person or Persons contracting with the Trustees to the Purport following; that is to say, that if the Surveyor of the Road for the Time being, or any Sub-Surveyor by his Order, shall at any Time or Times give Notice in Writing to any such Contractor or Contractors of any Neglect or unnecessary Delay in the Execution of the Whole or any Part of his or their Work, or of any Work done or doing by him or them being insufficient, or not conformable to the Contract, or, in case of the Contract being for the keeping the Whole or any Portion of the Road in complete or perfect Repair, of any Want of complete and perfect Repair in any Part thereof, and shall in such Notice state the Particulars in which such Work is neglected or delayed, or varies from the Contract, or is insufficient in its Execution, or is in want of complete and perfect Repair; and if the Contractor or Contractors shall not, within Ten Days from the Service of such Notice, employ a sufficient Number of Carts, Workmen, Artificers, or others necessary to complete the Work within the Time limited in the Contract, or shall not begin and continue effectually to correct the Insufficiency or Want of Repair as mentioned in such Notice, it shall be lawful for such Surveyor or Sub-Surveyor to enter, on the Part of the said Trustees, with One or more Overseers, and with Labourers, Carts, Artificers, or other Persons proper to be employed in the Work, and to keep them employed therein until the same shall be completed and corrected, as the Case may be, agreeable to such Notice; and that it shall be lawful for the said Trustees to pay to such Overseers, Labourers, Artificers, and other Persons the Wages of such Overseers and other Persons, and to pay also for all necessary Materials, and to deduct out of the Monies to be paid to such Contractor or Contractors the Amount thereof, and of all other Expenses which they shall be put unto by the Means aforesaid, and to sue him or them, or his or their Securities, for such Monies as shall be so expended, if any, over and above the Amount of Money contracted for in order to complete the Execution thereof: Provided always, that if any such Contractor shall feel or consider himself aggrieved by the Terms of the Notice so served by such Surveyor or Sub-Surveyor, as the Case may be, it shall and may be lawful for such Contractor to appeal from such Decision to the Bench of Magistrates sitting at Petit Sessions in the District nearest to the Place concerning which such Appeal shall be made; and it shall and may be lawful to and for such Magistrates and they are hereby required, upon sufficient Proof having been adduced before them, but not otherwise, that the Notice next herein mentioned has been duly served upon the said Surveyor or Sub-Surveyor, to inquire into, consider, and determine upon any such Appeal, the

Decision

Decision of the said Magistrates to be final and conclusive: Provided always, that such Contractor or Contractors shall, within Three Days after Receipt of the Surveyor's or Sub-Surveyor's Notice upon him, give to such Surveyor or Sub-Surveyor Ten Days Notice in Writing at the least of such his Intention to appeal; and such Notice shall specify the Particulars or Items respecting which such Appeal is intended to be made, and also the Day, Time, and Place when and where such Appeal is intended to be considered; and if the said Magistrates shall not make any Order thereat for such Surveyor not proceeding, such Surveyor, or his Sub-Surveyor by his Order, shall forthwith enter with Overseers, Labourers, Carts, and other Persons, and keep them employed as herein-before enacted: Provided also, that in every such Contract (not being one for keeping in complete and perfect Repair the Whole or any Portion of the said Road for any Term or specified Period) the Time within which the Work contracted for is to be finished shall be stated; and that in every such Contract for keeping in complete and perfect Repair the Whole or any Portion of the said Road for any Term or specified Period there shall be contained an Obligation on the Contractor or Contractors that the Road contracted for shall not only be kept in complete and perfect Repair, and free from Nuisances and Encroachments, at all Times during the Period the Contract is made for, but that the whole of the Earth thereof, gravelled or stoned, shall at the Expiration of the Contract be left as strong in Materials as it shall have been at any Time during the Contract.

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.

Power to raise Money on Credit of the Tolls.

XLVII. And whereas it may be necessary to raise Money on the Credit of the Tolls on the said Road, to carry this Act into execution; be it further enacted, That the said Trustees or any Five of them shall and may and are hereby empowered from Time to Time to raise and borrow such Sum or Sums of Money as they shall deem necessary, towards repairing, widening, and altering the said Road, and defraying the Expences to be incurred thereby.

Power to borrow Money.

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees to borrow and take up at Interest on the Credit of the said Tolls arising on said Road such Sum or Sums of Money as they shall from Time to Time respectively think proper, and to demise and mortgage the Tolls on such Road, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, (the Costs and Charges of which Mortgages shall be paid out of the Tolls,) as a Security to any Person or Persons, or their Trustees, who shall advance any Sum or Sums of Money; which Mortgages shall be in the Words or to the Effect following; (that is to say,)

'By

'BY virtue of an Act passed in the Year of the Reign of , intituled [*here set forth the Title of this Act*], 'We whose Hands and Seals are hereunto subscribed and set, being of the Trustees for putting into execution an Act passed in the Year of the Reign of , intituled [*here set forth the Title of this Act*], in consideration of the Sum of Pounds Sterling advanced and paid by *A. B.* of to the Treasurer of the said Trustees, do hereby grant and assign unto the said *A. B.*, and his Executors, Administrators, and Assigns, such Proportion of the Tolls arising and to arise on the said Road, and the Toll Gates and Toll Houses erected or to be erected for collecting the same, as the said Sum of Pounds doth or shall bear to the whole Sum now or hereafter to become due and owing on the Security thereof, to have, hold, receive, and take the said Proportion of the said Tolls, Toll Gates, Toll Houses, and Premises, with the Appurtenances, unto the said *A. B.*, and his Executors, Administrators, and Assigns, for and during the Residue of the Term for which the said Tolls are granted by the said last-mentioned Act, unless the said Sum of Pounds, with Interest after the Rate of *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our Hands this Day of .' Form of Mortgage.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees or Commissioners, for which Entry such Clerk shall be paid the Sum of Five Shillings, and no more, out of the Tolls payable on such Road, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and it shall be lawful for all Persons respectively to whom any Mortgage shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign or transfer his, her, or their Right, Title, and Interest in and to such Mortgage, and the Principal Money and Interest thereby secured, to any other Person or Persons whomsoever, which Assignment or Transfer may be made in the following Words, or Words to the like Effect, to be endorsed on such Mortgage Security, or to be underwritten, or thereunto annexed, and signed in the Presence of and attested by One or more credible Witness or Witnesses; (that is to say,) Mortgages may be assigned.

'I *A. B.* [*or* I *C. D.* Assignee, Executor, *or* Administrator of *A. B.*, *as the Case may happen*,] do hereby assign and transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby secured, and all Interest now due and hereafter to grow due upon the same, unto *E. F.*, his *or* her Executors, Administrators, and Assigns. Dated this Day of One thousand eight hundred and

'Witness, *G. H.* (Signed) *A. B. or C. D.*' Form of Assignment.

Which Transfer shall be produced and notified to the Clerk or Treasurer of the said Trustees or Commissioners within Two Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk or Treasurer shall be paid the Sum of Five Shillings, and no more; and such Transfer shall then entitle such Assignee, his Executors, Administrators,

nistrators, and Assigns, to the full Benefit of such Mortgage Security; and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties;* and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators,) to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgage or Transfer shall be made as aforesaid shall, in proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by such Act granted, and on the said Toll Gates and Toll Houses, in equal Degree one with another, or in such Order as shall be agreed upon and stipulated by the said Trustees or Commissioners at the Time of the Advance of their respective Shares.

Trustees may borrow Money under the Provisions of 45 G. 3. c. 43., or 57 G. 3. c. 34. and 57 G. 3. c. 124.

XLIX. And be it further enacted, That if the said Trustees shall deem it more expedient to borrow the said Sum of Five thousand Pounds, or any Part 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 Forty-fifth Year of the Reign of His late Majesty *George* the Third, intituled *An Act to amend the Laws for improving and keeping in repair the Post Roads in* Ireland, *and for rendering the Conveyance of Letters by His Majesty's Post Office more secure and expeditious;* or of another 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 carrying on 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 said Year, intituled *An Act to amend an Act made in the Session of Parliament, for authorizing the Issue of Exchequer or Treasury Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor;* or under the Provisions of any other Act which may hereafter be passed which may authorize the Issue of Exchequer or Treasury Bills, or may enable the Lord Lieutenant or other Chief Governors of *Ireland*, or the Commissioners of Her Majesty's Treasury, to advance Money out of the Consolidated Fund or any other Fund, for carrying on of Public Works and Employment of the Poor, it shall and may be lawful for them to borrow the same accordingly, and all the Tolls to arise by virtue of this Act shall be subject to all such Payments at the Receipt of Her Majesty's Exchequer in *Ireland*, and to all such Regulations in respect of such Payments, as are enacted in the said recited Acts or this Act, or may be enacted in any other Act or Acts authorizing the same.

Application of Tolls and Money borrowed.

L. And be it further enacted, That all the Money which shall arise and be produced from the Tolls by this Act granted, together with the Monies which shall from Time to Time be borrowed in pursuance of this Act, and not herein appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and shall be applied by them to and for the several Uses, Intents, and Purposes, and

and in Order and Manner following; (that is to say,) in the first place, in Payment of all Costs, Charges, and Expences preparatory and relative to the obtaining and passing of this Act, or in anywise incident thereto; in the second place, in paying the Interest accruing upon the several Principal Sums of Money which are now owing, or which shall be borrowed and shall from Time to Time be due and owing, on the several Securities made in pursuance of this Act; in the third place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and of repairing, widening, fencing, maintaining, and altering the said Road, and purchasing Lands for those Purposes, and of erecting and maintaining necessary and convenient Bridges upon the said Road, and of executing the several other Powers and Purposes of this Act; and, lastly, in reducing, paying off, and discharging the several Principal Sums now due, or for the Time being due on such Securities as aforesaid, and the Interest thereof respectively.

For getting Materials to repair the Road, &c.

LI. 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 inclosed 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 Dispute or Disagreement 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

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 Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payment and Damages; and the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

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

LII. 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 Ten 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 situate, to show 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 show 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.

LIII. 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, her, 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 Road.

LIV. 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

Person or Persons who shall contract with the said Trustees, under the Provisions of this Act, for the Execution of Work, in any Lands, Fields, Grounds, Rivers, or Brooks, 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 to be purchased or rented.

LV. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby required 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, or other Materials for making and repairing the same, so that no Stone, Gravel, or Materials of any Nature or Kind may be left upon the said Road or on any Part thereof; 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 County of *Louth* in manner herein-before directed with respect to getting Materials for Repair of the said Road.

Surveyors to make Drains, &c.

LVI. 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 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, and 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, and 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 County of *Louth* 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.

LVII. 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, or 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.

No Passage from Road into adjoining Fields to be made without a Gullet underneath.

LVIII. And be it further enacted, That if any Person shall at any Time make or have any Way or Passage from the said Road into the Lands adjoining, without placing an Arch or Gullet underneath such Way or Passage, as deep as the Drain or Gripe of the Ditch over which such Way or Passage is or shall be made, sufficiently wide to allow all Water which may at any Time be therein full Room to pass without coming upon the Road, and shall omit or neglect to make such Arch or Gullet for Ten Days after a Notice in Writing on the Part of the Trustees shall be personally served upon him or her, or to be left at his usual Place of Abode, every such Person shall forfeit such Sum, not exceeding Five Pounds, as the Justice before whom his or her Conviction shall be had shall in his Discretion adjudge; and it shall be lawful for the Surveyor to the said Trustees for the Time being, or any Person he

he shall appoint, with Workmen, Cars, Carts, Drays, and Horses, to enter into the said Lands, and make such Arch or Gullet, and to levy the Amount of the Expence thereof by Distress, exclusive of any Sum which may have been imposed for the said Offence under the Warrant of the said Justice, the Amount of which Expence, when levied, shall be paid to the Treasurer of the said Trustees, in aid of the Tolls granted by this Act.

Gates not to open into the Road.

LIX. And be it further enacted, That all Gates hereafter to be made and placed in the Fence between the said Road and any Field or Ground adjoining the same shall be made or hung to open and swing inward towards such Field or Ground, and not towards the said Road, save and except such Gates and Hanging Posts thereof respectively shall be so far removed from the Centre of the said Road so that no Part of such respective Gate shall, when opened, swing or hang over any Part of the said Road; and that it shall be lawful for the said Trustees, or any Five or more of them, to order all such Gates as are now erected or may hereafter be erected, which swing outwards towards the said Road, to be altered and made to open and swing inward only, as the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed so as to open or swing outward towards the said Road shall, after Eight Days Notice from the Surveyor for the Time being, or Sub-Surveyor of the said Road, requiring him, her, or them to alter any such Gate or Gates, and to make the same to open or swing inwards only, refuse or neglect to make such Alterations, or after such Alterations shall have been once made shall again re-alter the same, so as that the Gate shall open or swing outward, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Drivers for Misconduct.

LX. And whereas Accidents may happen and great Mischiefs may be done upon the said Road by the Negligence or wilful Misconduct of Persons riding Horses or driving Carriages thereon; be it therefore further enacted, That if the Driver of any Cart, Car, Dray, Wain, or Waggon, or other Carriage whatsoever, meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the said Road, or if the Driver of any Cart, Car, Dray, Wain, or Waggon, or other such Carriage, shall ride upon any such Carriage on the said Road not having some other Person on Foot or Horseback to guide the same, (save and except all such Carriages as are conducted by some Person holding the Reins of the Horse or Horses or other Beast or Beasts drawing the same,) or if the Driver of any Carriage whatsoever on any Part of the said Road shall by Negligence or wilful Misbehaviour cause any Hurt or Damage to any Person or Carriage passing along such Road, or wilfully be at such a Distance from such Carriage on such Road that he cannot have the instant Direction or Government of the Horse or Horses or other Beast or Beasts drawing the same, or shall by Negligence or wilful Misbehaviour prevent, hinder, or interrupt the free Passage of any other Carriage, or of any of Her Majesty's Subjects, on the said Road; or if any Person, after having blocked or stopped any Cart or other Carriage in going up any Hill or rising Ground, or otherwise, shall

not

not immediately afterwards take away or remove from the said Road the Stone or other Thing made use of in so blocking or stopping such Cart or other Carriage, except the same be annexed to the Carriage or belonging to it; or if any Person driving or acting as a Driver of any Coach, Post Chaise, or other Carriage let for Hire, or of any Cart, Car, Dray, or other Carriage, and committing any Offence or Offences against this Act, shall refuse to discover (on being thereunto required by the Person or Persons taking notice of the Offence) the true Christian Name or Names and Surname or Surnames of the Owner or Owners, Proprietor or Proprietors of such Coach, Post Chaise, Cart, Car, Dray, or other Carriage respectively, and also of his or her Place of Abode; then and in every such Case every such Driver so offending shall for every such Offence, on being convicted thereof, either by his own Confession or by the View of a Justice of the Peace, or by Oath of any credible Witness or Witnesses, forfeit and pay any Sum not exceeding Ten Shillings, in case such Driver shall not be the Owner or Proprietor of such Coach, Post Chaise, Cart, Car, Dray, Waggon, or other Carriage, and in case such Driver shall be the Owner or Proprietor thereof, he shall forfeit and pay any Sum not exceeding Five Pounds; and it shall and may be lawful to and for any Person or Persons whomsoever who shall see any such Offence committed to seize and apprehend, and also to and for any Person or Persons whomsoever to assist in seizing and apprehending, every such Driver so offending, and by the Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them into the Custody of a Constable or other Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the County where the Offence shall be committed, to be dealt with according to Law.

Penalty for Encroachments on the Sides of the Roads.

LXI. 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 towards 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 any Sum not exceeding 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

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.

LXII. And be it further enacted, That it shall be lawful for the said Trustees, or their 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 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 shall require, and the Charges thereof for 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 upon the Road to be impounded.

LXIII. 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 the said Road 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,

Swine, or other Beast or Cattle so impounded, pay the Sum of One Shilling, 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 Toll Gates on the Road nearest 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 escaped from any Inclosure by any Gate or Fence being wilfully or negligently left open or destroyed by any Person not being Owner or Occupier of such Inclosure, or employed by such Owner or Occupier, in which Case such Justice or Justices may remit the Penalty,) and the Money arising from such Sale, after deducting the said Penalty, and 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: 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 One Pound, 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.

LXIV. 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, Sheep, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person 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, 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.

LXV. And

Penalty for Nuisances or Injuries upon the Roads.

LXV. 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 deface or obliterate any of the Inscription Letters, Figures, or Marks thereon, or shall wilfully break, throw down, or otherwise injure 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 Repair; 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 shall haul or draw, or caused 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 Width 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 Materials, such 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 Copes 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 One hundred Feet of the Centre of any Part of the said Road, or shall

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in or upon any Part of the said Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, dress, or cut up any Beast, Sheep, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter House, 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 said Roads; 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 the said Road, or within Two hundred Feet of the Centre thereof, or play at Football, Handball, Bowls, or any Game upon any Part or Parts of the said Road, to the Annoyance of any Passenger or Passengers; or if any Higgler, 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 the said Road; or if any Blacksmith or any other Person occupying a Blacksmith's Shop having any Window to front the said Road 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 the said Road, 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 the said Road, 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 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 the said Road, or shall wilfully or carelessly drive the Wheel of any Carriage against the same, or shall lay any Pieces of Timber, Packs of Wool, or any Stones, Hay, or Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing on any Part of the said Road, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining such Road, to the Prejudice, Annoyance, or Interruption of Persons travelling or passing thereon; or if any Person shall go or travel on the said Road with a Scythe or Scythes mounted or fixed in the Handle; or if any Person or Persons shall otherwise wilfully hinder, obstruct, or prevent the free Passage on the said Footpath, or shall lay or place on the Walls or Fences of the said Road, 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

above the Damage, if any, occasioned, any Sum not exceeding Forty Shillings for every or any 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.

LXVI. 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, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Powers of Collectors to detain unknown Persons guilty of Offences.

LXVII. 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 Disputes, to be settled by Justices.

LXVIII. 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, and 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.

LXIX. 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 said County of *Louth*, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, or on View of such Justice or Justices, 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 to the Treasurer or Treasurers of the Trustees of the said Road, to be applied for the Purposes of the said Road; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith, 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 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 or Justices may, at his or their Discretion, without issuing any Warrant of Distress, commit the Offender or Offenders to the Common Gaol of the said County of *Louth*, there to remain, without Bail or Mainprize, at hard Labour, for any Time not exceeding One Calendar Month, 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.

LXX. 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.

LXXI. 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

viction 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 *Louth*, to wit.' BE it remembered, That on the Day of in the Year of our Lord *A. B.* is 'convicted before me *C. D.* [*or* before us, *C. D.* and *E. F.*, One, 'or Two, *as the Case may be*] of Her 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 'Year of , 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 or be committed to 'for the Space of . Given under my Hand 'and Seal [*or* our Hands and Seals] the Day and Year first above 'written.'

Allowing an Appeal to the Quarter Sessions.

LXXII. 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 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 such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Twenty-one Days Notice at the least of his or her or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Trustees, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, 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 to be unlawful for Want of Form.

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

Proceedings not to be quashed, nor removed by Certiorari.

LXXIV. And be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceedings made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction

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 Her Majesty's Courts of Record at *Dublin*, any Law or Statute to the contrary thereof notwithstanding.

Plaintiff not to recover without Notice, or after Tender of Amends.

LXXV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act 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 shall have been brought; and in case no such Tender shall have been made it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the 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 where the Defendant is allowed to pay Money into Court.

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

LXXVI. And whereas the Trustees under the herein-before recited Acts hereby repealed borrowed several Sums upon the Security of the Tolls by said Acts granted, and Part thereof now remains due and owing; be it therefore enacted, That nothing in this Act contained shall extend or be construed to affect or invalidate all or any of the Securities given or granted by the said Trustees in pursuance of the Powers vested in them by said Acts hereby repealed; but, on the contrary, the said Securities shall remain and continue in force as fully and effectually to all Intents and Purposes as if such Money had been borrowed or become due and owing on the Credit or on account of this Act; and that all and every Person and Persons owing any Sum or Sums of Money to the respective Trustees for executing the said Acts hereby repealed shall be liable to the Payment thereof to the Trustees of this Act.

Entry of Proceedings under former Acts to be good Evidence.

LXXVII. And be it further enacted, That all and every Books or Book in which any Entry or Entries of any Proceeding or Proceedings relating or in anywise appertaining to the said Road of any of the Directors or Trustees or other Person or Persons acting by and under the Authority of said former Acts, shall be and be deemed to be good and sufficient Evidence of such Proceedings in any Court whatsoever, any thing herein contained to the contrary notwithstanding.

Commencement and Termination of Road.

LXXVIII. Provided always, and be it further enacted, That the Commencement and Termination of the said Road from *Dundalk* to *Dunleer* shall be the same as defined in and by the herein-before recited Acts.

Punishing Persons swearing falsely.

LXXIX. And be it further enacted, That if any Person or Persons, upon any Examination, Oath, or Affirmation before any Justice of the Peace acting in the Execution of this Act, shall wilfully and corruptly give false Evidence touching any Matter or Thing relating to this Act, or shall wilfully and corruptly swear and affirm any Matter or Thing

Thing which shall be false and 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 the Law in force and effect Persons guilty of Perjury are subject and liable to.

Term of Act.

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

Public Act.

LXXXI. 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.

The SCHEDULE to which this Act refers.

For every Horse or other Beast of Draught drawing any Coach, Berlin, Landau, Landaulet, Vis-à-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 Burden, the Shoeing of the Wheels whereof shall be perfectly flat, and set on with countersunk flat-headed Nails, Bolts, or Screws, and not less than Four Inches in Breadth, the Sum of Two-pence:

And if the Breadth be less than Four Inches but not less than Three Inches, and the Shoeing be perfectly flat, and set on in like Manner, for every Horse or other Beast drawing the same the Sum of Four-pence:

And if the 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 One Shilling and Eight-pence by the Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Sheep, Goats, Lambs, or Swine, the Sum of Ten-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:

For every Coach, Waggon, Vehicle, or other Carriage of whatever Description, propelled or drawn by Steam, Gas, Machinery, or any like Means, any Sum not exceeding Three Shillings.

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