ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. XVI.

An Act to discontinue the taking of Toll on the Turnpike Roads now existing in *Ireland*, and to provide for the Maintenance of such Roads as public Roads, and for the Discharge of the Debts due thereon, and for other Purposes relating thereto. [27th *July* 1857.]

WHEREAS, under the Provisions of the Acts recited in the Schedule (A.) to this Act annexed, Trustees were appointed for the Management and Maintenance of the Roads therein mentioned, with Power to levy Tolls thereon: And whereas Her Majesty was, on the Twelfth Day of *February* One thousand eight hundred and fifty-six, pleased to issue a Commission under the Great Seal to *Edward Clements* Esquire, directing him to inquire and report on the Propriety of maintaining or abolishing all or any of the Turnpike Roads existing in *Ireland*, and the Condition of each of the said Roads, and the Receipt and Expenditure, and the Accounts of each Trust, and the Amount of Debts and Charges thereon, and the original Value and Market Value, in each of the last Ten Years, of the Debentures, and the Number of Debenture Holders, and the Mode of paying off the said Debentures which

should appear to the said Commissioner most just and equitable, and the Proportion thereof which should be charged to the respective Counties or Baronies concerned: And whereas the said Commissioner has since made his Report to Her Majesty, and has therein reported in favour of abolishing the Turnpikes on the said Roads, and has recommended that the said Roads should be maintained as the other free Highways of the Counties in which they may be situated, and has offered Suggestions as to the Mode in which the said Turnpike Trusts should be abolished, and the Debentures and Debts due thereon should be valued, apportioned, and discharged: And whereas it is expedient that certain Recommendations of the said Commissioner should be carried into effect: Be it therefore 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, as follows; that is to say,

Short Title.

I. This Act may be cited for all Purposes as "The Turnpikes Abolition Act (*Ireland*), 1857."

Interpretation of Terms.

II. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say,

The Word "Person" shall include Corporation, whether sole or aggregate:

"The Lord Lieutenant" shall mean the Lord Lieutenant or other chief Governor or Governors of *Ireland* for the Time being:

"Rents" shall mean any Rents or Annuities secured upon or payable out of the Tolls levied under any of the Acts mentioned in the Schedule (A.) to this Act annexed:

"Rentholder" shall mean any Person entitled to any such Rents:

"The County Rates," or "Rates," shall in respect of the County of the City of *Limerick* mean the Rates of the Borough of *Limerick*:

"The Grand Jury" shall in respect of the County of the City of *Limerick* mean the Council of the Borough of *Limerick*:

"Mortgage" shall include Debenture and every Security for Money charged upon the Tolls levied under the Provisions of any of the Acts mentioned in the Schedule (A.) to this Act annexed:

"Mortgagee" shall mean any Person entitled to any such Security, and shall include "Debenture Holder:"

"Trustees," as regards Turnpike Trusts, shall include Commissioners and Directors:

"County" shall include County of a City or County of a Town:

"Barony" shall include Half Barony:

"Officer"

"Officer" shall include Secretary, Treasurer, Clerk, Surveyor, and Toll Collector:

"Road" shall include Bridges and all other Works appertaining to the Road:

"Treasurer of the County" shall include the Secretary of the Grand Jury, as the Case may be.

Commissioner appointed for executing the Act.

III. It shall be lawful for the Lord Lieutenant, by Warrant under his Hand, to appoint any fit Person to be the Commissioner for carrying this Act into execution, and upon any Vacancy in the Office of such Commissioner to appoint some other fit Person to such Office; and the said Person so to be from Time to Time appointed shall be the Commissioner for executing this Act, and shall be styled "The Turnpikes Abolition Commissioner."

Authentication of Documents.

IV. All Certificates, Awards, or other Instruments made by or proceeding from the Commissioner in pursuance of this Act shall be sufficiently authenticated if under the Hand of the Commissioner, and the same may be in Writing or in Print, or partly in Writing and partly in Print; and all such Certificates, Awards, and other Instruments, or Copies thereof, purporting to be executed by the Commissioner, shall be Evidence that such Certificates, Awards, or other Instruments were duly made and executed, and that all the Requisitions of this Act in relation thereto were complied with, unless the contrary be shown.

Proceeding &c. of Commissioner to be binding, and not removable by Certiorari, &c.

V. All Certificates, Awards, and other Instruments made or executed pursuant to this Act by the Commissioner, and all Proceedings under this Act of such Commissioner, shall be binding and conclusive (except as in this Act otherwise provided) on all Parties thereto and to all Intents and Purposes whatsoever, and shall not be removed or removable by Certiorari or by any other Writ or Process into any of Her Majesty's Superior Courts at *Dublin*.

Notices may be sent by Post.

VI. All Notices and other Documents by this Act directed to be delivered or given, except such as are to be given by Advertisement, may be sent by Post.

Remuneration of Commissioner.

VII. It shall be lawful for the Lord Lieutenant to direct such Sum as he shall think fit, not exceeding Three hundred Pounds, to be paid to the Commissioner to be appointed under this Act, as a Remuneration for his Services in carrying this Act into execution, and the Remuneration of such Commissioner shall be provided and paid as Part of the Expenses of carrying this Act into execution; provided, that if such Commissioner should die, be removed, or vacate his Office

Office before the making of a General Award as by this Act provided, then it shall be lawful for the Lord Lieutenant to direct that such Portion only as to the Lord Lieutenant shall seem just and reasonable of the Remuneration so originally directed to be paid to the Commissioner so dying, being removed, or vacating his Office, shall be paid in respect of the Services of such Commissioner.

Declaration to be made by Commissioner before acting.

VIII. The Commissioner appointed under this Act shall, before he enters upon the Execution of his Office, make the following Declaration before One of the Justices of the Court of Queen's Bench or Common Pleas or One of the Barons of the Court of Exchequer in Ireland; that is to say,

'I *A.B.* do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, fulfil all the Powers and Duties of the Commission under "The Turnpikes Abolition Act (Ireland), 1857."'

And the Appointment of such Commissioner, with the Time when, and the Name of the Justice or Baron before whom he shall have made the said Declaration, shall be forthwith published in the *Dublin* Gazette.

Commissioner to proceed to sit for Execution of Act, and to give Notice of Sittings.

IX. The Commissioner shall proceed, so soon as he conveniently can after the passing of this Act, to sit for the Execution thereof, and before proceeding to inquire into the Affairs of any Trust shall cause Notice to be given of the Day and Time at which he shall determine to hold any Sitting other than adjourned Sittings, and of the Purpose thereof, by Advertisement, to be inserted in some Newspaper or Newspapers circulating in each of the Counties in which may be situate the Turnpike Trusts in respect of which such Sitting may be intended to be held, Fourteen Days at least before the Time fixed for holding any such Sitting; and the Commissioner shall have Power to adjourn his Sittings from Time to Time and from Place to Place, as may be found necessary.

Sittings may be adjourned.

Commissioner to inquire into Debts, Conditions, &c. of Trusts.

X. The Commissioner shall make, so far as he shall deem necessary in order to the Execution of the several Powers and Duties hereby vested in him, full and diligent Inquiry into the Revenue and Debts (if any) of each of the several Turnpike Trusts to which the Acts of Parliament in Schedule (A.) to this Act annexed apply, and shall examine and ascertain the Amount and Nature of all Mortgages, Rents, and other Debts (if any) to which he shall consider each such Trust to be liable, and shall ascertain all Particulars relating to such Trust which he shall deem essential; and the Commissioner shall require to be produced, and shall examine and compare with the Registries thereof, all Mortgages or other Securities in respect of which

which any Claims upon the Tolls of such Turnpike Trusts, or any of them, shall be made; and in case it shall appear to the Commissioner, by the Books of such Trust or by any other Evidence satisfactory to the Commissioner, that any Person is a *bonâ fide* Mortgagee, Rentholder, or Creditor of such Trust, though the Mortgage or Security of such Person may have been lost, mislaid, or destroyed, the Commissioner shall include such Person among the Mortgagees, Rentholders, or Creditors of such Trust in respect thereof.

When Securities lost, Commissioner may include Rentholders among Creditors.

XI. The Commissioner may, by Summons under his Hand, require the Attendance before him, at a Time and Place to be mentioned in such Summons, of any Trustee or Officer of any of the said Trusts, as well as of any other Person whom he may think fit to examine upon any Question or Matter connected with or relating to the Execution of this Act, and may examine upon Oath any such Trustee, Officer, or Person, and may require the Production of any Books, Accounts, Maps, Acts of Parliament, or other Documents which the Commissioner may consider to relate to any such Question or Matter: Provided always, that no Person shall be obliged by any such Summons to go or travel more than Sixty Miles from the Place of his usual Abode; and the Commissioner may allow to any Witness attending pursuant to any such Summons such Expenses as he may deem reasonable.

Power to summon Witnesses and to require Production of Documents.

XII. Every Person who, being examined under the Authority of this Act by the Commissioner, shall wilfully and corruptly give false Evidence, shall be deemed guilty of a Misdemeanor; and every Person who, being summoned as aforesaid, shall wilfully refuse or neglect to attend or to give Evidence, and every Person who shall wilfully alter, suppress, conceal, destroy, or refuse to produce any such Books, Accounts, Maps, Acts of Parliament, or other Documents as aforesaid, shall be liable for every such Offence to a Penalty not exceeding Ten Pounds, in the Discretion of the Justices before whom such Offender shall be convicted.

Penalty on giving false Evidence, refusing to give Evidence, destroying Documents, &c.

XIII. The Commissioner shall make a full and particular Record in Writing of such his Proceedings in the Execution of this Act as he shall deem essential.

Record of Proceedings.

XIV. So soon as the Commissioner shall have ascertained all such Particulars relating to any such Turnpike Trust as he shall deem essential, he shall proceed to estimate and determine the Sums to be payable in respect of the Mortgages to the Payment of which he shall consider such Trust to be liable, in the Manner next hereinafter provided; that is to say, the Sums to be payable in respect

Commissioner to ascertain Mortgages charged on each Trust.

of such Mortgages shall be the fair and actual Value (if any) of the Principal Sums secured by such Mortgages respectively, and of all Interest due on such Mortgages respectively, excluding nevertheless all such Interest as shall have been due and in arrear for more than Six Years previous to the Fifth Day of *April* next after the passing of this Act, which last-mentioned Interest the Commissioner shall in respect of the said Trust Roads deduct and disallow.

Commissioner to ascertain Rents payable by each Trust.

XV. The Commissioner shall in like Manner ascertain the Nature and Amount of all Rents charged upon and payable out of the Tolls of any such Trust, and all Rents reserved on Leases; and the Sums to be payable in respect of every such Rent shall be an Annuity of the same annual Amount as such Rent, and for the same Term as such Rent may have been made payable.

Debts so ascertained to be charged on Counties and Baronies.

XVI. The Sums and Annuities which the Commissioner shall so determine to be payable in respect of any such Turnpike Trust shall be charged upon the Counties and Baronies of the Counties in which the Roads comprised in such Trust are locally situate, as next hereinafter provided; that is to say, where the whole of the Roads comprised in any such Trust shall be locally situate in One County only, One Half of such Charges and Annuities shall be apportioned to the County and the other Half to the Barony, or between the Baronies thereof in which such Roads are situate, in proportion to the Length of such Roads in each such Barony; and where the Roads comprised in any such Trust shall be locally situate in more Counties than One, such Charges and Annuities shall be divided, first, between such Counties, by allotting specific Charges and Annuities to each such County as nearly in proportion to the Length of such Roads in each such County as the Number and Amount of such Charges and Annuities will admit, and the specific Charges and Annuities so allotted to each such County shall be then apportioned between such County and the Baronies thereof as herein-before provided with respect to Trusts locally situate in One County only; provided, that when in the Division between such Counties of the Charges and Annuities in respect of any particular Trust any greater Proportion of such Charges and Annuities shall have been allotted to any such County than in the Proportion of such Road therein, it shall be lawful for the Commissioner to take the same into account in dividing the Charges and Annuities in respect of any other of such Trusts, or in the apportioning of the Expenses of carrying this Act into execution, herein-after mentioned, so as to make the aggregate of Charges and Annuities upon each such County in respect of such Roads therein locally situate as nearly as possible in the Proportions herein-before provided; provided also, that when the Sum payable in respect

respect of any specific Mortgage shall be of such Amount that the same cannot be properly allotted in the Manner aforesaid, then it shall be lawful for the Commissioner to divide the same rateably between Counties and Baronies, anything herein contained with regard to allotting specific Sums to each County or Barony to the contrary notwithstanding.

Award of Commissioner.

XVII. The Commissioner shall thereupon make, in the Case of each Turnpike Trust, a separate Award in Writing, and shall specify therein the Names of all such Persons as he shall have determined to be entitled to any Monies as Mortgagees or Creditors of such Trust, or to any Annuities, together with the Sums of Money or Annuities to which, in the Judgment of the Commissioner, the said Persons shall be respectively entitled, and in case of Mortgagees, whether the Sums of Money payable to such Mortgagees respectively shall be payable in One or more Instalments or otherwise, and shall also specify therein the Names of all such Persons as shall have claimed or who shall appear to be Creditors or Mortgagees or Rentholders of such Trust to whom the Commissioner shall have determined to award no Sum, and shall also specify therein the Apportionment which the Commissioner shall have made as aforesaid of the Sums of Money or Annuities payable in respect of such Trust by the Counties or Baronies in which such Trust Roads shall be situate, and the Commissioner shall forthwith deliver a Copy of his Award to the Clerk or other Officer of such Trust; and the said Clerk or other Officer shall, within Three Days from the Delivery of such Award, give Notice in Writing to the several Persons therein named of the Particulars of such Award regarding such Persons respectively.

Parties dissatisfied with Award may enter a Traverse.

XVIII. It shall be lawful for any Creditor of any Turnpike Trust by this Act abolished who shall be dissatisfied with the Award of the Commissioner, at the Assizes for the County in which the Roads or the greatest Part thereof comprised in such Trust shall be locally situate, held next after the Day he shall have received Notice in Writing from the Clerk or other Officer of such Trust of the Particulars of such Award, or where such Assizes are holden within less than Twenty-one Days after the Receipt of such Notice, then at the next subsequent Assizes, upon giving Ten Days Notice in Writing previously to such Assizes to the Commissioner of the Amount intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect of such Claim, and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had in respect thereof, and such Traverse shall be subject to the like Provisions as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating

solidating and amending the Laws relating to the Presentment of Public Monies by Grand Juries in *Ireland:* Provided always, that the Sum to be awarded or allowed as to the Costs, Charges, and Expenses of the Trial of every such Traverse shall in no Case exceed the Sum of Ten Pounds, and that no Party shall have any Remedy for the Purpose of impeaching the Amount ascertained by such Award other than by means of such Traverse: Provided also, that the Jury which shall try such Traverse shall be sworn a true Verdict to give, whether any and what Damages will be sustained by the Traverser, regard being had to the fair actual Value of the Principal Sums secured to such Creditor, or of any Interest claimed to be due thereon (as the Case may be); and the Entry of the Verdict of the Jury in case of each Traverse in the Crown Book shall be a final Decision and binding upon all Parties interested; and the Commissioner shall and he is hereby required, if the Verdict be in favour of the Traverser, to amend his General Award in conformity with such Verdict; and in case any Sum shall be awarded to the Traverser in respect of the Costs, Charges, and Expenses of the Trial of such Traverse, such Sum shall be added to the Amount specified to be due to such Creditor in such General Award; and any Costs, Charges, or Expenses incurred by the Commissioner, either for his personal Attendance or for Witnesses or otherwise in respect of such Traverse, shall be deemed and taken to be Expenses incurred by him in carrying this Act into execution.

Awards may be to Representatives of Persons under Disabilities.

XIX. Where any Monies or Annuities shall be due to any Infant, the Award may be made for the Payment of the Sum or Annuity therein specified to the Guardian of such Infant, or if there shall be no Guardian then to any Trustee for such Infant; and if any Monies or Annuities shall be due to a Lunatic or Idiot, then the Award may be made for such Payment to the Committee of such Lunatic or Idiot; and where any Monies or Annuities shall be due to any Person in trust for others, the Award may be made for such Payment to the Trustee, or in case of the Refusal to act or Incapacity of any such Trustee, or if for any other Cause it shall to the Commissioner appear expedient, then the Commissioner by his said Award, or by any Writing under his Hand, may appoint another Trustee for the Purpose of receiving such Payment.

The Cost of carrying Act into execution, how to be paid.

XX. All the Expenses of the Commissioner in carrying this Act into execution shall be paid as by this Act provided; and the Commissioner shall keep an Account of all Expenses incurred by him in carrying this Act into execution, and by his Award may certify the Amount thereof; and the Commissioner shall apportion the Amount of such Expenses so certified between the Counties and the Baronies

of

of the Counties in which the said Turnpike Trusts are situate, as herein provided with respect to Charges for Roads locally situate in more than One County; and the said Awards of the Commissioner shall have the same Force and Effect as any other Awards made in pursuance of this Act; provided, that in dividing between Counties such Expenses the Commissioner may divide the same rateably and without allotting specific Sums, anything herein-before contained to the contrary notwithstanding; provided also, that the Expenses of the Commissioner, so certified, shall be the First Charge on all Monies applicable to such Purpose which shall come to the Hand of the Commissioner by virtue of this Act, in preference to all such Claims whatsoever.

Commissioner to make a General Award.

XXI. So soon as conveniently may be after the Amount of the Sums and Annuities payable to the several Mortgagees, Creditors, and Rentholders of the Trusts or any of them, to which the Acts in Schedule (A.) to this Act apply, shall have been ascertained, under this Act, so far as the Commissioner may be enabled to ascertain the same, and after the Commissioner shall have ascertained the Amount of the Expenses of carrying this Act into execution, and shall have made the several Awards by this Act directed, and in case of any Award which shall have been traversed, so soon after such Traverse shall have been determined, the Commissioner shall draw up a General Award, which shall specify the specific Sums and Annuities payable to the Mortgagees, Creditors, and Rentholders of the said Trusts allotted by the Commissioner to each County, and the Apportionment of each such specific Sum and Annuity between such County and the Baronies thereof, and in like Manner the Division and Apportionment made by the Commissioner in respect of the Expenses of carrying this Act into execution, and the Persons to whom the said Sums, Annuities, and Expenses shall be respectively payable; and as regards the specific Sums payable to the Mortgagees, the said Award shall specify whether the same shall be payable in One or more Instalments, or whether the Interest only on such specific Sums, at the Rate of Four Pounds *per Centum per Annum*, shall, for a certain Time mentioned therein, be so payable, and in such Case within what Period the Principal Sums payable to such Mortgagees shall be paid off; and as regards the said Annuities, the said Award shall specify the Terms or Periods during which they shall be respectively payable: Provided always, that the Sums payable in respect of the Expenses of carrying this Act into execution shall be payable in One Instalment, and not otherwise, and the said Award shall specify that such Sums shall be so payable; provided also, that in such General Award the Commissioner may make such Alterations in the Divisions and Apportionments made in his previous

Awards under this Act as he may deem necessary to render the aggregate of the Charges upon each County and the Baronies thereof as nearly as possible in the Proportion by this Act directed.

Award to be enrolled, &c.

XXII. Such General Award, when executed by the Commissioner, shall be enrolled in the Rolls Office of Her Majesty's Court of Chancery in *Ireland* within Three Months after the Execution thereof, and a Copy thereof shall be deposited with the Clerk of the Peace of each County in which may be situate any of the said Trusts, and such Clerk of the Peace is hereby authorized and required to receive and deposit the same amongst the Records of the County; and such Award, when so executed and enrolled, shall be binding and conclusive upon all Persons whomsoever, and a Copy thereof, certified by the proper Officer of Her Majesty's Rolls Office, shall be Evidence that it was duly made, and that all the Requisitions of this Act in relation thereto were complied with.

Commissioner may make supplemental Awards.

XXIII. In case, after such General Award shall have been so made, any Claims shall be made in respect of Mortgages or Rents not included in such General Award, it shall be lawful for the Commissioner to entertain the same, and to make supplemental Awards in relation thereto, as herein-before provided with respect to the General Award under this Act, which supplemental Awards shall be considered Amendments of or Additions to such General Award, and shall be enrolled and deposited with the Clerk of the Peace in like Manner, and the Creditors, Mortgagees, and Rentholders included in such supplemental Awards shall for the Purposes of this Act be considered as included in such General Award.

Grand Juries to present Sums and Annuities payable pursuant to this Act.

XXIV. The Sums, Annuities, and Expenses which the Commissioner shall have ascertained by the said General Award to be payable by any such County or any Barony thereof shall be payable by the Grand Jury of such County; and the Commissioner shall certify to the Secretary of such Grand Jury the Amount of such Sums of Money and Annuities, and the Manner by and in which the same are to be payable, pursuant to this Act; and such Grand Jury is hereby empowered and required, without Application at Presentment Sessions, to make Presentment of the Principal Sums payable in respect of the said Mortgages or Debts, and the Sums payable in respect of the Expenses of carrying this Act into execution, or from Time to Time to make Presentment of Interest from the Fifth Day of *April* next after the passing of this Act, at the Rate of Four Pounds *per Centum per Annum*, upon the Sums payable in respect of the said Mortgages, as the Case may be, and of the Amount of the Gales from Time to Time due of such Annuities, to be raised off the County at large or any

any Barony thereof, pursuant to the said Certificate; and in default of such Presentment the Court at the Assizes shall order the Amount of such Principal, Interest, Gales of Annuity, or Expenses of carrying this Act into execution, as the Case may be, to be raised off such County or any Barony thereof, and such Order shall have the Force of a Presentment; and the Treasurer of such County shall insert the Amount of such Principal, Interest, Gales of Annuity, Expenses, or Debts, as the Case may be, in his Warrants, and the same shall be applotted, raised, and levied as if the same had been duly presented, and when and so soon as the Amount of such Principal or Interest, Gales of Annuity, Expenses, or Debts, shall be raised and received by the Treasurer of the County, such Treasurer shall immediately pay the same to the Persons entitled thereto.

Commissioner to give Mortgagees Certificate of Amount due.

XXV. So soon as the said General Award shall have been executed by the Commissioner, he shall cause to be prepared and shall deliver to every Mortgagee who shall not be entitled to receive the Sum payable to him in One or more Instalments, under the Provisions of this Act, and to every Rentholder entitled under the said General Award to any Monies or Annuities allotted to any particular County, a Mortgage or Security setting forth the Principal Sum secured by such Mortgage, and the Rate of Interest payable thereon or the Annuity to which such Rentholder may be entitled, as the Case may be, and the Counties to which the same have been respectively allotted; and such Mortgage may be in the Form in Schedule (B.) and such Annuity in the Form in Schedule (D.) to this Act annexed: Provided always, that no Mortgage or Security shall be given to any such Mortgagee or Rentholder until he shall have delivered up to the said Commissioner every Mortgage or other Security in his Possession or Power whereby the Debt or Rent in respect of which such General Award was made may have been secured.

Register to be kept.

XXVI. The Treasurer of the County shall keep a Register of all Mortgages and Securities under this Act affecting the County, and before he shall make any Payment on Foot thereof to the Parties entitled thereto he shall enter in such Register the Number and Date thereof, and the Sums or Annuity therein specified, and the Name and Description of the Party to whom the same is or are payable; and every such Register shall be open to public Inspection, during Office Hours, at the Office of such Treasurer, without Fee or Reward.

Register of Transfer.

XXVII. Any Mortgagee or Rentholder entitled to any Mortgage or Annuity under this Act may transfer his Estate and Interest therein to any other Person, by Deed duly stamped, truly stating his

his Name, the Date of his Mortgage or Security, the Name and Description of the Parties thereto, and the Consideration for such Transfers; and such Transfer of a Mortgage may be in the Form in Schedule (C.) and such Transfer of an Annuity in the Form in Schedule (E.) to this Act annexed, or to the like Effect; and the Treasurer of the County shall keep a Register of such Tranfers; and all such Transfers shall previous to the Payment of any Sum on Foot of the Mortgage or Annuity therein expressed to be transferred be produced to the Treasurer of the County, and such Treasurer shall, without Fee or Reward, cause an Entry to be made in such Register of its Date, and of the Names and Descriptions of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered, the Transferee, his Heirs, Executors, Administrators, and Assigns, shall be entitled to the full Benefit of the Mortgage or Annuity so transferred, and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage.

Payments to Persons named in Certificates, &c. to be a Discharge.

XXVIII. Payment to the Persons named in the said Certificates, Awards, Mortgages, or Securities respectively, their Heirs, Executors, Administrators, or Assigns respectively, or to the Guardian of any Infant, or to the Committee of any Idiot or Lunatic, shall be a valid and effectual Payment and Discharge of and in respect to the Monies and Annuities by the said Awards directed to be paid; and the Treasurer of the County may pay any such Monies and Annuities to the Persons whom it shall be made to appear to his Satisfaction are the Persons or Bodies beneficially or as Trustees entitled thereto, and notwithstanding any Error or Omission in the said Awards as to the Persons or the Names or Descriptions of the Persons entitled thereto.

Treasurer of County may deposit Sums awarded in the Court of Chancery.

XXIX. If any Trustee entitled to any Money so awarded shall refuse to accept the same, or if it shall appear to the Treasurer of the County that there is no Person to whom Payment thereof can be lawfully made, as herein-before provided, it shall be lawful for the Treasurer to deposit the said Monies in the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed to the Credit (under any Description which shall appear to the said Treasurer sufficient) of the Persons entitled thereto; and upon any such Deposit being made the Cashier of the Bank of *Ireland* shall give the said Treasurer a Receipt for such Money, and thereupon the said Treasurer shall be discharged from all further Responsibility or Duty in regard to the Money so deposited; and upon the Application by Petition of any Party

Party making claim to such Money or any Part thereof, the said Court of Chancery may make such Order in relation thereto as to such Court shall seem fit.

Claims to be extinguished.

XXX. Upon Payment pursuant to this Act of the Sums in the said Award mentioned, the Claims of all Persons in respect of the Sums so awarded, and of the Securities or Demands in respect of which Sums shall have been so awarded, shall be extinguished.

Grand Juries may present for Mortgages.

XXXI. All Mortgages or Annuities granted under this Act shall be paid off or redeemed within Five Years from the Fifth Day of *April* next after the passing of this Act, and it shall be lawful for any such Grand Jury to present such Sum as shall appear to be necessary for that Purpose, to be apportioned as between the County and the Baronies thereof, in the same Proportions as the Mortgages or Annuities to be paid off or redeemed shall have been apportioned; and the Amount of such Presentment shall be raised and levied as any other Monies to be presented, raised, and levied by such Grand Jury.

Power to Grand Juries to borrow Money to pay off or redeem Mortgages.

XXXII. In case any of the said Grand Juries should be desirous of raising the Amount necessary to purchase, pay off, or redeem the said Mortgages, Annuities, or any of them, by way of Loan from any Person willing to make Advances of Money for the Purpose, it shall thereupon be lawful for any such Grand Jury at any Assizes to present such Sum as shall be intended to be raised by Loan, in order to obtain such Advance, and to set forth in such Presentment that the said Sum shall be raised and levied by half-yearly Instalments of not less than Ten Pounds *per Centum per Annum*, and likewise to present a Sum sufficient to pay the annual Interest of the Sum so advanced, and of the Balance thereof from Time to Time remaining due, at a Rate not exceeding Six Pounds *per Centum per Annum*, and also to set forth in such Presentment the Proportions thereof, as directed by the said Certificate, to be raised on the County at large or upon any Barony thereof; and it shall be lawful for any such Grand Jury in every such Presentment to nominate and appoint a Committee of not less than Three or more than Five Persons to treat, agree, and contract for a Loan with any Person willing to make the same on the Security of such Presentment, and otherwise to carry the same Presentment into effect; and every such Presentment may be in the Form in Schedule (F.) to this Act annexed.

Grand Jury may appoint Committee to treat, &c. for Loan.

Power to Committee to negotiate Loan.

XXXIII. It shall be lawful for the Committee so nominated and appointed, or any Three or more of them, to treat, agree with, and contract for a Loan with any Person willing to make the same

in the Faith of such Presentment, and for the Rate of Interest, not exceeding the Limit aforesaid, to be paid in respect of such Loan; and the Terms of every such Contract shall be reduced to Writing on a certified Copy of such Presentment, and signed by the said Committee or any Three or more of them, and by the Person advancing such Money, and shall be delivered to such last-mentioned Person, and held by him as a Security for his Loan until the whole Amount thereof, with Interest, as therein set forth, shall be fully paid off and discharged.

Loan to be paid to Treasurer.

XXXIV. The Loan shall be paid in to the Account and to the Credit of the Treasurer of the County, and accounted for by him in like Manner as any other Monies by him received for the Use of the County, and all Securities given by him shall extend to such Monies; and the Treasurer, as soon as the said Loan shall have been so paid in to his Credit as such Treasurer, shall pay and apply the same to and amongst the Persons entitled to the Sums in respect of which such Loan shall have been made.

Treasurer to insert in Warrants Instalments of Loan.

XXXV. The Treasurer of the County shall, without further Authority or Presentment in that Behalf, issue his Warrant for or include in his general Warrant at each Assizes such Portion of the whole Sum presented by the Grand Jury as aforesaid, together with such Sum for Interest thereon as may be necessary for the Purpose of paying to the Person so advancing Money the Instalments and Interest thereon as aforesaid; and it shall not be lawful for the Grand Jury to restrain the issuing of any such Warrant; and the Sum inserted in such Warrant shall be raised and levied as other Monies directed by any Warrant of such Treasurer are by Law raised and levied; and such Treasurer shall pay the Person so advancing Money all such Monies as shall be received by him by virtue of the Presentment and Warrants aforesaid till the whole Loan, with the Interest thereon, shall be paid: Provided always, that all Monies in the Treasurer's Hands shall be applicable to pay the said Instalments of Principal and the Interest thereon, according to the Terms of any such Loan; and if it shall happen that any Money shall be raised by virtue of any such Presentment which shall not be required for the Purposes for which it shall have been so raised, the same shall be carried to the Credit of the County or Barony from which it shall have been raised.

Grand Juries may redeem Mortgages or Annuities.

XXXVI. So soon as the Amount of the Presentment so made or the Loan so contracted for the Purpose of purchasing, paying off, or redeeming any such Mortgages or Annuities shall have been paid to or received by the Treasurer of the County, he shall apply the same

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in paying to such Mortgagees the Principal Sum due on Foot of their said Mortgages, or such less Sum as the said Mortgagees may be willing or shall have agreed to accept for their said Mortgages, or in redeeming the said Annuities upon such Terms as the said Annuitants may be willing to accept: Provided always, that it shall not be lawful to pay the said Annuitants in redemption of their said Annuities any greater Sum than at the Rate of One hundred Pounds for every Four Pounds of Annuity.

Redeemed Mortgages or Annuities to be cancelled.

XXXVII. When any such Mortgage or Annuity shall have been paid off or redeemed, the same shall be transferred by the Mortgagee or Annuitant to the Treasurer in the Manner herein provided, and the Deed of Transfer shall express that the same has been transferred to the said Treasurer, in trust for the County; and thereupon the said Mortgage or Annuity shall be extinguished, and the Security therefor shall be cancelled by the Treasurer, and delivered to the Clerk of the Peace, to be kept among the Records of the County; and the said Treasurer shall enter in the said Transfer Book a Memorandum that the said Security has been so cancelled and delivered.

Acts in Schedule (A.) repealed on and after 5th April 1858, and Roads declared to be public Roads.

XXXVIII. On and after the Fifth Day of *April* next after the passing of this Act, the several Acts set forth in Schedule (A.) to this Act annexed, or any other Act or Acts for amending or continuing the same, are hereby repealed, and from thenceforth the Trustees appointed by the said Acts shall be discharged from the Execution of the Trusts and Powers thereby vested in them, and the Collection and taking of Tolls upon the Roads in the said Acts comprised shall absolutely cease; and upon and from the said Fifth Day of *April* the said Roads shall be and become and the same are hereby declared to be public Roads of the Counties in which such Roads are respectively situate, and shall be maintained and kept in repair in like Manner and shall be subject to the like Provisions as other public Roads within the said several Counties.

Officers to account, and deliver up Documents, &c.

XXXIX. The Officers employed under the said Acts hereby repealed shall, within Thirty Days after the said Fifth Day of *April*, make up, sign, and balance their Accounts up to the said Fifth Day of *April*, and shall lay the same before the Commissioner, who is hereby authorized to examine such Officers upon Oath as to the Truth of their Accounts, and to accept and receive any Balance that may be due by any such Officer; and every such Officer shall pay or deliver to the Commissioner, or to such Person as he shall direct and appoint to receive the same, all Monies, Balances, Securities, Vouchers, Receipts, Accounts, and other Documents, and also all Materials, Tools, Implements, and other Things, in his Possession

or Control by virtue of his said Office; and if any such Officer shall neglect or refuse to render such Accounts, or to pay any such Balance, or to deliver to the Commissioner or the Person appointed by him as aforesaid any of the Documents or Things aforesaid in his Possession or Control by virtue of his said Office, such Officer shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, in the Discretion of the Justices before whom such Offender shall be convicted.

Penalties, &c. how to be recovered.

XL. All Fines or Penalties inflicted or imposed by this Act may be sued for and recovered in a summary Way by the Order and Adjudication of any Justice or Justices of the Peace at Petty Sessions, under and subject to the several Provisions and Regulations relating to summary Jurisdiction contained in "The Petty Sessions (*Ireland*) Act, 1851," and shall be applied in the Manner by the said Act directed.

Property of Trusts to vest in Commissioner.

XLI. Upon and from the said Fifth Day of *April*, all Lands, Quarries, Tenements, and Hereditaments, and all Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, Lamps, Lamp Posts, Monies, Choses in Action, and all other Property vested in or belonging to the Trustees of the several Roads for the Purposes of the Trust thereof, shall vest in the Commissioner for such Estate or Interest as the said Trustees shall have therein, and the said Trustees and their Officers, and all other Persons in possession thereof, shall surrender the same, and all the Title Deeds, Leases, Contracts, Instruments, or Things relating thereto, to the Commissioner, to be by him applied as by this Act directed.

Power to Justices at Petty Sessions to give Possession of Toll House, &c. to Commissioner.

XLII. If any Toll Collector or other Person refuse or neglect, after Twenty-four Hours Notice in Writing to that Effect, to deliver up to the Commissioner, or to any Person appointed by him for that Purpose, any Toll House or other Building or Property vested in the Commissioner under the Provisions of this Act, or any Matters or Things relating thereto, in the Possession or Custody of such Toll Collector or other Person, then, upon Application being made by the Commissioner to the Justice or Justices at Petty Sessions for the District within which such Offence shall be committed, it shall be lawful for such Justice or Justices to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to remove any Person found therein, and to take possession thereof, or of any such Property, Matter, or Thing, and to deliver the same to the Commissioner or any Person appointed by him for that Purpose.

XLIII. The

Trust Property to be sold.

XLIII. The Commissioner shall, as soon as conveniently may be after the said Fifth Day of *April*, sell and dispose or authorize the Sale and Disposal of the Estate and Interest in such of the Lands or other Real Property of each of the said Turnpike Trusts so vested in him as shall not be required for the Purposes of the said Roads, and the Rights, Members, and Appurtenances thereof, and of such Personal Property as aforesaid, either by Public Auction or by Private Contract, and either in One Lot or in several Lots, as to him shall seem fit, to such Persons as shall be willing to become the Purchasers thereof or of any Part thereof; and the Commissioner shall have full Power and Authority to enter into all necessary Contracts for Sales, or to rescind or vary the same, and to give full and effectual Discharges for the Purchase Money thereof or any Part thereof, and to execute all necessary Conveyances for vesting the same in the Purchaser thereof or any Part thereof, for all the Estate or Interest therein which shall be vested in the Commissioner; and the Commissioner shall and he is hereby authorized and required to take down and remove all or any Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, or other Things which shall encroach upon the Roads or any of them, and may, if he think fit, take down or remove all or any other Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, or other Things, the Property of the said Turnpike Trusts, and may sell and dispose of the Materials thereof in manner aforesaid: Provided always, that before the Commissioner shall sell and dispose of or offer for Sale and Disposal any Piece of Ground not wanted for the Purposes of the Road, he shall offer the same to the Person whose Lands shall adjoin thereto, and if such Person shall thereupon refuse or shall not agree to purchase the same, such Land may be sold to any Person who may be willing to become the Purchaser thereof as aforesaid.

Application of Produce of Sales and Balances in Hands of Trustees.

XLIV. All Monies to arise from such Sales of the Property of any such Turnpike Trust, after deducting the necessary Expenses thereof, and all Monies to be received from the Trustees or Officers of any such Turnpike Trust, shall be applied by the Commissioner, in the first instance, in discharge of the Expenses of carrying this Act into execution; and the several Counties or the Baronies thereof wherein is situate the Turnpike Trust from which such Monies shall have arisen shall be entitled to Credit for the Amount of such Monies so applied, and the Commissioner shall allocate the same accordingly; and the Commissioner shall from Time to Time certify to the Treasurer of any such County the Sum to Credit for which such County or any Barony thereof shall be entitled, and thereupon it shall be lawful for such Grand Jury to deduct from any Present-

ment to be made and levied off any such County or Barony thereof, under the Provisions of this Act, the Amount to Credit for which such County or Barony shall be so certified to be entitled; and the Balance of all Monies so arising shall in like Manner be so allocated, and shall be paid to the Treasurers of the said Counties, and shall be by the said Treasurers applied in aid of the Presentments to be made under this Act in relation to such Trust.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Date and Chapter of Act.	Title of Act.
Local and Personal Acts.	
11 Geo. 4. and 1 Will. 4. c. 111.	An Act for improving and repairing the Road leading from Newcastle in the County of Limerick to the City of Limerick, and from thence to Charleville in the County of Cork.
1 & 2 Geo. 4. c. 38. -	An Act for repairing the Road from the Town of Athy in the County of Kildare, through the Town of Castlecomer in the County of Kilkenny, to the City of Kilkenny, and from the Town of Castlecomer to the Town of Leighlin Bridge in the County of Carlow, and from the Town of Carlow to the said Town of Castlecomer.
5 & 6 Vict. c. 92. -	An Act to amend an Act passed in the First and Second Years of the Reign of His Majesty King George the Fourth, for repairing the Road from the Town of Athy in the County of Kildare, through the Town of Castlecomer in the County of Kilkenny, to the City of Kilkenny, and from the Town of Castlecomer to the Town of Leighlin Bridge in the County of Carlow, and from the Town of Carlow to the said Town of Castlecomer, so far as relates to the Second Division of the said Road.
3 & 4 Will. 4. c. 112.	An Act for more effectually repairing several Roads in the Counties of Carlow, Kilkenny, and Tipperary, and also the Road from the Town of Clonmel through the County of Waterford to the Cross Roads of Knocklofty in the said County of Tipperary.
2 & 3 Will. 4. c. 59. -	An Act for more effectually repairing the Road leading from Shankhill in the County of Kilkenny to the City of Waterford.
11 Geo. 4. and 1 Will. 4. c. 112.	An Act for repairing and maintaining the Roads from the Town of Dundalk in the County of Louth to the Towns of Castleblayney and Carrickmacross in the County of Monaghan.
11 & 12 Vict. c. 50. -	An Act to amend an Act passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, intituled "An Act for repairing and maintaining the Roads " from the Town of Dundalk in the County of Louth to " the Towns of Castleblayney and Carrickmacross in the " County of Monaghan."
1 & 2 Vict. c. 74. -	An Act for more effectually repairing the Road from Dundalk to Dunleer in the County of Louth.
5 & 6 Vict. c. 76. -	An Act to amend an Act of His late Majesty King George the Fourth, for repairing the Road from Dundalk in the County of Louth to Bannbridge in the County of Down, so far as relates to the Southern Division of the said Road.
6 & 7 Vict. c. 48. -	An Act for repairing the Road from Dundalk in the County of Louth to Bannbridge in the County of Down, so far as relates to the Northern Division of the said Road.

Turnpike Trusts Abolition (Ireland).

Date and Chapter of Act.	Title of Act.
Local and Personal Acts.	
5 & 6 Will. 4. c. 67. -	An Act for more effectually repairing and improving the Road from Newry to Charlemont through the County of Armagh.
59 Geo. 3. c. 128. -	An Act for amending and keeping in repair the Mail Coach Road leading from Banbridge in the County of Down to Belfast in the County of Antrim.
4 & 5 Will. 4. c. 74. -	An Act for amending, varying the Tolls, and extending the Term of an Act of the Fifty-ninth Year of His late Majesty King George the Third, for amending and keeping in repair the Mail Coach Road leading from Banbridge in the County of Down to Belfast in the County of Antrim.
7 Will. 4. and 1 Vict. c. 42.	An Act for maintaining, repairing, and amending a Turnpike Road from Belfast to Lisburne, by Malone, and by the Falls, and Two Turnpike Roads leading from the Falls Road, by Dunrod and Castlerobin respectively, to Crumlin in the County of Antrim.
5 & 6 Will. 4. c. 2. -	An Act for making, maintaining, and repairing a Turnpike Road from the Town of Belfast to the Town of Crumlin in the County of Antrim.
9 Geo. 4. c. 121. -	An Act for repairing and maintaining a Turnpike Road from Belfast to Antrim, and from Belfast to the Copeland Water.

SCHEDULE (B.)

FORM OF MORTGAGE.

Mortgage No. .

I, *A.B.*, the undersigned "Turnpikes Abolition Commissioner," acting in execution of the "Turnpikes Abolition Act (Ireland), 1857," do hereby certify, That the Sum of Pounds, with Interest thereon from the
at the Rate of Pounds per Centum per Annum till paid, has been ascertained by my Award, made in pursuance of the said Act, to be payable in the Manner in said Award specified by the Grand Jury of the County of
to *C.D.*, his Executors, Administrators, and Assigns, in respect of certain Mortgages [*or* a certain Mortgage] in said Award specified; and I hereby direct that Interest at the Rate of Pounds per Centum per Annum from the
on the said Sum of
Pounds shall be paid by the Treasurer of the said County of
to the said *C.D.*, his Executors, Administrators, and Assigns, till the said Principal Sum shall have been paid.

In witness whereof I, the said Commissioner, have hereunto set my Hand and Seal, this Day of

A.B. (s.)

SCHE-

SCHEDULE (C.)

FORM OF TRANSFER OF MORTGAGE.

I, *A.B.*, of , in consideration of the Sum of Pounds paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage Number bearing Date the Day of , and made by the Turnpikes Abolition Commissioner for charging and securing the Sum of Pounds and Interest thereon from the at the Rate of Pounds per Centum per Annum, upon the County of [*or* upon the Barony or Baronies of in the County of], and all my Property, Right, and Interest in and to the Money thereby secured.

In witness whereof I have hereunto set my Hand and Seal, this Day of .

A.B. (s.)

SCHEDULE (D.)

FORM OF SECURITY FOR ANNUITY.

Annuity No. .

I, *A.B.*, the undersigned Turnpikes Abolition Commissioner, acting in execution of "The Turnpikes Abolition Act (Ireland), 1857," do hereby certify, That the annual Sum of Pounds has been ascertained by my Award, made in pursuance of the said Act, to be payable for in the Manner in the said Award specified, by the Grand Jury of the County of to *C.D.*, his Heirs and Assigns, in respect of certain Rents in the said Award specified; and I hereby direct that the said annual Sum of Pounds shall be paid by the Treasurer of the said County of to the said *C.D.*, his Heirs and Assigns, by Two even and equal half-yearly Payments on every Day of and Day of in every Year, the First Payment thereof to be made on the Day of next after the Date hereof.

In witness whereof I have hereunto set my Hand and Seal, this Day of .

A.B. (s.)

SCHEDULE (E.)

FORM OF TRANSFER OF ANNUITY.

I, *A.B.*, of in consideration of the Sum of paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his Heirs and Assigns, a certain Annuity of Pounds, the Certificate of which is Number , and bears Date the Day of , and was executed by the Turnpikes Abolition Commissioner for charging and securing the said Annuity of Pounds upon the County of [*or* upon the Barony or Baronies of in the County of], and all my Property, Right, and Interest in and to the Annuity thereby secured.

In witness whereof I have hereunto set my Hand and Seal, this Day of .

A.B. (s.)

SCHEDULE (F.)

County of to wit. } WHEREAS the Turnpikes Abolition Commissioner, acting in execution of the "Turnpikes Abolition Act, Ireland, 1857," has, by his Certificate bearing Date the Day of , duly certified to the Grand Jury of the County of that the Sum of Pounds has, under the Provisions of the said Act, been apportioned upon the said County and the Baronies thereof [*or* upon the Barony or Baronies of in the County of], as in the said Certificate mentioned.

Now, we, the Grand Jury of the said County of duly assembled and sworn at the Assizes held at in and for the said County on the Day of , pursuant to the Powers to us in that Behalf given by the "Turnpikes Abolition Act, Ireland, 1857," do present the Sum of Pounds, in order to enable us to borrow the said Sum from any Person willing to advance the same, and in order to repay the said Sum we do present that the said Sum do be raised and levied as follows:

by half-yearly Instalments of each, the first of said Instalments to be raised after the present Assizes, and the remaining Instalments after the next and each and every successive Assizes until the whole of the said Sum shall be raised

raised and discharged; and further, in pursuance of the Powers in said Act contained, we do present the Sum of Pounds to be paid upon the to pay the annual Interest of the said Sum of Pounds, or of such Part of the same as shall from Time to Time remain due, at such Rate, not exceeding Pounds per Cent., as may be agreed on, and we present the said Sum of Pounds to be raised half-yearly in such Sums as may be from Time to Time required to satisfy the Interests of so much of the said Principal Sum as shall be and remain due after the Application of the Sums presented to be levied for its Satisfaction, One of such Sums or Instalments to be raised after the present and every future Assize, and the other after the next and every future Assizes in the next and each succeeding Year, until such Principal Sum shall have been paid as aforesaid.

And we nominate and appoint to treat and agree and contract for a Loan with any Person willing to make the same on the Security of this Presentment, and for the Rate of Interest which shall be paid on such Loan, and otherwise to carry this Presentment into effect.

LONDON:
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