



ANNO QUINQUAGESIMO NONO

# GEORGI III. REGIS.

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## Cap. cix.

An Act for more effectually improving and repairing  
the Road leading from the City of *Dublin* to *Navan*,  
in the County of *Meath*. [21st June 1819.]

**W**HEREAS an Act was passed in the Parliament of *Ireland*, in the Thirty-sixth Year of the Reign of His present Majesty, intituled *An Act for improving and repairing the Road leading from Dublin to Navan, and for repealing the several Laws theretofore made relating to the said Road*: And whereas by an Act made in the Parliament of the United Kingdom of *Great Britain and Ireland*, in the Forty-fifth Year of the Reign of His said present Majesty, 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*, and under the Provisions thereof His Majesty's Postmasters General for *Ireland* have directed a certain Alteration to be made in the Line of the said Road, as directed in and by the said Act of the Forty-fifth of the King, and in the Commencement of the said Line thereof, in the said City of *Dublin*, by directing that the said Line should commence at *Blessington Street*, in the said City of *Dublin*, and that the said new Line shall run from thence and join the present Line of Road at *Blanchards Town*, in the County of *Dublin*, for the Purpose of shortening the Distance from His Majesty's General Post Office in the said City of *Dublin*, to the said Town of *Navan*: And whereas the Commissioners appointed by virtue of the said first recited Act,

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have

have proceeded in the Execution thereof, and have also proceeded to make the said Alteration in the said Line of the said Road as aforesaid, by which the Distance between the said City of *Dublin* and the said Town of *Navan* will be shortened One Mile and upwards, and will be rendered more level and convenient for Carriages and the Public: And whereas the said Commissioners, under and by virtue of an Act made in the Fifty-seventh Year of His said Majesty's Reign, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in the Manner therein mentioned*; and also of another Act made in the same Year, intituled *An Act to amend an Act made in the present Session of Parliament, authorizing the Issue of Exchequer Bills, and the Advance of Money for the carrying on of public Works and Fisheries, and Employment of the Poor*; the said Commissioners of the said Road have obtained from the Commissioners duly appointed under the said last-mentioned Act, the Loan of Six thousand Pounds Sterling, to enable them to make the said new Line of Road, and have secured the Re-payment thereof by a good and sufficient Deed, whereby they have granted in Mortgage the Tolls of the said Roads, and have thereby covenanted and agreed to pay off the same by yearly Instalments of Six Pounds Sterling by the Hundred, by the Year, as a Sinking Fund; together with Interest for the same, at the Rate of Six Pounds *per Centum per Annum*: And whereas the Powers and Authorities requisite as well for the Improvement, Repair, and Maintenance of the said Road from *Dublin* to *Navan*, including the said new Line of Road, as for the Re-payment of the said Loan of Six thousand Pounds, might be more conveniently executed if the said recited Act of the Thirty-sixth Year of His present Majesty were repealed, and further and other Powers granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, That all the Tolls, Powers, Penalties, Forfeitures, Punishments, Clauses, Provisions, Matters, and Things contained in the said recited Act of the Thirty-sixth Year of the Reign of His present Majesty, and each and every of them, from and after the Day appointed for the Commencement of this Act, be and the same are hereby repealed; and that from thenceforth the several Tolls, Powers, Penalties, Forfeitures, Punishments, Clauses, Provisions, Matters, and Things in this present Act contained, shall continue in force during the Term herein-after mentioned, for the Purpose of improving and repairing the Road from *Dublin* to *Navan*, commencing at *Blessington Street*, in the City of *Dublin*, and ending at the South End of the Town of *Navan* in the County of *Meath*.

Powers, &c.  
of 36 G. 3.  
c. 59. re-  
pealed.

Securing  
Debts con-  
tracted.

II. Provided always, and be it further enacted, That nothing herein contained shall destroy or diminish such Securities, Contracts, or other Engagements as have been heretofore passed or entered into, and which now remain actually due by the said former Commissioners to the Creditors or Persons entitled thereto, and who shall have all and the like Remedies and Powers for recovering such Sum or Sums, in the same Manner as if the said recited Act of the Thirty-sixth Year of His present Majesty were now in force and unrepealed.

III. And

III. And be it further enacted, That the Right Honourable the Earl of *Bective*, the Right Honourable Lord Viscount *Jocelyn*, the Right Honourable Lord *Killeen*, the Honourable and Reverend *Edward Taylor* Clerk, Sir *Marcus Somerville* Baronet, Sir *Charles Drake Dillon* Baronet, Sir *Henry Meredyth* Baronet, Sir *Frederick John Falkner* Baronet, *Hans Hamilton* Esquire, *Henry Hamilton* Esquire, *Luke White* Esquire, *Gustavus Lambart* Esquire, *John Metge* Esquire, *Christopher Cusack* Esquire, *Thomas Everard* Esquire, *Charles Barry* senior, Esquire, the Reverend *George Lambart* Clerk, *Brabazon Morris* Esquire, *John Ruxton* Esquire, *John Wade* Esquire, *John Young* Esquire, *Christopher A. Nicholson* Esquire, the Reverend *Richard Fisher* Clerk, *Peter Locke* Esquire, the Honourable Colonel *Edward Plunket*, *William Thompson* Esquire, *John Pollock* Esquire, *Richard Ruxton* Esquire, *John Mears Granger* Esquire, *John Gerrard* Esquire, the Reverend *Mungo Henry Waller* Clerk, *Hamilton Gorges* Esquire, *Elias Corbally* Esquire, the Reverend *Nathaniel Preston* Clerk, *Nathaniel Sneyd* Esquire, *Charles A. Tidsall* Esquire, *William Dillon* Esquire, *John Paine Garnett* Esquire, *Samuel Garnett* Esquire, the Reverend *William Henry Irvine* Clerk, the Reverend *Philip Barry* Clerk, the Reverend *Richard Hamilton* Clerk, *Arthur H. C. Pollock* Esquire, the Honourable Lieutenant General *Robert Taylor*, the Reverend *George O'Connor* Clerk, *Henry Mac Farland* Esquire, Major General *Arthur Dillon*, *James Lennox William Naper* Esquire, *Thomas Ellis* Esquire, *Peter Ponsonby Metge* Esquire, Major *John Williams*, the Reverend Archdeacon *John Brinkley* Clerk, *Francis Mac Farlane* Esquire, *Alexander Holmes* Esquire, the Honourable and Reverend *Henry Pakenham* Clerk, *Thomas Sherrard* Esquire, and *William Cope* Esquire, and their Successors, to be elected in manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for improving and repairing the said Roads, and carrying this Act into execution.

Commissioners.

IV. And be it further enacted, That it shall be lawful for the said Commissioners, or any Nine or more of them, at a Meeting to be held for that Purpose, of which Meeting, and of the Purpose thereof, Eight Days Notice shall be given, in the Manner herein-after directed respecting Meetings for the Appointment of Commissioners on Vacancies, to elect and appoint any Number of additional Commissioners, for the Purposes of this Act, not exceeding Ten in the Whole; and such Commissioners, so elected and appointed, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been appointed in and by this Act.

Power to appoint additional Commissioners.

V. And be it further enacted, That upon the Death, Refusal, or Disability to act in the Execution of this Act, of any Commissioners hereby appointed or to be elected, or their Successors, it shall and may be lawful to or for any Nine or more of the surviving or remaining Commissioners for the Time being, from Time to Time, at any Meeting of the said Commissioners, to elect and appoint One other Person or Persons to be a Commissioner or Commissioners in the Room of such Commissioner or Commissioners so dying, refusing, or becoming incapable to act as aforesaid; and every Person so to be elected and appointed (being qualified as herein-after mentioned) shall be, and he is hereby empowered to act in the Execution of this Act in as full and ample Manner, to all Intents and Purposes, as any other Commissioner of this Act, or as the Commissioners in whose

Election of new Commissioners.

Room

Room or Stead he shall be so elected could or might have done: Provided nevertheless, that previous to such Election, after such Vacancy hath been declared by the said Commissioners, or any Five or more of them, at such Meeting as aforesaid, there shall be Fourteen Days Notice of the Time and Place to be thereby appointed for holding any Election upon any Vacancy of such Commissioners as aforesaid, signed by the Clerk of the said Commissioners, and to be published in One or more of the Newspapers in *Dublin*, of the Day appointed for such Meeting: Provided also, that such Election, after such Notice given as aforesaid, shall be had within the City of *Dublin*, if to be held between the First Day of *November* and First Day of *June*, or within the Town of *Navan*, if to be held between the First Day of *June* and First of *November*, in any Year; at which Places respectively all Meetings shall be held, according to the Periods or Season of the Year when the same shall be convened.

Qualification  
of Commis-  
sioners.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds Sterling, or be possessed of or entitled to a personal Estate of the Value of Two thousand Pounds, or shall be Heir Apparent of some Person possessed of some Estate in Lands, of the clear yearly Value of Two hundred Pounds; nor shall any such Person be capable of acting in the Execution of this Act, not being such Heir Apparent as aforesaid (save and except in administering the Oath or Affirmation following to the other Commissioners), until he shall have taken and subscribed the Oath or Affirmation following before any Two or more of the said Commissioners, who are hereby authorized and required to administer the same; (that is to say),

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do solemnly*  
‘ I affirm], That I truly and *bonâ fide* am in my own Right [*or, in the*  
‘ Right of my Wife, *as the Case may be*], in the actual Possession or  
‘ Enjoyment of Lands, Tenements, or Hereditaments, of the clear yearly  
‘ Value of One hundred Pounds [*or, possessed of or entitled to a personal*  
‘ Estate of the Amount or Value of Two thousand Pounds Sterling], [*or,*  
‘ an Heir Apparent of *A. B.*, who, to the best of my Knowledge and Belief,  
‘ is possessed of such an Estate of the clear yearly Value of Two hundred  
‘ Pounds]; and that I will truly, faithfully, and impartially act in the Exe-  
‘ cution of the Trusts and Powers reposed in me by virtue of an Act passed  
‘ in the Fifty-ninth Year of the Reign of King *George* the Third, intituled  
‘ *An Act [here set forth the Title of this Act.]* So help me GOD.’

And if any Person, not being so qualified, shall act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds Sterling, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record in *Ireland*, 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 Imparance, 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 Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Acts and

Proceedings of any Person or Persons acting as a Commissioner or Commissioners in the Execution of this Act (although 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.

VII. And be it further enacted, That no Person or Persons appointed or to be appointed a Commissioner or Commissioners for putting this Act into execution, who shall have or accept of any Place or Office of Profit, or who shall be interested or concerned in any Contract or Contracts, or a Lessee or Lessees, Farmer or Farmers of the Tolls granted by this Act, shall be capable of acting as a Commissioner or Commissioners in the Execution of this Act.

Persons holding any Place of Profit not to act as Commissioners.

VIII. Provided always, and be it further enacted, That no Coachmaster, or Proprietor of public Coaches or Carriages let for Hire, Innkeeper, or Person or Persons who shall keep any Victualling-house, Ale-house, or other House of public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, Spirituous or other strong Liquors, by Retail, shall be capable of acting as a Commissioner, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said respective Commissioners, or of collecting the Tolls hereby granted and made payable and to be collected on the said Road, during such Time as he, she, or they shall keep such Victualling-house, Ale-house, or other House of public Entertainment, or shall sell any Wine, Cider, or Beer, Ale, or Spirituous or other strong Liquors, by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person to collect such Tolls who shall not be under any such Incapacity.

Proprietors of public Coaches, Innkeepers, Victuallers, &c. incapable of acting.

IX. And be it further enacted, That such of the said respective Commissioners 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 Commissioners, except only in such Cases where they shall be personally interested.

Commissioners may act as Justices, except where personally interested.

X. And be it further enacted, That the said Commissioners, or any Five or more of them, shall meet together at the *Royal Exchange* in the City of *Dublin* aforesaid, upon the Third *Thursday* next after the Commencement of this Act, or as soon after as conveniently may be, and proceed to the Execution of this Act, and adjourn themselves from Time to Time, and afterwards meet there, or at any other Place in or near the said Road, as the said Commissioners, or any Three or more of them, shall think most convenient, as often as it shall be necessary for putting this Act in execution; provided always, that Three Commissioners shall be sufficient for the Purpose of Adjournment only; and if it shall happen that there shall not appear at any Meeting a sufficient Number of Commissioners to act and to adjourn to another Day, Three or more of the said Commissioners, or their Clerk, shall, by public Notice in Writing, to be affixed on all the Turnpike Gates then erected upon the said Road, at least Seven Days before the next Meeting, appoint the Commissioners to meet at the Place where the last Meeting was appointed to be held, either in *Dublin* or *Navan*,

Time and Place of First Meeting of the Commissioners.

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according

according to the Times herein-before mentioned, on some convenient Day, not exceeding Eight Days from the Date of the said Notice; and the said Commissioners shall at their several Meetings defray their own Expences.

No Act valid unless at a Meeting.

XI. And be it further enacted, That no Act of the said Commissioners shall be or be deemed to be good, valid, or effectual, unless the same be done at some Meeting to be holden in pursuance of this Act; and that all the Powers and Authorities by this Act granted to the said Commissioners 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 such Commissioners present at such Meeting not being less than Five; and all the Orders and Proceedings of the major Part of the Commissioners present at such their several Meetings shall have the same Force and Effect as if the same were made or done by all such Commissioners for the Time being; and at every Meeting of the said Commissioners a Chairman shall and may be appointed; and when and as often as it shall 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 to and for the Chairman to give the decisive or casting Vote.

Meetings on Emergencies.

XII. And be it further enacted, That if it shall at any Time or Times be thought necessary, by Three or more of the said Commissioners, that a Meeting of the Commissioners should be holden for the Purposes of this Act, then and in every such Case the Clerk, on an Order in Writing signed by Three or more of the said Commissioners, mentioning the Time and Place and Purpose of such Meeting, being given to him or left at his last or usual Place of Abode, shall forthwith give Notice of such Meeting in One or more of the *Dublin* Newspapers, (the Time of such Meeting not being less than Eight Days after such Notice,) and all Proceedings of the said Commissioners at such Meeting shall be as good and valid as they would have been in case such Commissioners had met in pursuance of any Adjournment.

No Order to be revoked unless at a Meeting for the Purpose, nor unless Five of the Commissioners present concur.

XIII. And be it further enacted, That no Order, Appointment, or Proceeding, made at any Meeting of the said Commissioners holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose, nor unless Notice, specifying the Revocation or Alteration intended to be made, be inserted in One or more of the *Dublin* Newspapers, at least Seven Days before such subsequent Meeting, nor unless a Majority of Eight of the Commissioners present at such subsequent Meeting shall decide in favour of such Revocation or Alteration.

Proceedings to be entered in Books.

XIV. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Commissioners as shall be present at their several Meetings; and all Entries in such Books, being signed by the Chairman then present, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, and Actions, touching or concerning any thing done in pursuance of this Act; and that such Books shall, at the said Meetings of the said Commissioners,

sioners, and at all other reasonable Times, be kept open and liable to the Inspection of all and every of the said Commissioners; and that any of the said Commissioners shall and may have and take Copies thereof, paying for every Copy, not exceeding Seventy-two Words, the Sum of Eight-pence, and so in proportion for any greater or less Number of Words.

XV. And be it further enacted, That the said Commissioners, or any Five or more of them, shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall, at all seasonable Times, be open to the Inspection of the said Commissioners, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Commissioners and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit any Sum of Money not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Commissioners and Creditors.

XVI. And be it further enacted, That the Commissioners of the said Road, or any Five or more of them, may and they are hereby empowered, by Writing under their Hands, to appoint a Treasurer or Treasurers, Clerk or Clerks, Solicitor or Solicitors, and a Collector or Collectors of the Tolls, Supervisor or Supervisors, and also such other Officers and Persons for the Execution of this Act, as they the said Commissioners shall think proper, and from Time to Time to make such Rules, Orders, and Regulations for the good Conduct and well-governing of every such Treasurer, Clerk, Solicitor, Collector, Supervisor, and all such other Officers and Persons, and from Time to Time to remove such Officers and Persons respectively, as the said Commissioners shall see Occasion, and out of the Monies to be received by virtue of this Act to allow and pay such Salaries and Allowances to the said Officers and other Persons, as they the said Commissioners shall think reasonable, not exceeding the yearly Sum of One hundred Pounds to such Treasurer, and not exceeding the Sum of Fifty Pounds to any such Clerk, and not exceeding the Sum of Eighty Pounds to any such Supervisor or Supervisors, and not exceeding the Sum of Three Shillings and Three-pence to any such Collector or Collectors, by the Day: Provided nevertheless, that the said Treasurer so to be elected shall from Time to Time pay into the Bank of *Thomas Finlay* Esquire, and Company, or into such other Bank as the said Commissioners shall appoint, all and every Sum and Sums of Money exceeding Twenty Pounds Sterling, which shall come into his Hands by virtue of the said Appointment.

Commissioners to appoint Officers.

XVII. And be it further enacted, That all Sum and Sums so to be deposited in the said Bank shall be subject only to be drawn out by the Order of

Money to be drawn out by Drafts signed, &c.

of the Chairman of the said Commissioners, at one of their public Meetings, and to be countersigned by the said Treasurer ; and such Sums shall be so drawn out only in virtue of and in pursuance of any Order made at such public Meeting, for every Sum which shall be at such Meeting directed to be paid and applied in carrying the Purposes of this Act into execution ; and that the Proceedings of every Meeting shall be signed by the Chairman thereof.

Treasurer  
not to act as  
Clerk, nor  
Clerk as  
Treasurer.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint as Treasurer for the Purposes of this Act the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, to be the Clerk to the said Commissioners ; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds Sterling to any Person or Persons who shall sue for the same, to be recovered, with Costs of Suit, in any of His Majesty's Courts of Record at *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 Imparance, shall be allowed.

Commissioners  
to take  
Security from  
the Treasurer,  
&c.;  
and Officers  
to account.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby required to take such sufficient Security from every such Treasurer and other Officer for the due Execution of his Office as they shall think proper ; and all such Officers so to be appointed shall, under their Hands, at such Time and Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same ; and every such Treasurer shall, on the First *Thursday* in the Month of *June*, if the Meeting shall be held in the City of *Dublin*, or on the First *Wednesday* in the Month of *November*, if the same shall be held in *Navan*, or at the Meeting of the said Commissioners then next following, (although not thereunto required,) lay his Accounts before the said Commissioners, in order that the same may be audited, passed, and allowed by them, if approved ; and if any such Officer shall refuse or neglect to make and render any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payments as aforesaid, or shall refuse or wilfully neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, within Ten Days next after being thereunto required by the said Commissioners, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power, relating to the  
Execution



Execution of this Act, or give Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon Complaint made by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, Town, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if, upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to produce Vouchers relating thereto, or that any Books, Papers, and Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case, such Justice shall commit such Offender to the Common Gaol or House of Correction of the County, City, Town, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for such Money, and shall have paid such Composition as the said Commissioners are hereby empowered to make and receive, and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be so committed for Want of sufficient Distress shall by virtue of this Act be detained in Prison for a longer Space of Time than Three Calendar Months; but such Commitment to Prison shall not be deemed a Discharge for any Money due from such Officer, nor exonerate his Surety or Sureties.

XX. And be it further enacted, That the said Commissioners, and their Supervisor and Supervisors of the said Road, shall have, and they are hereby invested with, the like Powers and Authorities in respect to the said Road directed to be made, amended, and kept in repair by virtue of this Act, as any Overseers appointed by any Law or Statute in Force and Effect in that Part of the United Kingdom called *Ireland*, for altering, amending, making, or repairing public Roads, are invested with.

XXI. And be it further enacted, That it shall and may be lawful to and for any Three or more of the said Commissioners, and they are hereby required, upon the Death, Neglect, Refusal, or Incapacity to act of any Collector of the Tolls hereby granted, by Writing under their Hands to

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nominate

On the Death, &c. of a Collector, Commissioners may nominate

another until  
the next  
Meeting.

If discharged  
Collector  
refuses to  
deliver up  
Toll House,  
&c. any Jus-  
tice may  
cause him to  
be removed.

nominate and appoint some other fit Person in his or her Place, until the next Meeting of the Commissioners 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 ; and if any Collector of the said Tolls who shall be discharged from his or her Office by the said Commissioners shall refuse to deliver up the Possession of the Toll House, Buildings, and Appurtenances, which he or she shall possess or enjoy in right of his or her Appointment to that Office, within Four Days after Notice given to him or her, or left at such Toll House, in Writing under the Hands of the said Commissioners, or any Five or more of them, or if the Wife or Family of any such Collector who shall die as aforesaid, or any other who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such House, Buildings, and Appurtenances, within Four Days after such Notice of a new Appointment being made as aforesaid shall have been given to him, her, or them, or left at such Toll House, signed by any Five or more of the said Commissioners, then and in either of the said Cases it shall and may be lawful to and for any Justice of the Peace for the County, Town, or Place where such Toll House shall stand or be, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistants as shall be necessary, to enter such Toll House and Premises in the Daytime, and to remove all Persons who shall be found therein, together with their Goods and Chattels, out of such Toll House and other Premises, and to put the new appointed Collector in Possession thereof.

Actions to be  
brought in  
the Name of  
the Trea-  
surer, Clerk,  
or One Com-  
missioner,  
who are not  
to be per-  
sonally liable  
to Debt or  
Costs.

XXII. And be it further enacted, That the said Commissioners may sue and be sued in the Name or Names of their Treasurer or Clerk, or in the Name or Names of any One of the said Commissioners, on behalf of the said Commissioners ; and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be brought or commenced, nor by the Act of such Person or Persons done without the Consent of the said Commissioners, or any Five or more of them, at a Meeting to be holden in pursuance of this Act ; but no Treasurer, Clerk, or Commissioner, or any or either of them, shall be subject to the Payment of any Debt, Costs, or Expences on account thereof, but all such Debts, Costs, and Expences shall be defrayed out of the Money arising by virtue of this Act, collected or received by the said Commissioners ; any thing to the contrary thereof in anywise notwithstanding.

Road divided  
into Two Di-  
visions, as  
herein.

XXIII. And whereas the said Road from *Dublin* to *Navan* was heretofore divided into Two Parts or Districts, and it is found by Experience that the same should be so continued ; be it therefore further enacted, That the said Road shall accordingly be, and the same is hereby divided into Two Parts or Districts, as follows ; that is to say, that so much of the said Road as lies between and reaches from *Blessington Street*, in the City of *Dublin*, and to the South Side of the House called the *Black Bull* Inn, adjoining the Turn of the Road leading to *Trim*, shall hereafter be known and distinguished by the Name of the Southern or First Division of the said Road ; and so much thereof as reaches from the South Side of said *Black Bull* Inn, at the End of said First or Southern Division, to the Entrance leading into the South End of the Town of *Navan* aforesaid, shall hereafter

hereafter be distinguished and known by the Name of the Northern or Second Division of the said Road.

XXIV. And be it further enacted, That from and after the Commencement of this Act it shall and may be lawful for the said Commissioners, or any Five or more of them, to establish or erect, or cause to be established or erected, One or more Pay Gate or Pay Gates, upon and across any Part or Parts of the said Road, and to build, hire, or rent a Toll House convenient to every such Gate; and they are hereby empowered to purchase, hire, or rent Land sufficient for such Toll House or Toll Houses, not exceeding One Eighth of an Acre for each, with necessary Accommodations thereto; and to demand and take in each of the said Divisions, by such Person or Persons, or their Deputies, Collectors, or Gate Keepers, as they or any Five or more of them shall authorize so to do, in lieu of the Tolls heretofore collected at the several Gates on the said Road, the following Tolls at every such Gate, before any Beast or Carriage shall be permitted to go through the same; that is to say,

Commissioners empowered to erect Turnpikes and Toll Houses, and receive Tolls.

For every Horse or other Beast of Draught drawing any Coach, Berlin, Landau, Vis-a-vis, Chariot, Chaise, Phaeton, Curricule, Cabriolet, Calash, Chair, Caravan, Hearse, and Litter, when drawn by Six or more Horses, or other Beasts of Draught, the Sum of Sixpence Halfpenny; and when drawn by Four or Five Horses, or other Beasts of Draught, the Sum of Eight-pence; and when drawn by Two or Three Horses, or other Beasts of Draught, the Sum of Sixpence Halfpenny; and when drawn by One Horse, or other Beast of Draught, the Sum of Sixpence Halfpenny:

For every Horse drawing any Gig, Dog Cart, or Jaunting Car, or by whatsoever Name or Names the same shall or may be known, the Sum of Four-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Dray, or Cart, or such other Carriage (not being a Car), having the Streaks or Shoeings of all the Wheels thereof respectively of the Breadth of Four Inches or more, and having all such Streaks or Shoeing set on or fastened with Nails, Bolts, or Screws, so countersunk and flat-headed that no Nail, Bolt, or Screw therein shall project beyond the Surface of such Streaks or Shoeings respectively, the Sum of Two-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Dray, or Cart, or other such Carriage (not being a Car), having the Streaks or Shoeings of all the Wheels thereof respectively of the Breadth of Three Inches, and having all such Streaks and Shoeings so set on or fastened as aforesaid, the Sum of Three-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Dray, or Cart, or other such Carriage (not being a Car), having the Streaks or Shoeings of all the Wheels thereof respectively of a less Breadth than Three Inches, and having all such Streaks or Shoeings so set on or fastened as aforesaid, the Sum of Sixpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Dray, or Cart, or other such Carriage, (not being a Car) having any Streak or Streaks, Shoeing or Shoeings, of any Wheel or Wheels thereof respectively, set on with high or Sprig-headed Nails, Bolts, or Screws, or with any Nails, Bolts, or Screws, not being countersunk and flat-headed, the Sum of One Shilling:

For

For every Horse or other Beast of Draught drawing any Car with a fixed Axletree, having the Streaks or Shoeings of all the Wheels thereof respectively of the Breadth of Four Inches or more, and having such Streaks or Shoeings set on or fastened with Nails, Bolts, or Screws, so countersunk and flat-headed that no Nail, Bolt, or Screw shall project beyond the Surface of such Streaks or Shoeings respectively, the Sum of Two-pence :

For every Horse or other Beast of Draught drawing any Car with a fixed Axletree, having any Streak or Streaks, Shoeing or Shoeings, of any Wheel or Wheels thereof respectively of a less Breadth than Three Inches, and having all such Streaks and Shoeings so set on and fastened as aforesaid, the Sum of Three-pence ; or if with a rolling Axletree, the Sum of Two-pence :

For every Horse or other Beast of Draught drawing any Car with a fixed Axletree, having any Streak or Streaks, Shoeing or Shoeings, of any Wheel or Wheels thereof respectively not so set on or fastened as aforesaid, the Sum of Sixpence ; or if with a rolling Axletree, the Sum of Four-pence :

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Three Halfpence :

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

For every Drove of Hogs, Calves, Sheep, or Lambs, the Sum of One Shilling and Three-pence *per* Score, and so in proportion for any greater or less Number.

Tolls vested  
in the Com-  
missioners.

Remedy for  
Recovery  
thereof.

Which said respective Tolls shall be and they are hereby declared to be vested in the said Commissioners, and a Table thereof shall be put up and continued at each and every Turnpike erected on the said Road ; and it shall and may be lawful to and for the several Persons who shall by virtue of this Act be appointed Collectors of the said Tolls to demand, collect, and receive the Tolls hereby granted ; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made by any Collector appointed as aforesaid, neglect or refuse to pay the same or any Part thereof, it shall and may be lawful to and for such Collector to seize and distrain, or cause to be seized and distrained, any Carriage, Horse or Horses, or other Beasts or Cattle chargeable with the said Tolls, or their respective Bridles, Saddles, Harness, or Accoutrements, or any Part or Parts thereof, but no such Bridle shall be seized or distrained without the Horse or Beast ; and if such Tolls, and the reasonable Charges of such Seizures and Distress, and detaining and keeping the same, shall not be paid within Four Days next after such Seizure and Distress made, the Collector so seizing and distraining shall and may sell or cause to be sold the Carriage or Carriages, Horse or Horses, Beasts or other Cattle, and their Bridles, Saddles, Harnesses, or Accoutrements, so seized and distrained, or any of them, at or near the Turnpike where the said Tolls ought to have been paid, rendering the Overplus (if any), upon Demand, to the Owner or Owners thereof, after such Tolls, and all reasonable Charges attending the distraining, keeping, and selling the same.

Commission-  
ers may erect

XXV. And be it further enacted, That from and after the Commencement of this Act it shall and may be lawful for the said Commissioners,  
or

or any Five or more of them, to erect or cause to be erected, on any Part or Parts of the said Road, commencing at *Blessington Street* in the City of *Dublin*, and ending at *Navan* in the County of *Meath* aforesaid; One or more Weigh House or Weigh Houses, with the necessary Apparatus for the weighing of all Waggon, Wains, Drays, Carts, Cars, and other Carriages, with all Manner and Kind of Loading thereon respectively, and in lieu of the Tolls herein-before mentioned and directed to be taken and paid on the said Road to take, demand, and receive the Toll at the said Gates, by the Ton Weight, of Twenty Hundred to the Ton: Provided always, that the Tolls so to be taken and paid at the said respective Gates shall not exceed Sixpence by the Ton Weight, and so in proportion for any greater or lesser Quantity; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Weigh Houses, as herein.

XXVI. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, or any Person or Persons employed by or under them, and his or their Deputies, Collectors, Gate Keepers, or Farmer of the Tolls, to stop and detain all Waggon, Wains, Drays, Carts, and Cars, and the Horse or Horses or other Beasts drawing the same, for the Purpose of weighing and ascertaining the Weight of all such Waggon, Wains, Drays, Carts, and Cars, and the Loading thereon respectively.

Commissioners may stop and detain Waggon, &c. for Purpose of weighing the same.

XXVII. And be it further enacted, That it shall and may be lawful to and for the respective Collectors of the said Tolls, in case he or they shall think proper to measure or cause to be measured the Breadth or Dimensions of the respective Streaks or Shoeings of all or any of the Wheels of each and every Waggon, Wain, Dray, Cart, Car, or other such Carriage, and of the Nails thereof, before any such Waggon, Wain, Dray, Cart, Car, or other such Carriage shall be permitted to pass through any Turnpike or Turnpikes erected on the said Road.

Collectors may measure the Dimensions of Wheels.

XXVIII. And be it further enacted, That all and every Toll Collector, being Lessee or Lessees of the said Tolls, or appointed either by the said Commissioners, or by 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 One Inch 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 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 shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the Commissioners 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, 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

For preventing Toll Collectors from taking undue Tolls, &c.

[Local.]

32 O

Tolls,

Tolls, or any of them, or shall, in Answer to such Demand, give a false Name or Names, or shall refuse or neglect to give a Ticket, denoting the Payment of the said Tolls, and naming and specifying the several Gates freed by such Payment, 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 Commissioners, Treasurer, Clerk, or Supervisor 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 Forty Shillings 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.

For settling  
Disputes  
concerning  
Tolls.

XXIX. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls, or the Charges of making, keeping, or selling any Distress, it shall and may be lawful for the Collector, or the Person so distraining, to retain such Distress, or the Money arising from the Sale thereof, (as the Case may happen,) until the Amount of the Tolls due and the Charges of the Distress and Sale, and of keeping the Distress, be ascertained by some Justice of the Peace for the County or Place wherein such Dispute shall happen to arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, (which Oath such Justice is hereby authorized to administer,) and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Turnpikes  
vested in the  
Commissioners.

XXX. And be it further enacted, That the Right and Property of the several Turnpikes, Toll Houses, and other Buildings that have been or may be erected on the said Road by virtue of the said recited Acts or of this Act, with the Ground, Fences, and Appurtenances thereto respectively belonging, and of all Mile Stones, Tables of Tolls, and Posts erected or to be erected, and also of all Materials, Tools, and Implements which have been or shall be provided for making, altering, and repairing the said Road, shall be vested in and be the Property of the Commissioners appointed by virtue of this Act; and they are hereby empowered to bring, or cause any Action or Actions to be brought, and any Bill or Bills of Indictment to be preferred, against any Person or Persons who shall steal, break down, take away, injure, or spoil any such Turnpikes, Toll Houses, or other Buildings, Fences, Mile Stones, Tables of Tolls, Posts, or any such Materials, Tools, or Implements; and in all such Actions and Bills of Indictment respectively it shall be, and be deemed and taken to be, sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Commissioners for the improving and repairing the Road from *Dublin* to *Navan*, without particularly

larly stating or specifying the Name or Names of all or any of the said Commissioners.

XXXI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, or any of them, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Commissioners, shall not be disqualified from giving Evidence in any such Dispute, Suit, or Litigation, by reason of such his, her, or their Appointment.

Collectors to be competent Witnesses.

XXXII. And be it further enacted, That upon Payment of the said Tolls the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Commissioners, and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

Collectors to give Tickets denoting Payment of Tolls.

XXXIII. And be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage, through any of the said Toll Gates within each of the said Divisions of Road, such Person shall, upon producing a Note or Ticket denoting the Payment thereof on that Day, (which Note or Ticket the Collector or Collectors of the said Tolls is and are hereby required to deliver *gratis*, on Demand, to every Person paying the said Tolls,) be permitted to pass Toll-free with the same Horse, Cattle, Beast, and Carriage, through the same and every Toll Gate within such Division at any Time or Times during the same Day; such Day to be computed from Twelve of the Clock in the Night to Twelve of the Clock in the next succeeding Night.

Tolls to be paid only once a Day.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the Commissioners 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, and in such Manner as to them shall seem fit and convenient, and to cause such reduced Tolls to be received and taken for and during such Time as they the said Commissioners shall think proper, and afterwards, at any Meeting to be holden as aforesaid, from Time to Time, as they the said Commissioners shall see Occasion, to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the several Rates granted by this Act, or made payable by any Act or Acts of Parliament, with respect to Overweight or otherwise.

Power to reduce the Tolls.

XXXV. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Lands, Grounds, or Hereditaments (not being the Owner or Owners, or Occupier or Occupiers thereof, or any of his, her, or their Family or Servants,) lying near any Turnpike or Toll Gate heretofore erected, or which shall be erected by virtue of this Act (the same not being a public Highway), or if any Owner or Occupier of such Lands, Grounds, or Hereditaments shall knowingly permit or suffer any Person or Persons (not being his, her, or their Servant or Servants, or of his, her, or their Family,) with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same with Intent

Penalty for evading Tolls.

to evade the said Tolls, or any of them; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, with Intention to evade the Payment of the said Tolls, or any Part thereof; or if any Person or Persons shall fraudulently pass through any such Turnpike or Toll Gate, with any Horse, Beast, or other Cattle, without Payment of Toll, or shall take off, or cause to be taken off, any Horse, Beast, or other Cattle from any Carriage, or having passed through any such Turnpike or Toll Gate shall afterwards add or put an additional Horse or Horses, Beast or Beasts to such Carriage, with Intent to evade the Payment of the said Tolls, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Exemptions  
from Tolls.

XXXVI. And be it further enacted, That no Toll shall be demanded or taken for any of the Horses of Soldiers on their March or on Duty, or Carriages or Horses or other Beasts employed in carrying the Arms or Baggage of such Soldiers, or returning back empty from carrying the same; nor for any Waggon, Wain, Cart, Car, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, or shall make use of any Fraud whatsoever, whereby the Payment of the Tolls granted by this Act, or any Part thereof, shall be evaded, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Carriages  
employed in  
His Majesty's  
Service not  
to be subject  
to Toll for  
Overweight.

XXXVII. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Services of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject or liable to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Commis-  
sioners em-  
powered to  
lease or farm,  
&c. as herein.

XXXVIII. Provided always, and be it further enacted, That the said Commissioners, or any Five or more of them, may, if they think fit, and they are hereby empowered, on Fourteen Days Notice being given in any Two *Dublin* Papers for that Purpose, to lease or farm by the Year, for any Time not exceeding Three Years nor less than One Year, the Tolls, or any Part thereof, by this Act payable at the Pay Gates on the said Road, to any Person or Persons, at or for the largest yearly Sum that can be got by public Cant for the same: Provided always, that the Agreement be put into Writing, and signed by the Party taking the same, and that



that the Money be made payable monthly, and that sufficient Security be given for the regular Payment thereof, to be previously approved of by any Five or more of the said Commissioners, and that One Month be paid in Advance; and that every such Agreement be approved of and signed by Five at least of the said Commissioners.

XXXIX. And be it further enacted, That during such Time as the said Tolls, or any Part thereof, shall be leased, demised, or in Farm to any Person or Persons 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 the said Commissioners, or as any Collector of the said Tolls appointed by the said Commissioners, is hereby invested with.

Lessees of Tolls invested with the same Powers as Collectors.

XL. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, or for any Lessee or Lessees, Farmer or Farmers of the said Tolls, to compound from Time to Time with any Person or Persons, for any Period not exceeding Twelve Calendar Months, for any Carriages, Horses, Beasts, or Cattle passing on the said Road, or on any Part or Parts thereof, for all or any of the Tolls to be paid in respect of such Carriages, Horses, Beasts, or other Cattle; and all such Composition Money shall be paid in advance, quarterly or otherwise, and in default thereof every such Composition shall be null and void to all Intents and Purposes whatsoever.

Tolls may be compounded for.

XLI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, to enter into any Contract or Contracts for the repairing, altering, and widening of the said Road, or of any Part or Parts thereof, or for furnishing Materials, or for any Purpose or Purposes relative to the Execution of this Act; but no such Contract or Contracts shall be entered into unless Eight Days Notice at the least shall be given previous to the entering into the same, in some One or more of the public Newspapers published at *Dublin* aforesaid, expressing the Purpose or Purposes of such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered to the said Commissioners at a certain Time and Place in such Notice to be mentioned; and the said Commissioners shall and they are hereby required to take Security from every such Contractors for the due Performance of his or her Contract; and every such Contract shall be signed by Five of the said Commissioners, and by the Person or Persons contracting to perform such Works respectively, and with Two Sureties for the due Performance thereof, which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners.

Commissioners may enter into Contracts for repairing the Road, or furnishing Materials.

XLII. And be it further enacted, That no such Contract or Contracts shall be deemed good, valid, or effectual, if the same shall have been made for a longer Space or Term than Three Years from the Time of entering into such Contract or Contracts.

Such Contracts not to be for more than Three Years.

Commiss-  
sioners may  
compound  
for Breach  
of Contract.

XLIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time and at all Times hereafter, to compound and agree with any Person or Persons on account of any Breach or Nonperformance of such Contract or Contracts for such Sum or Sums of Money as they shall think proper, so as the Sum so compounded and agreed for be not less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract or Contracts, and all Costs, Charges, and Expences which shall be occasioned thereby.

If Post-  
masters Ge-  
neral shall  
order any Al-  
teration in  
Line of Road  
to Navan, for  
shortening  
Distance, as  
herein, Bo-  
dies Politic,  
&c. may de-  
mise or sell  
Grounds, &c.  
as herein.

XLIV. And be it further enacted, That in case His Majesty's said Postmasters General for *Ireland* shall, under the Provisions of the said Act of the Forty-fifth Year of His said Majesty, order any Alteration in the Line of the said Road from *Dublin* aforesaid to the Post Towns of *Dunshaughlin*, or of *Navan*, in the said County of *Meath*, for the Purpose of shortening the Distance from *Dublin* to the said Towns of *Dunshaughlin* and *Navan*, and of making the same in a more direct Line, or more level by avoiding Hills, and rendering the same more convenient to Travellers by widening the same or otherwise, that it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Executors, Administrators, or Guardians and Committees, or Trustees, not only on behalf of themselves, but also on behalf of Cestuique Trusts, Infants, Issue unborn, Lunatics, Idiots, Feme Coverts, or other Persons, and for all Feme Coverts seised in their own Right, and for all Persons having an Estate for Life, with Remainder in Tail, and for all or every Person or Persons who are or shall be seised, possessed of, or interested in any Ground which shall be necessary for the Purpose aforesaid, to demise and lease, or sell and convey, the same to the said Commissioners, either by private Agreement with them, or any Five or more of them, or by Valuation of a Jury, as hereinafter directed; and all Leases, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, or Usage or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Feoffees in Trust, Executors, Administrators, Guardians, Committees, or Trustees, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

If Post-  
masters Ge-  
neral shall  
direct any  
Part of said  
Road to be  
widened or  
altered,  
Grand Jury  
of Counties  
of *Dublin* or  
*Meath* shall  
present Mo-  
ney necessary  
for purchas-  
ing Ground,  
as herein;  
together with  
a Moiety of  
the Expences  
of making  
the Road.

XLV. And be it further enacted, That in case His Majesty's Postmasters General for *Ireland* shall, pursuant to the Powers to them given by Law for that Purpose, order or direct any Part or Parts of the said Road leading from *Dublin* to *Dunshaughlin*, or from *Dunshaughlin* to *Navan*, or any other Part or Parts of the said Road in the Counties of *Dublin* and *Meath* aforesaid, or either of the said Counties, to be widened or altered for the Purpose of shortening the Distance, or rendering the Way more level and convenient to Carriages and Travellers as aforesaid, that it shall be lawful for the Grand Juries of the Counties of *Dublin* and *Meath* to present, to be raised on the County at large, all such Sums of Money as shall be necessary for purchasing the Ground for widening or altering the Line of the said Road, to be raised at such Times and in such Proportions as the said Grand Juries shall appoint, together with a Moiety of the Expences of molding, making, and fencing said Road, to be ascertained on the Oath of the Undertaker or Maker of the said Road, provided the whole Sum to be presented shall be raised in Three Years: Provided always, that the Damages which may accrue to the Owners or Occupiers of such Ground as shall

shall or may be necessary for widening or altering the said Turnpike Road, shall be ascertained by the Verdict of a Jury, according to such Powers as are given to them by Law for such Purpose; and the said Commissioners shall lay such Verdict or Inquisition before the Grand Jury at the next ensuing Assizes, or any subsequent Assizes which shall be held for the County in which such Part of the Road shall be situated, or at the next presenting Term, or any subsequent presenting Term, if the same be situate in the County of *Dublin* or in the County of the City of *Dublin*; and each Grand Jury shall present the Sum or Sums specified in such Verdict or Inquisition; together with a Moiety of the Expence of making and fencing said Road to be raised on the County at large, and paid to the said Commissioners, or any Five of them, to be paid by them to the several Persons respectively in whose Behalf such Verdicts shall be given.

The Sum to be raised in Three Years; to be ascertained by the Verdict of a Jury, according to Law. Inquisition to be laid before the Grand Jury. Sum presented paid to the Commissioners.

XLVI. And whereas the said new Line of the said Road falls into and forms a Junction with the Circular Road opposite the Female Penitentiary House, and also with the *Ratoath* Road at *Cabra Lodge*, near the said Circular Road; and in order to prevent His Majesty's Mails, and all other Carriages, Cattle, Passengers, and Travellers, on any or either of the said Roads, from being subject to additional or double Tolls, by being obliged to pay Toll on each of the said Roads; be it further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, to enter into any Agreement or Agreements, if they shall think proper so to do, with the Directors acting in execution of an Act made in the Fortieth Year of the Reign of His present Majesty, intituled *An Act to amend and render more effectual the Laws now in force for making and keeping in repair a Circular Road round the City of Dublin*, or the major Part of them, and also with the Directors and Commissioners acting in execution of an Act made in the Thirty-seventh Year of the Reign of His present Majesty, intituled *An Act for improving and repairing the Roads leading from the City of Dublin to Ratoath and Curragha; and for altering and amending an Act passed in the Thirty-fifth Year of His present Majesty's Reign, intituled 'An Act for making, widening, and repairing the Road leading from the City of Dublin to Ratoath, and for erecting Turnpikes thereon in aid of Barony Presentments,*' or the major Part of them, to relinquish all Controul, Power, and Management of that Part of the said Circular Road which lies between the Female Penitentiary House and the Turn in the said Circular Road at the Rear of *Dillon's* House, a Distance of Sixty Perches or thereabouts; and also to enter into any Agreement or Agreements to relinquish the Controul, Power, and Management of that Part of the *Ratoath* Road which lies between *Cabra Lodge* and the said City of *Dublin*, a Distance of Three Furlongs or thereabouts; and when the said Agreements shall be so made and entered into, and duly signed by any Five or more of the Commissioners acting in execution of this Act, and by the major Part of the Directors of the said Circular Road, and by the major Part of the Commissioners or Directors of the said *Ratoath* Road, a Memorial of such Agreement so entered into and signed shall be entered in the Public Registry Office for registering Deeds in *Ireland*, and the Registrar thereof, or his Deputy, is hereby empowered to receive and enter the same, and such Memorial shall be sufficient Evidence of such Agreement, without the Necessity of producing or proving any other Writing for the Purpose of establishing the same, in any Court of Law or Equity in *Ireland*; and the

Allowing Commissioners of Circular Road and Commissioners of Ratoath Road to agree with the Commissioners under this Act as to the Care and Management of Part of such Roads.

Circular Road Act, 40 Geo. 3.

Ratoath and Curragha Road Acts, 37 G. 3.

the said Agreements, when so made, shall be binding, final, and conclusive, to all Intents and Purposes whatsoever.

After Agreement Roads to be vested in Commissioners under this Act.

XLVII. And be it further enacted, That from and after the said Agreements shall be made and entered into, that Part of the said Circular Road which lies between the said Penitentiary House and the Turn in the said Road at the Rear of *Dillon's House*, and also that Part of the said Road of *Ratoath* which lies between *Cabra Lodge* and the said City of *Dublin*, shall from thenceforth be vested in the said Commissioners under this Act, and solely under their Controul, Power, and Management; any Act, Statute, or Law to the contrary thereof in anywise notwithstanding.

Commissioners on the First Day of January in each Year, according to Mortgage of the Tolls, to pay a certain Sum into the Receipt of His Majesty's Exchequer, &c. Remainder of Tolls to be laid out for the Use of the Road, &c.

XLVIII. And be it further enacted, That the said Commissioners, or any Five or more of them, shall on every First Day of *January* in every Year, in pursuance of the said recited Deed of Mortgage and Performance of the Agreements and Covenants therein for that Purpose contained, pay into the Receipt of His Majesty's Exchequer in *Ireland*, out of the Tolls of the said Road to be taken by virtue of this Act, the Sum of Six Pounds by the Hundred by the Year, as a Sinking Fund, until the said Sum of Six thousand Pounds Sterling herein-before mentioned be fully paid off and discharged, together with the Interest thereof at the Rate of Six Pounds by the Hundred by the Year; and shall expend from Time to Time the Remainder of the Tolls to be taken by virtue of this Act, or from Fines or Penalties, or shall otherwise come to them for the Use of the said Road, in erecting or repairing Gates and Toll Houses, fixing Tables of the Tolls, and fixing and lighting proper Lamps at each Gate, in paying Toll Collectors and Supervisors, and the Expences of Surveys and Valuations for widening or altering the Line of the said Road, and fencing when widened or altered, and making Footpaths thereon, in draining, forming, gravelling, dressing, cleansing, or repairing the said Road, and in rendering it more convenient for Carriages and Travellers, according to their Discretion, in laying up Materials in the most convenient Places for repairing Breaches in the Winter Season, in paying Rent for Toll Houses, or Grounds or Houses taken by them for widening or altering the Line of the said Road, and in all other just and necessary Charges for the Execution of their Trust, and for carrying the said Act and this Act into due Effect and Execution.

Commissioners may borrow Money on Security of Tolls.

XLIX. And for the more speedy raising such further Money as may be necessary for the Purposes of this Act, be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, from Time to Time, at any Meeting at which not less than Five present shall concur, to borrow and take up at Interest such Sum or Sums of Money as they shall respectively judge necessary for the Purposes of this Act, not exceeding the Sum of Five thousand Pounds, on the Credit of the Tolls arising by virtue of this Act, and by Writing under their Hands and Seals to assign over the respective Tolls hereby granted, or any Part thereof, and the several Turnpikes and Toll Houses erected or to be erected on the said Road, the Charges of such Assignments to be paid out of the said Tolls, for any Term during the Continuance of this Act, as a Security for the Repayment of such Sum or Sums of Money, with Interest for the same, to the Person or Persons who shall advance and lend such Money, his, her, or their Executors, Administrators, and Assigns, such Interest to

be paid and payable by equal Half-yearly Payments, at the Dwelling House of the Treasurer to the said Commissioners for the Time being; all which Assignments shall be in the Words or to the Effect following :

‘ **B**Y virtue of an Act of Parliament made in the Fifty-ninth Year of the  
 ‘ Reign of King *George* the Third, intituled [*set forth the Title of this*  
 ‘ *Act*], we, whose Names are hereunto subscribed and Seals affixed, being  
 ‘ Commissioners acting in Execution of the said Act, in Consideration of  
 ‘ the Sum of \_\_\_\_\_ to the Treasurer of the said Road in  
 ‘ hand paid by *A.B.*, do hereby grant, bargain, sell, and demise unto the  
 ‘ said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of  
 ‘ the Tolls arising by virtue of the said Act, and also of the Turnpikes  
 ‘ and Toll Houses for collecting the same, as the said Sum of  
 ‘ doth or shall bear to the whole Sum charged and advanced, or to be  
 ‘ charged or advanced, on the Credit of the said Act, to the Commissioners  
 ‘ of the said Road, to be had and holden from this \_\_\_\_\_ Day of  
 ‘ \_\_\_\_\_ in the Year of our Lord  
 ‘ for and during the Continuance of the said Act, unless the said Sum of  
 ‘ \_\_\_\_\_ with Interest after the Rate of \_\_\_\_\_ Sterling *per*  
 ‘ *Centum per Annum*, shall be sooner repaid and satisfied. Given under our  
 ‘ Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year  
 ‘ of our Lord \_\_\_\_\_

Form of  
Mortgage.

And all such Assignments shall be numbered, commencing with Number One, and so proceeding in an arithmetical Progression ascending; and Copies of all such Assignments, and the Numbers thereof respectively, shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners; and such Book or Books shall and may, at all seasonable Times, be perused and insepcted without Fee or Reward; and all Assignments which shall be made in Manner and Form aforesaid shall be good, valid, and effectual to all Intents and Purposes whatsoever; and all Persons to whom such Assignments respectively shall have been made as aforesaid, or who are or shall be entitled to the Money thereby respectively secured, may from Time to Time assign and transfer the same Security or Securities respectively, and all Benefit and Advantage thereof, and all their Right, Title, and Interest to the Principal and Interest Money thereby respectively secured, or any Part thereof, to any Person or Persons whomsoever, by Writing under their Hands and Seals, in the Words or to the Effect following :

Copies  
thereof to be  
entered in a  
Book.

‘ **I** *A.B.* being entitled to the Sum of \_\_\_\_\_ secured to  
 ‘ \_\_\_\_\_ Executors, Administrators, and Assigns, by  
 ‘ virtue of an Assignment bearing Date the \_\_\_\_\_ Day of  
 ‘ \_\_\_\_\_, under the Hands and Seals of  
 ‘ the Commissioners acting in Execution of an Act of Parliament made in  
 ‘ the Fifty-ninth Year of the Reign of King *George* the Third, intituled  
 ‘ [*set forth the Title of this Act*], upon the Credit of the said Act, do hereby  
 ‘ transfer all my Right and Title in and to the same, and all Principal and  
 ‘ Interest Money now due and owing thereon, unto *C.D.*  
 ‘ Executors, Administrators, and Assigns. Dated this  
 ‘ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

Form of  
Transfer.

Notice of  
Transfer to  
be given to  
Registrar.

And every such Transfer shall be produced and notified to the Clerk to the said Commissioners within One Calendar Month next after the Date thereof, who shall cause an Entry or Memorandum to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred in the said Book or Books to be kept for entering the said original Assignments to be made by virtue of this Act, and for which Entry the Clerk who shall enter the same shall be paid Five Shillings Sterling, and no more; and after such Entry made, every such Transfer shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and after such Entry or Memorial made thereof as aforesaid, it shall not be in the Power of the Person or Persons making such Transfer to make void, discharge, or release the same, or the Monies thereby due, or any Part thereof; and all Persons to whom such Assignment or Transfer shall be made as aforesaid shall be, in Proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Toll Houses in equal Degree one with another, and shall have no Preference in respect of the said Priority of advancing any such Monies, or of the Dates of such Mortgages or Assignments.

Commission-  
ers may make  
and divert the  
Road.

L. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby fully authorized and empowered, to make and repair, and from Time to Time to widen, divert, shorten, vary, and alter, the Course or Path of any Part or Parts of the said Road through any Waste Grounds, Commons, or uncultivated Lands, without making Satisfaction for the same, and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Damage they shall sustain thereby; and for that Purpose it shall be lawful for the said Commissioners to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments which the said Commissioners shall judge necessary for the Purposes aforesaid, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road, through such Lands or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, general or special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of Cestuique Trusts, whether Femes Covert, Infants or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all other Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, to contract and agree with the said respective Trustees for Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them all or any such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, general

or special, or Lessees for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall lawfully do by virtue or in pursuance of this Act.

LI. Provided always, That it shall not be lawful for the said Commissioners, in making, diverting, turning, varying, or altering the Course or Path of any Part of the Road comprised in this Act, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration; any thing herein contained to the contrary hereof in anywise notwithstanding.

In diverting Road, not to deviate more than One hundred Yards without Consent.

LII. And be it further enacted, That if any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, general or special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode, of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of Lands or Hereditaments through which any Part of the said Road is intended to be made, widened, diverted, turned, or altered, shall, for the Space of Ten Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Commissioners shall cause such Damage, Value, or Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County in which the Land shall be situated, from the Neighbourhood of the Place where such Lands and Hereditaments do lie; and in order thereto the said Commissioners are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined concerning the Premises (which Oath any One or more of the said Commissioners is and are hereby empowered to administer), and such Commissioners shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damages and Recompence, they the said Commissioners shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; and such Verdict and Inquisition, Order and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or Remainder, in Fee or in Fee Tail, general or special, or for Life or Lives, or for Years determinable on any Life or Lives, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any other

Where Persons interested neglect or refuse to treat.

Commissioners to issue their Warrant to the Sheriff to impanel a Jury.

Commissioners may impose Fines on Sheriff, &c. making Default.

Jurors entitled to Ten Shillings a Day.

Expences of the Jury and Witnesses how to be paid.

other Disability whatsoever, Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all and every other Person or Persons whomsoever; and for summoning and returning such Juries the said Commissioners, or any Five or more of them, are hereby empowered to issue their Warrant to the Sheriff of the County in which the Lands shall be situated, requiring him to impanel, summon, and return an indifferent Jury of not less than Twenty-four Persons, from the Neighbourhood of the Place where such Lands and Hereditaments lie, qualified to serve upon Juries, to appear before the said Commissioners at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Commissioners shall and they are hereby empowered and required to swear, or cause to be sworn, Twelve Men, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve Men; and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Commissioners acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, or appearing shall refuse to be sworn and examined, or to give Evidence, or shall otherwise wilfully misconduct themselves in giving their Evidence, so that no one Fine be more than the Sum of Five Pounds Sterling on any one Person for any one Offence: Provided always, that each of the said Jurors so to be impanelled and sworn shall not be entitled to or demand more than Ten Shillings for each and every Day's Attendance during such Time as they shall be employed in such Valuation.

LIII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Direction or Authority of this Act shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any Loss or Damage to be by him or them sustained, than what shall have been agreed to and offered by the said Commissioners respectively, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Commissioners, out of any Money which shall



shall then be in his Hands, or out of any Money to be received by virtue of this Act; but if any Jury or Juries, so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Commissioners before the summoning or returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property in such Lands or Hereditaments, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some One Justice of the Peace for the County where the Lands shall be situated, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand after being so ascertained and settled as aforesaid, may be recovered by the Treasurer or Treasurers or Clerk to the said Commissioners by the Ways and Means herein-after mentioned or provided for the Recovery of Penalties and Forfeitures; provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Commissioners in manner aforesaid.

LIV. And be it further enacted, That in all and every Case where the Commissioners of the said Road shall take any Ground by Agreement, or the Valuation of Jury, as herein-before mentioned, for the Purposes aforesaid, a Memorial of all such Conveyances or Assignments, being signed by the Grantor or Grantors thereof, and by Three of the said Commissioners, and entered in the public Registry Office for registering Deeds in *Ireland*, and which the Registrar thereof or his Deputy is hereby empowered to receive, shall be sufficient Evidence of such Conveyance or Conveyances, or Assignment or Assignments, without the Necessity of producing or proving any other Conveyance or Assignment for the Purpose of establishing the same in any Court of Law or Equity whatsoever.

Memorial to be sufficient Evidence to establish Conveyance.

LV. And be it further enacted, That in all Cases where the Road between *Dublin* and *Navan* has been or shall be shortened, altered, or rendered more convenient to Carriages and Travellers by the Purchase of any Lands, Grounds, or Hereditaments, to make any new Line or Lines of the said Road, or any Part thereof, the old Road shall be shut up and vested in the said Commissioners of the said Road, unless the same shall be presented by the Grand Jury of the County in which such Part of the said Road lies, at the Assizes or presenting Term next following the opening of the said new Line of Road, it shall and may be lawful for the said Commissioners, or any Five or more of them, to sell and dispose of the said old Road so to be shut up, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the

Where Road shortened or altered by new Line, old Road to be shut up and vested in Commissioners, unless presented by Grand Jury, and may be sold.

[*Local.*]

32 R

said

said Commissioners, before they shall sell and dispose of any such Piece or Pieces of the said old Road so to be shut up as aforesaid, shall first offer the same for Sale to the Person or Persons whose Lands shall adjoin to the said old Road; and if such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof as herein mentioned), or shall refuse (except with respect to and on account of the Price thereof), to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which the Lands shall be situated, (who are hereby respectively empowered to take the same,) by some Person or Persons no way interested in the said Piece or Pieces of the said old Road, stating that such Offer was made by and on the Behalf of the said Commissioners, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Commissioners shall differ and not agree with respect to the Prices thereof, then the Price or Prices thereof shall be ascertained by a Jury, in manner herein-before directed with respect to the disputed Value of the Premises to be purchased by the said Commissioners in pursuance of this Act, and the Expence of hearing and determining such Differences shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Commissioners, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Commissioners of such Piece or Parcel of the said old Road as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Verdict and Assessment heretofore had, and Deeds executed or to be executed, valid.

LVI. And whereas the said Commissioners named and authorized under and by virtue of the said recited Act of the Thirty-sixth Year of His said Majesty's Reign, and also under and by virtue of the Powers contained in the said recited Act of the Forty-fifth Year of the Reign of His said Majesty, proceeded with a Jury, pursuant to the Powers to them by Law for that Purpose given, and the said Jury by their Verdict did assess and award the Damages and Recompence to be paid and given to the respective Proprietors, Owners, and Occupiers of the Grounds necessary for the said new Line of the said Road; be it therefore enacted, That nothing herein contained shall extend, or be construed to extend, so as to annul, set aside, or make void any Verdict, Award, and Assessment of the said Jury, of the respective Sums to be paid and given to the said respective Proprietors, Owners, and Occupiers of the said Grounds necessary for the said new Line of the said Road, shall be deemed, adjudged, and taken to be final, binding, and conclusive to all Person and Persons, Party and Parties whatsoever, both at Law and in Equity, and be as good, valid, and effectual as if this Act had not been made; and that all Deeds and Conveyances heretofore made and executed, or hereafter to be made and executed in pursuance of the said Verdict, Award, and Assessment, shall be deemed, adjudged, and taken to be good and valid in Law; any thing herein contained to the contrary thereof notwithstanding.

LVII. And be it further enacted, That every Sum of Money or Recompence to be agreed for, or assessed, as aforesaid, shall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, or out of the Money so to be presented as aforesaid, to the Party or Parties respectively entitled thereto, or to their Agents; and upon Payment thereof, or depositing the same in the Bank of *Ireland*, as hereinafter directed (as the Case may be), and after Ten Days Notice given to such Parties or Persons, or to their Agents, or left at their or any of their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands or Hereditaments, then such Lands or Hereditaments shall be laid into and made Part of the said Road, in such Manner as the said Commissioners shall direct, and shall be by them, or such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall, to all Intents and Purposes whatsoever, become and be deemed and taken to be a common Highway, and be from thenceforth Part of the said Road for ever thereafter.

Money allowed for Lands how to be charged or tendered.

LVIII. Provided always, and be it further enacted, That the Power or Authority by this Act given to the said respective Commissioners shall not extend to the taking down or injuring any Dwelling House, or other Building, or to the taking in of any Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House or Plantation, or Nursery of Trees, or of any Part or Parts thereof, without the Consent in Writing of the Owners or Proprietors thereof, and other Persons interested therein, first had and obtained.

Commissioners not to take down Houses, &c.

LIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery of *Ireland*, to be placed to his Account, *ex parte* the Commissioners for executing this Act; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, towards the Discharge of any Debt or Debts, or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime,

Application of Compensation Money when amounting to or exceeding 200*l*.

time, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Government Securities; and in the meantime, and until the said Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of such Government Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement had been made.

When less than 200*l.* and amounting to 20*l.*

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

When less than 20*l.*

LXI. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said respective Trustees shall think fit; or in case of Infancy or Lunacy, then to his or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles.

LXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case

Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money so awarded to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, and Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Ireland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums Money into the Bank as aforesaid.

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

Persons in Possession to be deemed presumptively entitled, &c.

LXIV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to

The Court of Chancery may direct the Payment of Expences.

[Local.]

32 S

Time

Time pay such Sums of Money for such Purposes as the said Court shall direct.

Commissioners empowered to sell Ground not wanted for the Purposes of this Act.

Persons of whom it was bought, or whose Lands adjoin, to have the First Offer.

LXV. And whereas, by reason of the diverting of some Part or Parts of the said Road, in Manner herein-before mentioned, the said Commissioners may happen to be seised of some Piece or Pieces of Ground or Hereditaments, over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Commissioners to sell and dispose of such Pieces or Parcels of Ground and Hereditaments, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Commissioners before they shall sell and dispose of any such Piece or Pieces of Ground as aforesaid shall first offer the same for Sale to the Person or Persons whose Lands shall adjoin to the old Road, and if such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof as herein mentioned), or shall refuse (except with respect to and on account of the Price thereof), to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which the Lands shall be situated (who are hereby respectively empowered to take the same), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by and on the Behalf of the said Commissioners, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they, and the said Commissioners shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner herein-before directed with respect to the disputed Value of the Premises to be purchased by the said Commissioners in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Commissioners, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Commissioners of such Piece or Parcel of Road or Ground as aforesaid shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

For getting Materials for repairing the Road.

LXVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or the Supervisor or Supervisors of the said Road, and to and for all such Persons as they shall respectively appoint, to search for Quarries, cut, dig for, get, and take away any Gravel, Sand, or other Materials, for altering, amending, making, or repairing the said Road, out of or from any Common or Waste Ground, River or Brook, in any Parish, Townland, Hamlet, Division, District, or Place, in or near which any Part of the Road hereby directed to be made, amended, altered, or repaired shall be, or in any adjoining Parish, Townland, Hamlet, Division, District, or Place, without paying any thing for the same, the said  
Commissioners,

Commissioners, Supervisor or Supervisors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Supervisor, or other Persons as aforesaid, may, by Order of Two or more Justices of the Peace for the County in which the Lands shall be situated, search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, off, from, and out of the private Lands, Fields, or Grounds in any Parish, Townland, Hamlet, Division, District, or Place, in which any Part of the Road to be altered or repaired by this Act shall be or be situate 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, Park, or Paddock, or Field inclosed with a Wall made of Lime, Mortar, and Stone or Brick, of the Height of Six Feet at the least, Walk or Walks, or Avenue to a House, or any Wood or Plantation, or Piece of Ground planted and set apart as a Nursery for Trees, or the Grounds occupied by the *Dublin Society at Glassnevin* for the Purpose of establishing a Botanic Garden, making or tendering such Satisfaction for the Damages done thereby to the Owners and Occupiers of such Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same, or any other Materials for making and repairing the said Road, shall be carried, according to their respective Rights and Interests in such Grounds, as the said Commissioners shall judge reasonable; and in case of any Difference between the said Commissioners, Supervisor or Supervisors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Damages, it shall and may be lawful to and for any Two or more Justices of the Peace of the County or Place where such Materials shall be so cut, dug, gotten, gathered, taken and carried away, on Three 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 upon all Parties.

LXVII. And be it further enacted, That if any Person shall obstruct or prevent the said Commissioners, or any Person acting under their Authority, in digging for, raising, or carrying away such Materials, or in making such Drains, such Person shall upon Conviction, by the Oath of One credible Witness before any One Justice of the Peace of the County in which such Offence shall have been committed, forfeit for every such Offence a Sum not exceeding Five Pounds, to be levied, together with the Charges, by Distress and Sale of the Goods of the Offender, by the Warrant of any One such Justice of the Peace of such County.

If Persons obstruct in taking Gravel, &c. forfeit Five Pounds.

LXVIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Supervisor, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for altering or repairing such Road out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Supervisor, shall have been given to the Occupiers of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before any One or more Justices of the Peace acting

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

acting for the County, Town, or Place where such Premises shall be, 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 such Justice or Justices shall and may authorize such Supervisor or other Person or Persons to dig, get, gather, take, and carry away such Materials, at such Time or Times as to the said Justice 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 Justice or Justices shall and may make such Order therein as he or they respectively shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Materials not  
to be taken  
away.

LXIX. And be it further enacted, That if any Person or Persons whomsoever shall remove or take any Stones or Gravel, or other Materials laid upon the said Road for the Repair thereof, without the Order of the said Commissioners, or their Supervisor or Supervisors 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 Commissioners, or their Supervisor or Supervisors, in any Lands, Fields, Grounds, River, or Brook, for the Purposes of altering or amending the said Road, or any Part or Parts thereof, or shall get or take away any Stone or Gravel or Materials out of any Pit or Quarry which shall have been made for the Purposes of getting such Materials for altering and amending the said Road, or any Part thereof, before the said Supervisor or Supervisors or his or their Workmen shall have discontinued working therein for the Space of Four Weeks (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his and 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.

Supervisors  
may make  
Drains.

LXX. And be it further enacted, That it shall and may be lawful to and for the said Supervisor or Supervisors, and to and for any Person or Persons whom he or they shall appoint, by Order of the said Commissioners, 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, (not being a Garden, walled-in Orchard, Yard, Park, Paddock, Wood, Plantation, planted Walk or Avenue to any House,) in such Manner as such Supervisor or Supervisors shall deem and judge necessary and proper for altering, amending, or keeping in Repair any Part of the said Road; and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Road, (not being a Garden, walled-in Orchard, Yard, Park, Paddock, Wood, Plantation, planted Walk or Avenue to any House,) to be made use of as a public Highway whilst the narrow or ruinous Parts 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 Commissioners; and in case any Difference shall happen between such Owners  
or



or Occupiers and such Commissioners touching such Damages, then, and in every such Case, Two Justices of the Peace for the County or Place where such Lands are situate, shall, upon Application made to them for that Purpose, hear, settle, and determine the same by Oath of the Parties, or other Witness or Witnesses, and shall also assess and award to either Party, as they shall see Occasion, the Costs and Charges attending such Application, and their Determination therein shall be final and conclusive.

LXXI. And whereas great Inconvenience has arisen, and the Public have been much endangered by Water from Mill Courses or Drains having been turned upon Parts of the said Road, from whence there have not been sufficient Passages to carry off such Water, be it further enacted, That any Person who shall turn upon or make a Way for such Water to go upon any Part of the said Road, or shall turn any such Water into the Trenches by the Side of any Part of the said Road, without such Person, or some other Person or Persons, having first made sufficient Drain or Drains to carry off such Water, so that such Water shall not injure any Part of the said Road, or shall pull out, remove, or injure any Part of the Foundation, or any other Part of any Bridge or Sewer, or any Wall or Fence to any Quarry, Pit, Hole, River, or Watercourse, or injure any Mile Stone or Direction Post, or shall build any House or Part of a House within Forty-five Feet of the Centre of any Part of the said Road, or shall build any Wall, or make any Ditch within Thirty-five Feet of the Centre of any Part of the said Road, or shall build any Windmill within One hundred Yards of any Part of the said Road, or shall remove any of the Materials which shall have been used for filling any Ditch or any Part of any Ditch, or shall destroy or take down any Part of the Backs or Banks which are or shall be raised between any Part of the said Road and the Drains or Trenches on the Side of the said Road, or shall make or have any Way or Passage from the said Road into the Lands adjoining, without placing a Gutter or Arch underneath such Way or Passage, as deep as the Drain or Ditch over which it is or shall be made, and of Breadth and Height sufficient to allow all Water which may at any Time be therein full Room to pass, or shall burn, or permit or suffer to be burned on his or her Lands, Bricks, Lime, or Weeds, or vegetable Substance for Ashes, within One hundred Feet of the Centre of the said Road, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and if any Person shall keep or have in his or her Possession any Cur Dog, Mastiff, or Bull Dog, at any House within Fifty Yards of the said Road, without a Block of Wood of Five Pounds Weight at the least fastened to the Neck of every such Dog; or shall winnow or lay out for winnowing any Corn on the said Road, or within Fifty Feet of the Centre thereof; or shall lay any Straw, Dung, or Rubbish on the said Road, or shall scrape the said Road, or shall scour or dig any Pit, Ditch, or Drain, or shall lay any Turf on the said Road, or shall leave any Part of the same between Enclosure and Enclosure; or permit to be left thereon, opposite or near to his or her House, any Carriage whatsoever, or any Plough or Harrow without the Horse or Horses, or other Beast or Beasts being harnessed thereto, unless such Carriages as being actually travelling, and having Passengers therein or Luggage thereon, shall stop to change Horses, and which shall not in so doing continue more than an Hour, or unless such Carriage shall have been accidentally broken down opposite his or her House, and cannot be removed without Repair; or shall set or plant any Forest Tree, or the Seed

Penalty on  
Persons turn-  
ing Water on  
Road, &c. or  
doing other  
Injuries, &c.

of any such Tree, within Fifty Feet of the Centre of any Part of such Road; or shall break down or injure any Footpath, or ride, lead, or drive any Horse or other Beast on any Part of any Footpath; or injure any Horse-block, or any other Thing which shall be made, erected, or put upon any Part of the said Road for the Use of the said Road, or for the Convenience of Travellers; or if any Person shall spread out any Linen, Blanket, or Winnow Cloth, within One hundred Feet of the Centre of the said Road; or shall beat or dry any Flax; or leave any Timber, Stones, Sand, Clay, Lime, or other Matter on the said Road, except for the Use of the said Road; or shall leave, or permit to be left, the Carcase of any Horse or other Beast, or shall skin the same, or permit it to be skinned on the said Road, or within One hundred Yards of the Centre thereof, except in a House or Yard inclosed with Walls; or shall lead or drive any Car or Carriage with Timber, Boards, or Iron laid across, so as that either End thereof shall project beyond the Wheels or Sides of the Carriage, or on which shall be laid any Beams or Piece of Timber or Plank, or Pieces of Plank above the Length of Thirteen Feet, except on Carriages with Four Wheels, or Carts, or the common Cars so placed together, that the Beams, or Pieces or Planks shall be laid lengthways thereon; or shall drag any Timber or Mill Stone along any Part of the said Road without being supported by Wheels from touching the same; or shall plough over or drag any Plough upon any Part of the said Road, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Road; or shall erect any Sign-post, or any Maypole or Maybush, or shall place or erect any Turf Stack on any Part of the said Road; or shall make or assist in making any Fire or Fires, or shall set fire to or let off any Squib, Rocket, Serpent, or Firework whatsoever on any Part of the said Road, or on the Sides thereof; or play at Hurling, Foot-ball, or Bullets, or any other Game or Games upon the said Road, or any Part thereof; every Person so offending shall for every such Offence forfeit any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Gates not  
to swing  
towards the  
Road.

LXXII. And be it further enacted, That all Gates hereafter to be made and placed in any Field or Ground adjoining any Part of the said Road, shall be made and hung to open and swing inward towards such Field or Ground, and not towards the said Road; and that it shall be lawful for the said Commissioners, or any Five or more of them, to order all such Gates as are now erected or may hereafter be erected, and open and swing outwards towards the said Road to be altered and made to open and swing inward, as the said Commissioners 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 and swing outward towards the said Road, shall after Eight Days Notice from the Supervisor of the said Road, requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inwards, refuse or neglect to make such Alteration, or after such Alterations shall have been once made shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Drivers of  
Carriages  
punishable  
for wilful  
Neglect.

LXXIII. And whereas Accidents may happen, and great Mischiefs may be done upon the said Road by the Negligence or wilful Misbehaviour of Persons riding Horses or driving Carriages thereon, be it therefore further  
1 enacted,

enacted, That if any Person shall ride any Horse or other Beast, or shall lead or drive any Carriage on the said Road, save and except on that Side of the Road situate on his or her Left Hand when meeting any other Carriage; 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 on 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 shall quit the said Road and go on the other Side of the Hedge or Fence inclosing the same, or wilfully be at such a Distance from such Carriage while it shall be passing on such Road, that such Driver cannot have the 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 His Majesty's Subjects on the said Road; or if any Person, after having blocked or stopped any Waggon, Cart, or other Carriage in going up any Hill or rising Ground, shall 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 Waggon, Cart, or other Carriage; or if any Person driving or acting as the Driver of any Coach, Post Chaise, or other Carriage let for Hire, or of any Cart, Car, Dray, Wain, or Waggon, or other such Carriage, and committing any Offence or Offences against this Act, shall refuse to discover (on being thereunto required by any Person or Persons whomsoever) 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, Wain, Waggon, or other Carriage respectively, and also 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 Five Pounds, 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, Town, or Place where the Offence shall be committed, to be dealt with according to Law.

LXXIV. And be it further enacted, That if any Person shall obstruct, hinder, or molest any of the said Commissioners, or any Collectors of Tolls, Supervisor, Workmen, or other Person or Persons whomsoever, who is or are or shall be employed in carrying this Act into execution, in the Performance or Execution of his, her, or their Duty, or of any of the Matters or Things to be done by virtue or in pursuance thereof, every such

Penalty on obstructing Execution of this Act.

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

Punishing  
Persons  
swearing  
falsely.

LXXV. And be it further enacted, That if any Person or Persons, upon any Examination, Oath, or Affirmation before the Commissioners, or any of them, or 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 or affirm any Matter or Thing which shall be false or untrue; every such Person so offending, and being duly convicted thereof, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by Law in Force and Effect Persons guilty of Perjury are subject and liable to.

Power to  
Collectors,  
&c. to detain  
unknown  
Persons  
guilty of  
Offences.

LXXVI. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Supervisors, or other Officers under this Act, be it further enacted, That it shall and may be lawful to and for any of the said Collectors, Supervisors, or other Officers respectively, to stop and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey 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.

Recovery  
and Applica-  
tion of Pe-  
nalties.

LXXVII. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County, City, Town, or Place where the Offence shall happen (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath); and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned, upon Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures, when recovered, (if not herein-before directed to be otherwise applied,) shall be paid to the Treasurer of the said Commissioners, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to or for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Town, or Place where the Offence shall be committed, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months nor less than Twenty-one Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

Form of  
Conviction.

LXXVIII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, the Form of Conviction shall be in the Words or to the Effect following; (that is to say,)

BE

‘ **B**E it remembered, That on this                      Day of  
‘     in the                      Year of the Reign of                      is con-  
‘     victed before                      of His Majesty’s Justices of the Peace for  
‘     the                      of having [*as the Offence shall be*], and I [*or we*] the  
‘     said                      do adjudge him [*her or them*] to forfeit and pay  
‘     for the same the Sum of                      Given under my Hand  
‘     and Seal [*or our Hands and Seals*] the Day and Year aforesaid.’

LXXIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, such Person or Persons shall or may appeal to the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the County or Place within which the Matter of Appeal shall arise next after the Expiration of One Calendar Month from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Three Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Commissioners, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, with sufficient Securities, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Recognizance 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 judge proper; and every such Determination shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Allowing an Appeal to the Quarter Sessions.

LXXX. 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.

Distress not to be unlawful for Want of Form.

LXXXI. 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 of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or be removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Dublin*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings not to be quashed for Want of Form, or be removable by Certiorari.

LXXXII. 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, unless Notice in Writing shall have been given to the Defendant or Defendants Thirty-one Days before  
[*Local.*]

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

such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the 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.

Limitation of  
Actions.

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

If Action of  
Trespass or  
other Suit  
brought, De-  
fendant may  
plead Not  
Guilty, make  
Avowry,  
Cognizance,  
or justify, as  
herein.

LXXXIV. And be it further enacted, That if any Action of Trespass or Suit shall happen to be attempted and brought against any Person or Persons for taking of any Distress, making of any Sale, or other Thing doing or done by the Authority of this Act, or of any of the Acts herein-before mentioned, the Defendant or Defendants in any such Action or Suit shall and may either plead Not Guilty, or otherwise make Avowry, Cognizance, or Justification for the taking of the said Distress or Distresses, making of Sales, or other Thing doing or done by virtue of this Act, or any other Act herein-before mentioned, alleging in such Avowry, Cognizance, or Justification, that the said Distress, Sale, Trespass, or other Thing whereof the Plaintiff or Plaintiffs complained was doing or done by the Authority of this Act, or of any or either of the Acts herein-before mentioned, and according to the Tenor, Purport, and Effect of this or any or either of the said Acts, without any expressing or Rehearsal of any other Matter or Circumstance in this present Act, or any or either of the Acts herein-before mentioned; to which Avowry, Cognizance, or Justification the Plaintiff or Plaintiffs shall be admitted to reply that the Defendant or Defendants did take the said Distress, make the said Sale, or did any other Act or Trespass supposed in his, her, or their Declaration, of his or their own Wrong, without any such Cause alleged by the said Defendant or Defendants; whereupon the Issue in every such Action shall be joined, to

be tried by the Verdict of Twelve Men, and not otherwise, as is accustomed in other personal Actions; and upon the Trial of that Issue the whole Matter to be given on both Sides in Evidence, according to the very Truth of same; and after such Issue tried, if there shall be a Verdict for the Defendant or Defendants, or Nonsuit of the Plaintiff after Appearance, the same Defendant or Defendants to recover Treble Damages by reason of his, her, or their wrongful Vexation in that Behalf, with his Costs also in that Part sustained, and that to be assessed by the same Jury, or Writ to enquire of the Damages if the same shall be required.

LXXXV. And be it further enacted, That the said Commissioners shall and may, in the first place, out of the Produce of the Tolls of said Road, pay and discharge the Costs and Expences of procuring this present Act, and of carrying the same into execution. Expences of Act.

LXXXVI. 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 and Justices without being specially pleaded. Public Act.

LXXXVII. And be it further enacted, That this Act shall commence and take effect upon the Third *Thursday* after the passing thereof, and shall from thenceforth continue and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of Act.

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