



ANNO PRIMO

GEORGIIV. REGIS.

Cap. xc.

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

[24th July 1820.]

WHEREAS an Act was passed in the Parliament of *Ireland*, in the Twenty-third and Twenty-fourth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for* 23 & 24 G. 3. c. 27. (I.)
the more effectually amending and repairing the Road from the Town of Dundalk, in the County of Louth, to Banbridge, in the County of Down, and for the better securing the Debts which are now due to the Creditors of the said Road: And whereas by the said Act it was amongst other Things provided that the said Road, so leading from *Dundalk* to *Bannbridge*, should be divided into Two Parts or Divisions, and that so much of the said Road as lies between the said Town of *Dundalk* and the Town of *Newry*, should be distinguished and known by the Name of 'The Southern Division of the said Road,' and so much thereof as lies between the said Town of *Newry*, and the Town of *Banbridge* should be distinguished and known by the Name of 'The Northern Division of the said Road and District ;' and distinct Trustees were appointed for managing

[Local.]

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each

each of the said Divisions: And whereas it is expedient for the more sure and expeditious Conveyance of His Majesty's Mails, and for the greater Ease of Travellers and Carriages, that the said Act should be amended so far as relates to the Southern Division of the said Road, and further Powers given to the Trustees of the said Division for altering the Line of the said Road and rendering the Ascents and Descents thereon more easy between the Town of *Dundalk* and the Town of *Newry*, and otherwise improving the same: And whereas the Trustees of the Southern Division of the said Road have proceeded to carry the said Act into Execution, but the said Road cannot be properly maintained or improved, or kept in Repair, unless the Tolls granted by the said Act be altered or continued, so far as the same concern the Southern Division of the said Road: 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 the Authority of the same, That it shall and may be lawful for the Trustees of the said Southern Division of the said Road, at any Meeting or Meetings to be held for the Purpose (of which Meeting or Meetings, and of the Purpose thereof, Fourteen Days Notice shall have been given by publishing the same in the *Louth, Drogheda, and Newry* Newspaper, and also by posting a Copy thereof on each Turnpike Gate on the said Division, and in the usual Place of posting Notices in *Newry* and *Dundalk*), to elect and appoint (Three Trustees at least being present) any Number of Persons not exceeding Ten in the whole, to be additional Trustees for assisting in the Execution of the said recited Act and this Act; and also from Time to Time thereafter, on any Vacancy occasioned by the Death, Resignation, or Incapacity of any of the said additional Trustees or their Surveyors, to elect and appoint in like Manner a proper Person to be a Trustee in the Room of the Person so dying, resigning, or becoming incapable; and every Person so to be elected and appointed, being qualified as hereinafter mentioned, shall be and is hereby empowered to act in the Execution of the said recited Act and this Act, in as full and ample a Manner to all Intents and Purposes as any other Trustee of the said Division: Provided nevertheless, that previous to any Election for filling any such Vacancy, a like Notice shall be given by publishing and posting the same in like Manner as is herein provided respecting the Election of additional Trustees.

New Trustees.

Qualification of Trustees.

II. Provided always, and be it further enacted, That no Person who is at present, nor any Person who may be hereafter appointed a Trustee of the Southern Division of the said Road, shall act as such, or be capable of exercising all or any of the Powers by the said recited Act and by this Act vested in the said Trustees, (unless it be the Power hereby given of administering Oaths to Trustees) unless at the Time of his acting therein he shall be possessed in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of Freehold Lands, Tenements, or Hereditaments, situate in the Counties of *Louth, Armagh, and Down*, or one or more of them, of the clear yearly Value of Two hundred Pounds Sterling, above all Debts and Incumbrances; or shall be Heir Apparent of a Person possessed of such an Estate in the said Counties, or either of them, of the clear yearly Value of Three hundred Pounds Sterling,

Sterling, above all Debts and Incumbrances, or shall be possessed of a Personal Estate of Four thousand Pounds Sterling, above his Debts; not until such Person shall have taken the following Oath, instead of the Oath by the said Act prescribed:

I *A. B.* do swear, That I am in the Possession of a Real or Freehold Estate, situate in the Counties of *Louth, Armagh, and Down*, or one or more of them, of the clear yearly Value of Two hundred Pounds Sterling, above all Debts and Incumbrances, or that I am Heir Apparent to *C. D.* (*naming the Person*) who is possessed of a Real or Freehold Estate in the said Counties, or one or more of them, of the clear yearly Value of Three hundred Pounds Sterling at the least, above all Debts and Incumbrances, or that I am possessed of a Personal Estate of the Value of Four thousand Pounds Sterling, above my Debts and Incumbrances; and that I will at every Board or Meeting of the Trustees, for carrying into Execution the Provision of an Act passed in the Parliament of *Ireland*, in the Twenty-third and Twenty-fourth Years of the Reign of His late Majesty King *George the Third*, intituled *An Act [here set forth the Title of the Act of the Twenty-third and Twenty-fourth Years of His late Majesty's Reign]*: And also an Act passed in the Parliament of the United Kingdom of *Great Britain and Ireland*, in the First Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act, [here set forth the Title of this Act]*, where I shall be present, execute the Office of Trustee, and the Trusts thereby reposed in me, honestly and impartially, to the best of my Skill and Judgment.

So help me GOD.

Which said Oath any Three or more of the said Trustees are hereby empowered and required to administer to each other; and the same shall be entered on the Minutes of the Proceedings of the said Trustees, and signed by the Person taking the same, and also by the Persons who shall administer the same; and such Entry shall be and be deemed and taken as sufficient Evidence in any Court of Law or Equity of such Trustee having duly qualified in Manner by this Act directed; and if any Person not being so qualified, shall act as a Trustee in the Execution of the said recited Act or this Act, such Person shall, for every Offence in so doing, forfeit and pay the Sum of Fifty Pounds, to be recovered in any of His Majesty's Courts of Record in *Ireland*, by any Person who shall sue for the same, 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 Impar lance shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, and has taken the Oath of Qualification prescribed as aforesaid, or on Failure thereof, shall pay the said Penalty without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person has acted as a Trustee in the Execution of the said Act or this Act.

Penalty on an unqualified Person acting as a Trustee.

III. And be it enacted, That no Person or Persons who shall keep any Victualling 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 Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees,

Victuallers not to be Trustees, &c.

or

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, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail, either personally, or by any Person or Persons in Trust for his Use or Benefit, directly or indirectly; but no such Person shall be precluded from farming or renting such Tolls, provided he employ a Person or Persons to collect such Tolls, who shall not be under any such Incapacity, such Person being first approved of by the said Trustees, or any Two or more of them, and an Entry thereof made on the Minutes of their Proceedings; and that no Person appointed or to be appointed a Trustee for carrying this Act into Execution, who shall have or accept of any Place or Office of Profit under the said Trustees, or shall be interested or concerned in any Contract, or be a Lessee or Farmer of the Tolls granted by this Act, shall act or be capable of acting as a Trustee in the Execution hereof, under the like Penalty as if he had acted without being duly qualified.

Quorum of Trustees.

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

Trustees may act as Justices.

V. And be it further enacted, That such of the said Trustees as are or shall be a Justice or Justices of the Peace shall and may act in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace, in the Execution of the said first recited Act and of this Act, notwithstanding their being Trustees, except in Cases where they shall be personally interested; and that any Trustee or Trustees, being Mortgagee or Mortgagees, Assignee or Assignees of any Mortgage, or entitled to any Security upon the Credit of any of the Tolls granted by the said recited Act or this Act, or to receive Interest from the said Tolls, shall not on that Account be deemed unqualified to act as Trustee or Trustees for carrying the said Act and this Act into Execution.

Books to be kept of Accounts of Receipts and Disbursements which shall be open to the Inspection of the Trustees and Creditors.

VI. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Secretary, for the Time being, in which Book or Books such Secretary 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 Southern Division of Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof

thereof respectively, without paying any thing for the same; and in case the said Secretary shall refuse to permit the said Trustees, or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Secretary shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied, recovered, and applied in Manner herein-after directed; and such Secretary shall also enter or cause to be entered in a like Book or Books, fairly and regularly, all Acts, Orders, and Proceedings of the said Trustees, and who, or the Majority of them present shall, together with the said Secretary, sign such Entries; which said last-mentioned Book or Books, and also the Books required by Law to be kept for registering the Securities which have been, or are or may from Time to Time be given for Money advanced to the said Trustees for the Use of the said Road, or which are or shall be by Law charged upon and made payable out of the Tolls arising under the Provisions of the said recited Act and this Act, or any Copy or Transcript thereof, signed by the Secretary to the said Trustees, shall and may be read in Evidence in all Suits or Actions, or Cases of Appeal, touching any thing done by the said Trustees.

VII. And be it further enacted, That so much of the said recited Act as enacts, that all Officers and Persons, accounting as therein mentioned, shall verify their Accounts upon Oath before the said Trustees, if thereunto required, and also so much thereof as empowers any Three of the Trustees to administer such Oath, shall be and the same is hereby repealed.

Repeal of Part of Act requiring Accounts to be verified on Oath.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Secretary in the Execution of this Act, or the Partner of any such Secretary, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Secretary to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Secretary and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Secretary shall act as Treasurer, or being the Partner of such Treasurer shall act as Secretary in the Execution of this Act, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts at *Dublin*, by Action of Debt or in the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Clerk restrained from acting as Treasurer, and vice versa.

IX. And be it further enacted, That the said Trustees shall and may and are hereby empowered to appoint a Person properly qualified to be the Surveyor and Superintendant of the said Southern Division, whose Duty shall be to make from Time to Time all such Plans, Surveys, Estimates, and Reports as they the said Trustees shall require for the making, repairing, or otherwise improving the Way between *Dundaik* and *Newry*, either by new Lines of Road, or by filling Hollows, lowering Hills, or widening the Breadth of the present Line, or otherwise; and also to superintend and direct under the said Trustees all Works ordered by them respecting

Power to appoint a Surveyor or Superintendant.

Power to ap-
point One or
Two Sub-
Surveyors.

the same, and to report the Progress and Condition of them, and of the whole State of the Road from Time to Time when required by them, and to execute all their Orders respecting the same, and to attend to the faithful Execution of all Contracts made by them, and report all Neglects, Delays, and Insufficiencies in the Execution thereof, or of any other Work, and to enforce the Provisions of the Laws against Nuisances, Trespasses or Encroachments on the said Road, or other Transgressions respecting the same; and it shall be lawful for the said Trustees to appoint at any Meeting (Nine of them at the least being present) One Person, or Two if they shall see Occasion, to be Sub-Surveyor or Sub-Surveyors under the said Surveyor, or to authorise such Surveyor at his Discretion to make such Appointment or Appointments.

Power to
appoint a
Percentage
Salary for
Surveyor.

X. And be it further enacted, That it shall and may be lawful for the said Trustees (Nine at least being present) to appoint to be paid to such Surveyor such yearly Sum as they shall think proper, not exceeding in any Year the Sum of Forty Pounds, or a Sum after the Rate of Five *per Centum* upon the Amount which shall be expended in that Year on the said Road, or for or towards any Works which shall be undertaken or ordered for the Improvement thereof; and also to be paid to each such Sub-Surveyor such Sum as they shall think proper, by the Year or otherwise not exceeding the Rate of Fourteen Shillings *British Currency* a Week.

Treasurer to
pay all Mo-
nies into the
Bank, &c.

XI. And be it further enacted, That the Treasurer to the said Trustees shall from Time to Time pay to their Credit in the Bank of *Ireland*, or such other Bank in the City of *Dublin* as the said Trustees shall appoint, all and every Sum and Sums of Money exceeding Twenty Pounds Sterling, which shall be at any Time in his Hands as Treasurer, and that no Sum or Sums which shall be deposited in the Bank of *Ireland*, or such other Bank as aforesaid, by the Treasurer or any other Person, to the Credit of the Trustees, shall be drawn out therefrom, except upon Orders for the Purpose made at a Meeting of the said Trustees, and entered in the Book of their Proceedings, and signed therein by Two at least of the Trustees present.

Trustees may
sue and be
sued in the
Name of
their Trea-
surer or
Clerk.

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

XIII. And be it further enacted, That from and after the passing of this Act, the Tolls granted by the said recited Act shall cease and determine; and that it shall and may be lawful for the said Trustees of the said Southern Division of the said Road, or any Person or Persons authorized or appointed by them, at any Gate or Turnpike which is already erected, or which they shall cause to be erected within, upon, or across any Part or Parts of the said Road, in the said Southern Division, or on the Side or Sides thereof, or across any Road, Lane, or Way leading out of, or from, or into any Part or Parts of the said Road, to demand, receive, and take, from and after the said Day when the said Tolls shall cease, the several Tolls mentioned in the Schedule hereunto annexed, in lieu of the Tolls granted by the said recited Act, before any Horse, or other Beast, Cattle, Coach, Berlin, Chariot, Calash, Chaise, Chair, Gig, Waggon, Wain, Cart, Dray, Car, or other Carriage, detailed in the said Schedule, shall be permitted to pass through the same; which said respective Tolls shall be and they are hereby declared to be vested in the said Trustees for the Term herein-after mentioned, and a Table thereof shall be put up and continued up at each and every Gate or Turnpike on the said Road; and it shall be lawful to and for the several Persons who shall by virtue of this Act be appointed Collectors or Deputy Collectors of the said Tolls, or who shall act as such, 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, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful for such Collector or Deputy Collector, or Person acting as such, to seize and distrain, or cause to be seized and distrained, any Horse or Horses, or other Beast or Beasts, or Cattle, chargeable with the said Tolls, and their respective Bridles, Collars, Saddles, Harness, or Accoutrements, or any Part thereof; but no Bridle or Collar shall be seized, or distrained without the Horse or other Beast wearing the same being also seized and distrained; and if such Tolls, and the reasonable Charges of such Seizures and Distresses, and of detaining and keeping the same, shall not be paid within Four Days next after such Seizure and Distress made, the Collector or Deputy Collector, or Person acting as such, shall and may sell or cause to be sold the Carriage or Carriages, Horse or Horses, Beasts or other Cattle, and their Bridles, Collars, Saddles, Harness, or Accoutrements so seized or distrained; or any of them, at or near the Turnpike or Gate 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, shall be deducted thereout.

Tolls re-
pealed and
others
granted.

Remedy for
Recovery
thereof.

XIV. Provided always, and be it further enacted, That no Gate or Gates, Turnpike or Turnpikes, shall be erected or placed upon or across the said Road, in the said Southern Division, or on the Side thereof, nearer to the said Town of *Dundalk* than One Mile from the Great Bridge over the River of *Dundalk*, or nearer to the said Town of *Newry* than One Mile from the Bridge on which the said Road is or shall be carried over the *Newry* Canal; and that in case there shall be more than One Gate or Turnpike across or on the Side of the said Road in the said Southern Division, no Person or Persons having paid the said Toll at any one Gate or Turnpike of the said Division through which such Person or Persons shall

No Gates or
Turnpikes
shall be
erected
nearer the
Town of
Dundalk
than One
Mile from
the Great
Bridge over
the River of
Dundalk, &c.

shall have passed, and producing a Note or Ticket that the said Toll was paid (which Note or Ticket every Receiver, Collector, or Person acting as such, is hereby required to give *gratis*), shall be liable to pay any further Toll at any other of the said Gates or Turnpikes, in the same Division of the said Road, upon the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock the next succeeding Night; and that no Person or Persons having Occasion to pass the Place or Places where a Toll is to be taken in the said Division of the said Road, and who shall return the same Day upon or with the same Horse, Mare, or Gelding, Mule, or other Beast, or the same Horses, Mares, Geldings, Mules, or other Beasts, and whether unladen or drawing the same Coach, Chariot, Berlin, Chaise, Chair, Calash, or Gig, or other Carriage, or any Waggon, Cart, Car, or Dray, except Drays, Carts, and Cars, the shoeing of whose Wheels shall be set on otherwise than by flat-headed and countersunk Nails, Screws, or Bolts, or shall be narrower at the Sole than Two Inches and a Half; and also except Drays or Carts drawing Stones, Bricks, or other Articles, without sufficient Sideboard, which are hereby charged with Toll each Time they pass, shall be liable or compellable on the same Day to pay the said Toll more than once.

Collectors may stop and measure the Wheels of Carriages.

XV. And be it further enacted, That every Lessee of the Tolls or Collector, or Person acting as such, at any Pay-gate on the said Road, or on the Side thereof, shall have Power to stop and detain on any Part of the said Road, or elsewhere, any Car, Dray, or Cart, in respect whereof the Toll varies according to the Breadth of the Sole or Shoeing of the Wheels, and to examine and measure the same; and every Trustee, Contractor, Surveyor, Sub-Surveyor, or Overseer, and every Magistrate, Constable, Sub-Constable, or other Peace Officer, shall have the like Power to stop, measure, and examine the Wheels of every such Car, Dray, or Cart, on any Part of the said Road; and if any Driver or other Person shall hinder or refuse to permit such Lessee, Collector, or other Person to stop, detain, examine, and measure the Shoeing of any Wheel on any such Car, Dray, or Cart, and be convicted thereof on the View of any Magistrate, or on Oath of one credible Witness, or the Confession of the Party offending, every Person so convicted shall forfeit any Sum not exceeding Twenty Shillings for every such Offence.

For preventing Toll Collectors from taking undue Tolls.

XVI. And be it further enacted, That all and every Toll Collector, being a Lessee of the said Tolls, or appointed either by the said respective Trustees, or by any such Lessee or Lessees, to collect the Tolls by this Act granted, shall and he or she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his or her coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he or she shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the
respective

respective Trustees, made in pursuance thereof, or shall demand and tak a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, and shall have stated to them the particular Part of the Law giving to him or her such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his or her Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse to give a Ticket denoting the Payment of the said Toll, and naming and specifying the several Gate or Gates where such Payment was made, or upon the legal Toll being paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding 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.

XVII. 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 Manner 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 Non-payment thereof forthwith by Warrant under the Hand and Seal of such Justice, off the Goods and Chattels of the Person against whom he shall have issued such Warrant, 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.

For settling
Disputes
concerning
Tolls.

XVIII. 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 collecting the same, or acting therein under the Authority of the said Trustees, or the Renter of the said Tolls, shall not be disqualified thereby from giving Evidence in any such Dispute, Suit, or Litigation.

Collectors of
Tolls to be
competent
Witnesses.

XIX. And be it further enacted, That upon Payment of the said Tolls the Collector or Receiver thereof shall and he or she is hereby required

Collectors to
give Tickets,
denoting

[Local.]

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to

Payment of
Tolls.

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 Trustees; and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

Power to re-
duce the
Tolls.

XX. And be it further enacted, That it shall and may be lawful to and for the Trustees of the said Divisions 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, either at all or any one or more of the Toll-gates for the Time being at which such Tolls shall be payable, and in such Manner as to them shall seem fit and convenient, and to cause such reduced Tolls to be continued and taken for and during such Time as they the said Trustees shall think proper; and afterwards at any Meeting to be holden as aforesaid, from Time to Time, if they the said Trustees 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 now or hereafter to be in force with respect to Overweight or otherwise: Provided always, that until the Whole of the Money to be borrowed on the Credit of the said Tolls to be collected on the said Division of the said Road shall have been paid and discharged, such Tolls shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five Sixth Parts of the Whole of the Money then remaining due upon the Credit thereof.

Penalty for
evading Tolls.

XXI. 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), in order to evade the Toll at any Turnpike or Toll-gate which has been already erected or shall be erected on the said Road in the said Southern Division (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 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 offer, with the like Intent, at any Turnpike Gate, any forged or counterfeited or altered Ticket, or any Ticket not received for the same Horses, Beasts, Cattle or Carriage, at a Turnpike Gate on the said Road on the same Day, for Toll actually paid by them on the same Day; 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, before passing through any such Turnpike or Toll Gate, and shall afterwards put such Horse or Horses, Beast or Beasts, to such Carriage, with Intent to evade the Payment of the said Tolls, or any Part thereof, or shall knowingly or designedly assault, interrupt, or obstruct any Collector or Person acting as such in the Execu-

tion of his or her Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

XXII. Provided always, and be it further enacted, That this Act shall not extend to charge with Toll any Horses or Carriages attending His Majesty, or any of the Royal Family.

The Royal Family exempted from Toll.

XXIII. And be it further enacted, That if any Person shall claim and take the Benefit of any of the Exemptions contained in the said Schedule 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 such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Exemptions from Tolls.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting whereof Fourteen Days Notice at least, specifying the Purpose of the Meeting shall have been given in the Two Newspapers herein-before mentioned, and also in any one *Dublin* and any one *Belfast* Newspaper, to lease or let to farm by the Year, for any Time not exceeding Three Years nor less than One Year, the Tolls or any Part thereof payable by virtue of this Act on the said Southern Division of the said Road, at or for the largest yearly Sum that can be reasonably got by public Cant for the same from a proper responsible Person: Provided always, that the Money be made payable Monthly, and that sufficient Security, approved of by the Trustees at such Meeting, be given for the regular Payment thereof, and that each Month be paid in advance; and that the said Agreement be entered in the Book of the Proceedings of the said Trustees, and signed therein by the Party taking the Tolls, every which Agreement so entered and signed shall be deemed at such Meeting and taken as Evidence thereof in any Court of Law or Equity.

Power to lease Tolls.

XXV. And be it further enacted, That every such Lessee or Lessees of the said Tolls, and every Person acting for him or them, by Appointment under his or their Hand or Hands, with the Approbation of the said Trustees, or any Two or more of them, shall have the like Powers to demand, take, and receive the said Tolls, and to enforce the Payment thereof, as the said Trustees, or any Collector by them appointed, are or is invested with by this Act.

Power to Lessees, &c. to demand the Tolls.

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

No Composition for Tolls.

XXVII. And be it further enacted, That it shall and may be lawful for the said Trustees, at any Meeting whereof Fourteen Days Notice at the least, expressing the Purpose or Purposes for holding the same, shall be given by posting the same upon every Turnpike Gate on the said Road, and on the usual Places for posting Notices in *Dundalk* and *Newry*, and publishing the same in one or more of the following Newspapers, that is to say, a *Belfast*, *Newry*, *Drogheda*, or *Dublin* Paper, to direct their Treasurer, for and on Behalf of the Trustees, to enter into any Contract with

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

with any Person or Persons for repairing or widening or altering and making, pursuant to such Alteration, any Part of the said Road in the Southern Division, or for any Purpose or Purposes relating to the Execution of the said recited Act or this Act therein, or for building any Bridge, Arch, or Gullet, or Support or Protection Wall, Fence, or Railing, or raising or supplying or furnishing Materials for the same, or for making or repairing Footpaths, or lowering Hills, or filling Hollows, or making or securing Drains; and also to contract with any Person or Persons for keeping in complete and perfect Repair any Portion of the said Road, for any Term not exceeding Three Years from the Commencement thereof; and the said Trustees shall, and they are hereby required to direct such sufficient Security as they shall think fit, for the due Performance of every such Contract to be given to their Treasurer, and taken by him for and on their Behalf; and every Contract shall be entered at Length in the Proceedings of the said Trustees, together with the Amount of the Securities approved, and the Names and Description and Residence of the Sureties.

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

XXVIII. Provided always, and be it further enacted, That every Contract shall contain a Covenant on the Part of the Person or Persons contracting with the Trustees to the Purport following; that is to say, that if the Surveyor of the Road appointed as herein directed, or any Sub-Surveyor by his Order, shall at any Time or Times give Notice in Writing to any such Contractor or Contractors of any Neglect or unnecessary Delay in the Execution of the Whole or any Part of his or their Work, or of any Work done or doing by him or them, being insufficient and not conformable to the Contract, or in case of the Contract being for the keeping the whole or any Portion of the Road in complete and perfect Repair, or any Want of complete and perfect Repair in any Part thereof, and shall in such Notice state the Particulars in which such Work is neglected or delayed, or varies from the Contract, or is insufficient in its Execution, or is in Want of complete and perfect Repair; and if such Contractor or Contractors shall not, within Ten Days from the Service of such Notice, employ a sufficient Number of Carts, Workmen, Artificers, or others necessary to complete the Work within the Time limited in the Contract, or begin and continue effectually to correct the Insufficiency or Want of Repair as mentioned in the Notice, it shall be lawful for such Surveyor or Sub-Surveyor to enter, on the Part of the said Trustees, with One or more Overseers, and with Labourers, Carts, Artificers, or other Persons, proper to be employed in the Work, and to keep them employed therein until the same shall be completed and corrected, as the Case may be, agreeable to such Notice; and that it shall be lawful for the said Trustees to pay to such Overseers, Labourers, Artificers, and other Persons, the Wages of such Overseers and other Persons, and to pay also for all necessary Materials, and to deduct out of the Monies to be paid to such Contractor or Contractors the Amount thereof, and of all other Expences which they shall be put unto by the Means aforesaid, and to sue him or them, or his or their Securities, for such Monies as shall be so expended, if any, over and above the Amount of Money contracted for, in order to complete the Execution thereof: Provided always, that such Surveyor or Sub-Surveyor shall deliver to the Secretary of the said Trustees, on the same Day any such Notice shall be served, a Copy thereof signed by himself, and require him to call a Meeting

Meeting of the Trustees, for some Day between the Third and the Ninth Day after such Service, to consider and determine on any Appeal which any such Contractor or Contractors may lay before them, touching the Matter of the said Notice; and the Decision of the said Trustees at such Meeting respecting the Surveyors proceeding or not proceeding pursuant to the Notice, shall be final and conclusive; but if the said Trustees shall not make any Order thereat for such Surveyor not proceeding, such Surveyor, or his Sub-Surveyor by his Order, shall forthwith enter with Overseers, Labourers, Carits, and other Persons, and keep them employed as herein before enacted: Provided also, that in every such Contract (not being one for keeping in complete and perfect Repair the Whole or any Portion of the said Road for any Term or specified Period), the Time within which the Work contracted for is to be finished shall be stated; and that in every such Contract for keeping in complete and perfect Repair the Whole or any Portion of the said Road for any Term or specified Period, there shall be contained an Obligation on the Contractor or Contractors that the Road contracted for shall not only be kept in complete and perfect Repair and free from Nuisances and Encroachments at all Times during the Period the Contract is made for, but that the whole of the Earth thereof, gravelled or stoned, shall at the Expiration of the Contract be left as strong in Materials as it shall have been at any Time during the Contract.

XXIX. And be it further enacted, That no Money shall be paid on account of any Contract except on the Order of Three of the said Trustees, and that no such Order shall be made unless they shall be satisfied by the Certificate of the Surveyor appointed by the Statute, that he has lately examined the Portion of the Road to which such Order relates, and that the Terms of the Contract have been faithfully observed, and Works done or Materials provided, as the Case may be, sufficient to authorize the Contractor or Contractors to receive such Money, or that the Work has been fairly, honestly, and effectually executed pursuant to such Contract, and the Contract honestly and fairly fulfilled, as the Case may be, or shall be convinced by any other Ways or Means to the like Effect.

XXX. And whereas the Trustees of the Southern Division of the said Road under the said recited Act, finding that the Travellers in general had ceased to use that Part of the said Road which lies between the Sign of the *Dun Cow* on the Lands of *Faughert* and *Jonesborough Church*, and had made use of the Low Road which goes to the Eastward thereof near to *Ravensdale Park*, and also finding that the Travellers had in like Manner ceased to use that Part of the said Road which lies between the new Road opened some Time since by Grand Jury Presentment, on a more flat and easy Direction between *Flurry Bridge* and *Newry*, have for some Years past adopted the said low Road, and also the said new Road, in lieu of the others, and have improved and kept the same in Repair; be it enacted, That all those Parts of the said low Road and of the said new Road so adopted and repaired by the said Trustees, shall, to all Intents and Purposes whatever, be and be deemed and taken to be Part or Parts of the Turnpike Road from *Dundalk* to *Newry*, under the Controul of the Trustees of the said Southern Division

Mode and Conditions for paying Contractors.

For making the Low Road by Ravensdale Part of the Turnpike instead of going over Lanesborough Hill.

for ever hereafter, within the Meaning of the said recited Act and this Act, and be subject to all the Provisions therein and herein contained; and no Part of the Funds arising by virtue of this Act shall be applied to the Repair of those Parts of the said Road which has been or shall be abandoned, and that the Whole of the said Parts shall cease to be and are hereby declared no longer to be any Part of the Turnpike Road between *Dundalk* and *Newry*.

Maps and Plans and Books of Reference deposited with Clerks of the Peace to remain there.

XXXI. And whereas Maps or Plans describing Alterations proposed by new Lines of Road and Deviations, and the Lands through which the same are respectively to be carried, together with a Book or Books of Reference, containing the Names of the Owners or reputed Owners and of the Occupiers of such Lands, have been deposited at the Offices of the Clerks of the Peace for the Counties of *Louth* and *Armagh*, in which Counties the Lands lie through which the said Alterations and Deviations are proposed to be made; be it enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the Clerks of the Peace for the said Counties respectively, to the End that all Persons may at any reasonable Times have Liberty to peruse and inspect them, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans and Books of Reference; and that the said Trustees in making the said Alterations or new Lines of Road and Deviations respectively, shall not deviate more than One hundred Yards, of Three Feet each, from the Lines described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Power to Trustees to divert, alter, &c. all Roads pursuant thereto, though the Names may be erroneously stated in the Books of Reference.

XXXII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Alterations and new Lines of Road and Deviations respectively, into and through the several Lands, Tenements, and Hereditaments of any Person or Persons, who is or are or may be Owner or Owners thereof, as the same is set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously stated or omitted in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County wherein such Lands, Tenements, or Hereditaments are situate, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake to the best of their Judgment.

Power to Trustees to divert, alter, or vary the Line of Road, &c.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby empowered from Time to Time as they shall think proper, to divert, widen, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said Road called the Southern Division of the Road from *Dundalk* to *Banbridge* in the said Act and in this Act (within the Limits herein-before mentioned, or beyond such Limits, with the Consent of the Owners or Proprietors of the Lands, Tenements, or Hereditaments through which the same shall be carried), and that any such new Line, Deviation,

tion, or Widening may be made through any Common or Waste Ground, without making any Satisfaction for the same; and through any private or inclosed Lands, Tenements, or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Purchase of the Lands, Tenements, or Hereditaments which they shall think it necessary to purchase for the Execution of this Act; and for that Purpose it shall and may be lawful to and for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any such Lands, Tenements, or Hereditaments for the Purchase thereof; and that it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, General or Special, or for Years determinable on any Life or Lives, or any Husbands, Trustees, Guardians, Committees of Lunatics or Idiots, Femes Covert, Executors and Administrators, and all other Persons whatsoever, who are or shall be seised or possessed of, interested in, or entitled unto any Estate or Interest in any Manner whatever, in the Lands, Tenements, or Hereditaments, which by the said Trustees shall be thought necessary to be purchased for the Purpose of carrying this Act into Execution, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, to sell (and convey by Deed indented and inrolled) all or any of such Lands, Tenements, or Hereditaments, or any Part thereof, and all their respective Interests and Estates therein, to the said Trustees, and that all Contracts, Agreements, Bargains, Sales, and Conveyances which shall be so made as aforesaid, shall be good and valid in the Law to all Intents and Purposes whatsoever, any Law, Statute, or Usage notwithstanding; and all such Bodies Politic and Corporate, Trustees, Guardians of Infants, Committees of Lunatics or Idiots, Femes Covert with their Husbands, and all other Persons whatsoever, shall be and are hereby indemnified for what they or any of them shall lawfully do by virtue or in pursuance of this Act.

XXXIV. And be it further enacted, That if any Body or Bodies Politic or Corporate, or other Person or Persons having or claiming to have any Estate, Title, Term, or Interest in or to any such Lands, Tenements, or Hereditaments, shall refuse to agree with the said Trustees for the Sale and Conveyance of their respective Rights and Interests, or by reason of Absence shall be prevented from agreeing, or shall not produce or evince a clear Title of such Estates, Rights, Titles, Terms, and Interests as they shall or may so claim; or if the said Trustees shall be ignorant who are entitled to the same, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Three or more of them, from Time to Time to issue a Warrant or Warrants, Precept or Precepts to the Sheriff of the County in which the Premises shall be situated, who is hereby authorized, directed, and required accordingly to impanel, summon, and return a competent Number of substantial Persons qualified to serve on Juries, not less than Twenty-four nor more than Sixty, out of which Persons so impanelled, summoned, and returned a Jury of Twelve shall be drawn by some Person to be appointed by the said Trustees, or any Three or more of them, in such Manner as Juries for the Trial of Issues joined in His Majesty's Four Courts in *Dublin*, by an Act made in

Trustees may issue Warrants to Sheriff for Juries to value Lands, &c.

Ireland

Ireland in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the regulating of Juries*, are directed to be drawn, which Persons so to be impannelled, summoned, and returned as aforesaid are hereby required to come and appear before the said Trustees, or any Three or more of them, at such Time and Place as in such Warrant or Warrants, Precept or Precepts shall be directed and appointed, and to attend the said Trustees, or any Three or more of them, till discharged by them; and all Persons concerned shall have their Challenges against any of the said Jurymen, but shall not be at liberty to challenge the Array.

Proviso in
case of Jury
not appear-
ing, &c.

XXXV. And be it further enacted, That in all Cases of Trials before the said Trustees, or any Three or more of them, where a full Jury shall not appear before them, or where after Appearance of a full Jury it shall so happen, whether by Means of Challenges or otherwise, that there shall be a Default of Twelve Jurors for such Trial, it shall and may be lawful to and for the said Trustees, or any Three or more of them, to command the Sheriff of the County to impanel so many other Persons as shall make up a full Jury of Twelve Men, which Persons so to be impannelled shall be added to the former Pannel, and all Persons interested in such Trials shall have their Challenges to the Jurors so added to the former Pannel as if they had been originally summoned, and the said Trustees, or any Three or more of them, are hereby authorized by Precept or Precepts, from Time to Time as Occasion shall require, to call before them all and every Person or Persons whatsoever who shall be thought proper or necessary to be examined as a Witness or Witnesses before them upon their Oath or Oaths touching or concerning the Premises; and the said Trustees, or any Three or more of them, if they shall think fit, shall and may authorize and require the said Jury to view the said Lands, Tenements, or Hereditaments intended to be valued or purchased; and the said Trustees, or any Three or more of them, shall have Power to adjourn such Meeting from Day to Day and Place to Place as Occasion shall require, and to command such Jury, Witnesses, and Parties to attend until the Business for which they shall be summoned by virtue of this Act shall be concluded; and the said Jury shall upon their Oaths (which Oaths, as also the Oaths to such Persons as shall be called upon to give Evidence, the said Trustees, or any One or more of them, are hereby required and empowered to administer) fairly, truly, and impartially inquire into the Value of such Lands, Tenements, or Hereditaments, and of the respective Estates, Right, Title, Term, and Interest of every Person or Persons seised or possessed thereof, or interested therein, or of or in any Part thereof, and shall assess and award the Sum or Sums to be paid to every such Person or Persons for the Purchase of such their respective Estates, Titles, Rights, Terms, and Interests; and the said Trustees, or any Three or more of them, shall and may give Judgment for such Sum or Sums so to be assessed as and for the Value of the said several Estates in the said Lands, Tenements, and Hereditaments, and for the Payment thereof respectively; which said Verdict or Verdicts, and the said Judgment, Decree, or Determination thereupon, (Notice in Writing being first given to the Person or Persons interested at least Fourteen Days before the Time of the first Meeting of the said Jury, declaring the Time and Place of such Meeting of the Trustees and the Jury by leaving

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such

such Notice at the Dwelling House of such Person or Persons, or at his, her, or their usual Place or Places of Abode, or with some Tenant or Occupier of the Lands, Tenements, or Hereditaments intended to be valued or assessed, in case such Party shall not be known or cannot be found in the County, and by publishing the same also in the *Dublin Gazette*), shall be binding and conclusive to all Intents and Purposes whatsoever against all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, General or Special, or for Years determinable for any Life or Lives, or any Husbands, Guardians, Trustees, Committees, Femes Covert, Executors, and Administrators, and Persons under any legal Disability, and against all and every Person or Persons whatsoever, his, her, or their Heirs, Successors, Executors, and Administrators, having or claiming to have or claim any Estate, Right, Trust, Use, or Interest in, to, or out of the said Lands, Tenements, or Hereditaments, either in Possession or Reversion, Remainder or Expectancy, or in any Manner whatsoever; which said Verdicts, Judgments, and Decrees, and all other Proceedings to be made, given, or pronounced as aforesaid, shall be fairly written on Parchment, and signed and sealed by the major Part of the Trustees who were present and pronounced such Judgments and Decrees; and all Verdicts of the said Juries, and all Judgments and Decrees shall be entered in the Rolls Office of the Court of Chancery in *Ireland*, or be deposited with the Clerk of the Peace, and the same, or true Copies thereof, shall be deemed and taken to be good Evidence in any Court of Law or Equity.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, from Time to Time to impose any reasonable Fine, not exceeding Ten Pounds, on any Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents respectively, who shall make Default in the Premises; and on any Person or Persons who shall be summoned and returned on any such Jury who shall not appear, or having appeared, shall refuse to be sworn on such Jury, or being sworn, shall refuse to give or shall not give his or their Verdict in, or shall in any other Manner wilfully evade or neglect his or their Duty in or touching the Premises; and also 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 himself or herself in giving Evidence; also on any Juror so to be impannelled and sworn, who shall demand or take more than Ten Shillings for each and every Day's Attendance during such Time as he shall be employed in such Valuation, so as that no one Fine shall be more than the Sum of Ten Pounds upon any one Person for any one Offence: Provided also, that it shall be lawful for the said Trustees, or any Three or more of them, to levy or cause to be levied such Fine or Fines by Distress and Sale of the Offender's Goods, together with the reasonable Charges of every such Distress and Sale, returning the Overplus, if any, to the Owner; and all such Fines which shall be so imposed and recovered, or received, shall be paid to the Treasurer of the said Trustees, to be applied in aid of the Tolls to the Purposes of this Act.

Power to fine Sheriff, and Persons summoned and not appearing, and Witnesses.

[Local.]

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XXXVII. And

Upon Payment of Sums adjudged, Owners to execute Conveyances.

XXXVII. And be it further enacted, That upon Payment or Tender of such Sum or Sums of Money so agreed on or to be awarded and adjudged as herein provided, to the Owners of the said several Estates, or other the Person or Persons entitled to receive the same, or to his, her, or their Agent or Agents, or on depositing the same in the Bank of *Ireland* in the Manner by this Act directed, the said Lands, Tenements, or Hereditaments shall vest in the said Trustees and their Successors, and they shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes whatsoever.

Memorials in the Registry Office shall be Evidence of all Conveyances.

XXXVIII. And be it further enacted, That in all and every Case where the Trustees of the said Road shall take any Ground by Agreement, or the Valuation of a 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 Trustees, 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 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.

Expences of Jury and Witnesses how to be paid.

XXXIX. And be it further enacted, That in case any Jury or Juries to be summoned and sworn, pursuant to the Direction and 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 such Lands, Tenements, or Hereditaments, than what shall have been agreed to or offered by the said Trustees respectively, before the summoning or returning of the said Jury or Juries, as a Recompence or Satisfaction for or Purchase of any such Right, Interest, or Property, then and in every such Case, the Costs and Expences of summoning and paying 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 Trustees, out of any Money which shall then be in their 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 less Money than shall have been agreed to and offered by the said Trustees before the summoning or returning of the said Jury or Juries, as a Recompence or Satisfaction for or Purchase of any such Right, Interest, or Property in such Lands, Tenements, or Hereditaments, then and in every such Case the Costs and Expences of summoning and paying 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 Trustees 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

Sum or Sums so assessed and adjudged; or 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 said Treasurer, by the Ways and Means herein-after mentioned or provided for the Recovery of Penalties and Forfeitures, or by Action or Suit in any of His Majesty's Courts of Law.

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

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

XLI. 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 Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Feme Covert, Lunatic, or Person or Persons under any Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery in *Ireland*, to be placed to his Account, *ex parte* the Trustees for 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 afore-

Application of Compensation Money if amounting to 200l.

said

said 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 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 said Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement had been made.

If Sum be less than 200l., and shall amount to or exceed 20l.

XLII. 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 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 Three Trustees, to be nominated by such Person or Persons making such Option, and approved by the said Trustees 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.

Where under 20l.

XLIII. Provided also, 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 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.

Respecting disputed Titles.

XLIV. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Act or this Act, shall not be able to

to make a good Title to the Premises to the Satisfaction of the said Trustees, it shall and may be lawful for the said Trustees to order the said Sums of Money to 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, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, 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, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall 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 of Money into the Bank as aforesaid.

XLV. 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 said Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said recited Act or this Act, or to any Funds or Annuities, to be purchased with any such Money, or the Dividends or Interest of any such Funds or Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of making 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 shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the Funds or Annuities to be purchased with such Money, and also the Capital of such Funds or Annuities, 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, or Hereditaments, or to some Estate or Interest therein.

Persons in Possession to be deemed presumptively entitled.

XLVI. 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 the said recited Act or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, 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 and may be lawful to and for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in

The Court of Chancery may direct Payment of the Expences.

pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of the said recited Acts or this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to sell any Parts of old Road discontinued.

XLVII. And be it further enacted, That in all Cases where the Trustees of the said Southern Division shall alter the present Road, by adopting any new Line or Lines of Road for the Convenience of Travellers, they shall cause a Map of such Parts of the present Road as shall in consequence thereof be discontinued by them as Part of the Turnpike Road, to be deposited with the Treasurer of the County wherein such Parts shall be situated; and if the Grand Jury of such County shall not within Eight Months from the Time the said Map shall be deposited, present such Part or Parts of the present Road so discontinued by the Trustees as a Turnpike Road, to be kept open; every such Part or Parts which the Grand Jury shall not so present shall be and is hereby declared to be vested for ever in the said Trustees, and may and shall be shut up and sold by them in Manner herein-after mentioned; that is to say, before they shall sell and dispose of any such Part or Parts of the said old Road they shall give or cause to be given a Notice of at least One Month previous to the Day appointed for such Sale, in some One of the *Newry* Papers, and also to cause a Copy thereof to be served on the Owner or Owners of the Lands, Tenements, or Hereditaments adjoining to the said Part or Parts of the old Road by Personal Service, or on the Occupier or Occupiers thereof by leaving it at his or their Places of Abode if they have any near it, or by posting it on the Turnpike Gate on the South Division nearest thereto, stating the Place and Hour of the Day at which such Sale is to be held; and if any such Owner shall not attend such Meeting by himself, or some Person in his or her Behalf, and there make such Offer for the same as the Trustees, or any Three or more of them, shall think it their Duty to accept, it shall be lawful for the Trustees, or any Three or more of them, to adjourn the Sale thereof to some future Day; and at such future Day (of the Time and Place of which at least One Week's Notice shall be given by Advertisement in a *Newry* Newspaper) to proceed and sell every such Part or Parts of the old Road by public Auction, for the highest Price which can be reasonably got for the same, or to adjourn such Sale from Time to Time and Place to Place, until such Price be offered as they shall think reasonable: Provided always, that no such Presentment as aforesaid shall be made by any Grand Jury, except upon the Affidavit of Two credible Persons, who can read and write, that the continuing open such Part or Parts of the Road will be a Convenience to the Public, and will in their Opinion justify the Grand Juries of the County in imposing Cesses on the Barony or Baronies in which it is or they are situate, in keeping the same in constant Repair.

No such Presentment except upon Affidavit.

Trustees may sell Parts of Purchases not wanted.

XLVIII. And whereas by reason of the diverting or altering the said Road in Manner herein-before mentioned, the said Trustees may happen to be seised or possessed of some Part or Parts of Lands, Tenements, or Hereditaments, over and above what shall be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Trustees to sell and dispose of such Parts of Lands, Tenements, or Hereditaments, either together or in Parcels, as they shall find most convenient and advantageous, in like Manner with like Notices and Powers of

Adjournment,

Adjournment, *mutatis mutandis*, as is herein-before enacted in respect to any Parts of the old Road which may be to be sold: Provided always, that all Monies arising from such Sales, and from the Sales of any Parts of the old Road, if any such may happen to be, shall be applied in Aid of the Tolls for the Purposes of this Act.

XLIX. And whereas it may be necessary to raise Money on the Credit of the Tolls to carry this Act into Execution; be it further enacted, That the said Trustees shall and may and are hereby empowered from Time to Time at any Meeting or Meetings, at which not less than Three present shall concur, to raise and borrow any Sum or Sums of Money, not exceeding in the Whole the Sum of Four thousand Pounds, to be applied in Aid of the Tolls hereby granted towards carrying this Act into Execution; and that for all such Sums to be borrowed Bills entitling the Bearer to the Sum therein specified shall be issued by the said Trustees, or any Three or more of them, signed by and sealed with the Seals of the said Trustees, or any Three or more of them, and countersigned by the Secretary or Person acting as Secretary to the said Trustees; and that such Bills shall bear such Interest from the respective Dates thereof as shall be agreed upon and specified therein, not exceeding the Sum of Six Pounds by the Year for each One hundred Pounds, and that such Interest shall be paid by Order of the said Trustees, or any Three or more of them, to the Holders thereof Half-yearly, on such Days and Times after their respective Dates as shall be mentioned therein, by and out of the Produce of the Tolls and other Funds of the said Road, without Fee or Charge, or any Deduction or Abatement whatever, until the Principal Sums therein respectively mentioned shall be paid at one entire Payment; provided that no such Bills shall be issued for any greater or less Sum than One hundred Pounds, and that all such Bills shall be numbered in arithmetical Progression, beginning with Number One, until the Whole thereof shall be so numbered.

Power to borrow by Bills.

L. And be it further enacted, That if the said Trustees shall deem it more expedient to borrow the said Sum of Four thousand Pounds, or any Part thereof, by Money to be advanced to them by Order of the Lord Lieutenant, or other Chief Governor or Governors of Ireland for the Time being, under the Provisions of an Act passed in the Forty-fifth Year of the Reign of His late Majesty, intituled *An Act to amend the Laws for improving and keeping in Repair the Post Roads in Ireland, and for rendering the Conveyance of Letters by His Majesty's Post Office more secure and expeditious*; or of another Act passed in the Fifty-seventh Year of the Reign of His late Majesty, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund to a limited Amount, for carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned*; or of another Act passed in the said Year, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor*; or under the Provisions of any other Act or Acts which may hereafter be passed, which may authorize the Issue of Exchequer or Treasury Bills, or may enable the Lord Lieutenant or other Chief Governors of Ireland,

May borrow Money under

45 G.3. c.43.

57 G.3. c. 34.

57 G.3. c.124.

Ireland, or the Commissioners of His Majesty's Treasury, to advance Money out of the Consolidated Fund, or any other Fund for carrying on of Public Works and Employment of the Poor, it shall and may be lawful for them to borrow the same accordingly; and all the Tolls to arise by virtue of this Act shall be subject to all such Payments at the Receipt of His Majesty's Exchequer in *Ireland*, and to all such Regulations in respect of such Payments as are enacted in the said recited Act or this Act, or may be enacted in any other Act or Acts authorizing the same.

23 & 24 G. 3.
prohibiting
Trustees to
borrow,
repealed.

LI. And be it further enacted, That so much of the said first recited Act as prohibits the said Trustees of the Southern Division from borrowing or raising any Sum of Money upon the Security of the Tolls thereby granted, shall be and the same is hereby repealed.

A Consoli-
dated Fund
formed of
all the Mo-
nies, Tolls,
&c.

LII. And be it further enacted, That all the Tolls which shall have been received under the Provisions of the said first recited Act, and remain in the Treasurer's Hands, and also all the Tolls which shall arise by virtue of this Act, and all such Fines and Forfeitures or such Proportions thereof as shall be applicable to the Purposes of this Act, and all Monies which shall arise from the Sales of any Parts of the present Road, which the Trustees shall hereafter determine to be discontinued from being a Part of the Turnpike Road under their Management; and of any Lands, Tenements, or Hereditaments, or Part or Parts thereof, which the said Trustees shall be seised or possessed of, over and above what shall be necessary for effecting the Provisions of this Act; and also all Monies which they shall borrow or otherwise receive under the Provisions of this Act shall form a Consolidated Fund to be applied in Manner following; that is to say, in the first Place, to defray the Expences of obtaining this present Act, and all Costs and Expences which shall be incurred by the said Trustees in the Execution thereof; and in the next Place, to the regular Discharge of the Interests as they shall become due of such Debts as have been charged upon the Southern Division of the Road by the said first recited Act; and in the next Place, to the Discharge of all Interest or Annuities by way of Interest, Sinking Fund, or otherwise, for any Sum or Sums which shall be borrowed or obtained under the Provisions of this Act, for carrying it into Execution, and subject thereto, to Payment of the Expences of obtaining, making, forming, fencing, stoning, or gravelling all such new Lines of Road as they shall find necessary, or of widening all Parts of the present Road which they may deem expedient to widen, and lowering Hills or filling Hollows in order to ease the Ascent or Descent of all Parts of the said Road to an Inclination of not more than after the Rate of One Foot of Ascent or Descent in Thirty-five Feet of the Length of the Road, so far as it is practicable for them to effect it, either from the Nature of the Ground or the Capacity of their Funds, and to make Fences thereto, and to repair and keep in Repair the whole of the Road between *Dundalk* and *Newry*, in complete and thorough Order, so that every Part thereof shall be at least Forty-six Feet wide between Fence and Fence, perfectly free from any Water resting thereon, and passable throughout its whole Width from Fence to Fence (except such Part as shall be formed into a Footpath) for Carriages and Passengers to pass and repass upon, and to improve and render the said Road, by all such other Ways and Means as they shall think expedient,
in

Its Applica-
tion.

in every respect, and at all Times safe and easy for the Expedition of all Carriages and Travellers: Provided always, that every Part of any new Line of Road to be made, or of the old Road to be widened, shall be made or widened to the Breadth of Forty-six Feet at least between the Fences in every Part thereof, Four Feet whereof may be appropriated to a Footpath: Provided also, that no Part of the Funds aforesaid shall be at any Time or on any Pretence applied to or spent in paying for any Meat, Drink, Lodging, Entertainment, or Travelling Expences of any Trustee, or any Officer or Servant, or Man or Horse belonging to them or any of them.

LIII. And be it further enacted, That the Tolls granted by this Act shall take place and shall have Continuance from the passing of this Act, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Limiting the Continuance of the Act.

LIV. And be it further enacted, That all such Parts of the first recited Act as prohibits the said Trustees from granting or ordering Payment of Money for the Repair of the said Road, except under the Conditions therein contained, shall be and the same is hereby repealed.

Repealing Part of 23 & 24 G. 3.

LV. And be it further enacted, That the Surveyor, Sub-Surveyor, Overseers, and any Persons appointed by them, or by the said Trustees, shall be and is and are hereby empowered to search for, dig, raise, quarry, collect, and carry away any Quarry Stones, Field or other Stones, Gravel, Sand, Mould, Earth, or Clay which may be requisite for the Execution of this Act, and the Improvement or Repair of the said Road between *Dundalk* and *Newry*, in the said Southern Division in, of, from, out of, and through the Lands, Fields, and Grounds of any Person; and to make Drains through any Lands, Fields, and Grounds, in order to carry off any Water which injures or might injure any Part of the said Road, or the Footpath belonging thereto, or incommode the Travellers thereon, the same not being a Deer Park, Bleach Green, Orchard, Field, or Garden, Yard, Stack Yard, or Farm Yard, enclosed with a Wall of Lime and Stone, or Brick, Six Feet high at the least, or a planted Walk, Lawn, or Avenue to a Mansion House, or a Wood or Plantation within the Demesne of a Mansion House, or used as a Nursery for Trees; and that such Surveyor or other Person shall make such Satisfaction to the Owner or Occupier of the Land for what Damage may be done thereby, as shall be assessed by Three substantial Householders, one to be named by each Party, and the Third by the next or any neighbouring Justice of the Peace who may be applied to for the Purpose; and in case either Party shall neglect, after Four Days Notice in Writing from the other, to name a proper Appraiser to attend such Valuation, such Justice shall name an Appraiser for him or her so making Default, and each of the Three Persons so named shall be sworn by such Justice to be an Appraiser of such Damage, and to make a true Estimate thereof, without Favour or Partiality, to the best of his Skill, in which Estimate no Damages shall be included for any Tenant in respect of the Value of Stones, Sand, Gravel, or other Materials, but simply for the Waste committed by breaking the Surface, and making a Passage through the Land, unless Quarries and Gravel or Sand Pits shall have been demised to such Tenant in the Lease

Power to take Materials, and draw them away for Improvement or Repair of Road;

and to make Drains through any Lands, not being a Deer Park, &c.

Surveyor to make Satisfaction.

[*Local.*]

28 P

by

by which he or she holds the Land, with Liberty to sell or dispose of the same for the sole and exclusive Use of such Tenant:

Toll Houses,
Mile Stones,
&c. Mate-
rials, Tools,
&c. vested in
Trustees.

LVI. 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 Act or of this Act, with the Ground, Fences, and Appurtenances thereto respectively belonging, and of all Milestones, Rails, Tables of Tolls, and of Names of Collectors or Gates, and of Direction Posts, and also of all Materials, Tools, and Implements which have been or shall be provided for making, altering, and repairing the said Road, or doing any Work thereon, shall be vested in and be the Property of the Trustees acting under the Authority of this Act; and they are hereby empowered to bring or cause to be brought, in Manner hereby directed as to Suits, any Action or Actions 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, Rails, Tables of Tolls, Direction Posts, or any such Materials, Tools, or Implements, or to prosecute for the same by Indictment; 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 Trustees for improving and repairing the Road from *Dundalk* to *Newry*, without particularly stating or specifying the Name or Names of all or any of the said Trustees; and 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 Trustees, or their Surveyor or Sub-Surveyors, for that Purpose; or if any Person or Persons whomsoever shall take away any Stones or Gravel, or other Materials, which shall have been gathered, quarried, or raised by the Order of the said Trustees, or their Surveyor or Sub-Surveyors, in any Lands, Fields, Grounds, River, or Brook, for the Purposes of making or repairing, amending or improving the said Road, or any Part or Parts thereof, or shall take away any Stone or Gravel, or Materials out of any Pit or Quarry which shall have been used for the Purposes of getting such Materials for making or repairing or amending or improving the said Road, or any Part thereof, before the said Surveyor or Surveyors or his or their Workmen shall have discontinued working therein for the Space of Four Weeks; (except the Owner or Occupier and Persons authorized by such Owner or Occupier to get Materials therein for the private Use only of such Occupier and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Materials
not to be
taken away.

Clauses re-
specting
Nuisances,
Encroach-
ments, &c. in
36 G.3. c.55.
or Acts
amending the
same,

LVII. And to prevent all Doubts whether certain Provisions in an Act made in the Parliament of *Ireland*, in the Thirty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Amendment of Public Roads, for directing the Power of Grand Juries respecting Presentments, and for repealing several Laws heretofore made for those Purposes*; and in an Act made in the Forty-fifth Year of the Reign of His said late 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 in an Act made in the Forty-sixth Year of the Reign of His said late Majesty, intituled An Act to amend the Laws respecting the accounting for Money presented in Ireland for the making, repairing, widening, or fencing of Public Roads, and the building and repairing of Bridges, Pipes, or Gulleys; and in an Act made in the Forty-ninth Year of the Reign of His said late Majesty, intituled An Act for amending the Irish Road Acts; and in an Act made in the Fifty-ninth Year of the Reign of His said late Majesty, intituled An Act to amend the Laws for making, repairing, and improving the Roads and other Public Works in Ireland by Grand Jury Presentments, and for a more effectual Investigation of such Presentments, and for further securing a true, full, and faithful Account of all Monies levied under the same, extend to the Turnpike Road between Dundalk and Newry; be it declared and enacted, That all Clauses in the said Act of the Thirty-sixth Year of His late Majesty, and in any Act or Acts to amend the same, inflicting Penalties for any Nuisances on or near a Public Road, or for any Encroachments thereon, or Injury thereto, and empowering the Removal thereof, shall, together with those Clauses stating the Mode of Conviction, Recovery of the Penalties, and Means of preventing or removing the Inconveniences therefrom, and giving Powers for the Purpose, which are not altered or otherwise provided for by this Act, are and shall be in force in respect to all and every Part of the said Turnpike Road under the Care and Management of the Trustees of the said Southern Division, mutatis mutandis, as fully to all Intents and Purposes, as if they were separately detailed and enacted herein.

declared to be
in full Force
as to the
Road from
Dundalk to
Newry.

LVIII. And be it further enacted, That if any Swine or Four-footed Beast shall be found wandering upon the said Road or Footway, or any where thereon, between Fence and Fence, or on any public Road communicating with the same, within Twenty Perches of the Point of such Communication, the Owner of such Swine or other Beast shall forfeit any Sum not exceeding Five Shillings for his or her Neglect in suffering such Swine or Beast so to wander to the great Annoyance of Travellers, and to the Injury to the Foot-paths and Sides of the said Road, and such Forfeiture may be prosecuted, and such Conviction had thereon, and the Money arising thereon recovered and applied in such Manner as is herein-after provided.

Owner of
Swine, &c.
found wan-
dering on a
high Road,
liable to a
Penalty of
Five Shil-
lings.

LIX. And be it further enacted, That if any Person or Persons shall, without the Authority of the Surveyor or Sub-Surveyor, scrape any Part of the said Road, (or remove therefrom or from the Sides thereof any Scraping or Sweeping or any Stones or Gravel) or cut any Sods or Turf on the Sides thereof, or on the Fences belonging thereto, or take away therefrom any Sods, Earth, Clay, Stones, or Gravel, or shall fill up or scour any Ditch or Drain on the Side of the said Road, or fill up or attempt to fill up or draw any Clay, Mould, or other Stuff, with Intent to fill them up, or convert to his own Use, any Scraping, Sweepings, Sods, Turf, Earth, or Clay as aforesaid, every such Person being duly convicted thereof, shall forfeit for every such Offence any Sum not exceeding Twenty Shillings, together with the Expences of reinstating every Part of the said Road and Fences in the same Condition it was in before such was committed.

No Person to
scrape any
Road, or dig
any Part of
the Side
thereof,
without
Authority;
or take away
therefrom
any Mate-
rials.

LX. And

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

LX. And be it further enacted, That if any Person shall at any Time make or have any Way or Passage from the said Road into the Lands adjoining, without placing an Arch or Gullet underneath such Way or Passage, as deep as the Drain or Gripe of the Ditch over which such Way or Passage is or shall be made, sufficiently wide to allow all Water which may at any Time be therein full Room to pass without coming upon the Road, and shall omit or neglect to make such Arch or Gullet for Eight Days after a Notice in Writing, on the Part of the Trustees, shall be personally served upon him or her, or be left at any Dwelling on the said Lands, or in case of no Dwelling being there, be posted on the nearest Turnpike Gate, every such Person shall forfeit such Sum not exceeding Five Pounds, as the Justice before whom his or her Conviction shall be had shall in his Discretion adjudge, it shall be lawful for the Surveyor to the said Trustees, or any Person he shall appoint, with Workmen, Cars, Carts, Drays, and Horses, to enter into the said Lands and make such Arch or Gullet, and to levy the Amount of the Expence thereof by Distress, exclusive of any Sum which may have been imposed for the said Offence, under the Warrant of the said Justice; the Amount of which Expence when levied shall be paid, together with One Half of the said Fine, if any, to the Treasurer of the said Trustees, in aid of the Tolls granted by this Act, and the other Half of the said Fine shall be paid to the Prosecutor for the said Offence.

Gates not to
open into
Road.

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

Cars carrying
Bricks, &c. to
be boarded.

LXII. And whereas Stones and Bricks, Sand, Gravel, Dung, Manure, Mould, Ashes, Rubbish, and Lime fall frequently on the said Road from Cars or Drays on which they are loaden, to the great Inconvenience of Persons travelling the said Road; be it therefore enacted, That every Car or Dray which shall carry any Stones or Bricks, Sand, Gravel, Dung, Manure, Mould, Ashes, Rubbish, or Lime on the said Road, shall be boarded on the Front and the Sides and Back thereof with Boards Eight Inches

Inches high at the least; and that for every Car so loaden which shall not be boarded in Manner aforesaid, it shall and may be lawful for any of the Gate Keepers, Farmers or Collectors, or Persons acting as such, of the Toll payable by virtue of this Act, at every Gate on the said Road, to demand and take the Sum of One Shilling for every Time it shall pass through any of the Gates across or on the Sides of the said Road, in like Manner and with the same Remedies upon Refusal as in case of any other Toll payable at any Turnpike Gate on the said Road; and the Owner or Owners of every Car or Dray loaden as aforesaid, without being boarded as aforesaid, shall forfeit the Sum of Ten Shillings upon Conviction, upon the View of any Magistrate or the Oath of any One credible Witness, or Confession of the Party before any Justice of the Peace within his Jurisdiction, which Forfeiture shall be levied and applied in Manner herein-after directed.

LXIII. And be it further enacted, That if any Person shall go or travel on the said Road with a Scythe or Scythes mounted or fixed in the Handle, every Person so offending shall forfeit any Sum not exceeding Five Shillings, upon Conviction before any Justice of the Peace, upon the View of such Justice, or the Oath of One credible Witness, or Confession of the Party.

No Person to travel with a Scythe mounted.

LXIV. And be it further enacted, That if any Person or Persons shall make or assist in making any Fire or Fires in the open Air, or shall set fire or assist in setting fire to any Squib, Serpent, Rocket, or Firework, or shall fire off any Gun, Blunderbuss, Patarara, or Pistol, on the said Road or within One hundred Feet of the Centre thereof, without being thereto compelled by Self-defence, or by his Duty as a Peace Officer, or aiding a Peace Officer, or shall play at Hurling, Foot-ball or Long-bullets, or any other Game or Games upon the said Road, or any Part thereof, every such Person so offending shall forfeit and pay a Sum not exceeding Forty Shillings, upon Conviction before a Justice of the Peace, upon the View of such Justice, on the Oath of any One credible Witness or Confession of the Party, every which Forfeiture shall be levied and applied as herein-after directed.

No Fire or Fireworks.

LXV. And be it further enacted, That if any Person shall obstruct, hinder, or molest any of the said Trustees, or any Collector of Tolls, Surveyor or Sub-Surveyor, 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 or their Duty, or of any of the Matters or Things to be done by virtue or in pursuance thereof, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Obstructing Trustees or others in carrying this Act into Execution a Penalty not exceeding Five Pounds.

LXVI. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Surveyor, Sub-Surveyor, or other Officer under this Act; be it further enacted, That it shall and may be lawful to and for any of the said Collectors, Surveyor, or Sub-Surveyor, 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

Power to arrest transient Offenders.

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

Penalties on
Drivers for
Misconduct.

LXVII. 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 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 which shall be upon his or her Left-hand, except when he wants to pass a Carriage going the same Direction with him, or shall be prevented by any other Obstruction; or if the Driver of any Cart, Car, Dray, Wain or Waggon, or other such Carriage, shall ride upon any such Carriage on the said Road, not having some other Person on Foot or Horseback to guide the same, save and except all such Carriages as are conducted by some Person holding the Reins of the Horse or Horses or other Beast or Beasts drawing the same; or if the Driver of any Carriage whatsoever on any Part of the said Road shall, by Negligence or wilful Misbehaviour, cause any Hurt or Damage to any Person or Carriage passing along such Road, or wilfully be at such a Distance from such Carriage on such Road that he cannot have the instant Direction or Government of the Horse or Horses or other Beast or Beasts drawing the same, or shall by Negligence or wilful Misbehaviour prevent, hinder, or interrupt the free Passage of any other Carriage, or of any of His Majesty's Subjects, on the said Road; or if any Person, after having blocked or stopped any Cart or other Carriage in going up any Hill or rising Ground, or otherwise, shall not immediately afterwards take away or remove from the said Road the Stone or other Thing made use of in so blocking or stopping such Cart or other Carriage, except the same be annexed to the Carriage or belonging to it; or if any Person driving or acting as a Driver of any Coach, Post Chaise, or other Carriage let for Hire, or of any Cart, Car, Dray, or other Carriage, and committing any Offence or Offences against this Act, shall refuse to discover (on being thereunto required by the Person or Persons taking Notice of the Offence) the true Christian Name or Names, and Surname or Surnames of the Owner or Owners, Proprietor or Proprietors of such Coach, Post Chaise, Cart, Car, Dray, or other Carriage respectively, and also of his or her Place of Abode, then and in every such Case every such Driver so offending shall for every such Offence, on being convicted thereof, either by his own Confession, or by the View of a Justice of the Peace, or by Oath of any credible Witness or Witnesses, forfeit and pay any Sum not exceeding Twenty Shillings, in case such Driver shall not be the Owner or Proprietor of such Coach, Post Chaise, Cart, Car, Dray, Waggon, or other Carriage, and in case such Driver shall be the Owner or Proprietor thereof, he shall forfeit and pay any Sum not exceeding Five Pounds; and it shall and may be lawful to and for any Person or Persons whomsoever, who shall see any such Offence committed, to seize and apprehend, and also to and for any Person or Persons whomsoever to assist in seizing and apprehending every such Driver so offending, and by the Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them into the Custody of a Constable or other Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the County where

thereof to the Use of the Informer or Prosecutor, after paying the Expence of a Constable, and as to the other Half 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 and 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 where the Offence shall be committed, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months nor less than Twenty-one Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid.

Distress not to be unlawful for want of Form.

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

Proceedings not to be quashed nor removed by Certiorari.

LXXII. 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 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 notwithstanding.

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

LXXIII. 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 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 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.

LXXIV. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done

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 or Defendants has for Costs of Suit in other Cases by Law.

LXXV. 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 other 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, made the said Sale, or did any other Act or Trespass supposed in his, her, or their Declaration of his, her, or their own Wrong, without any such Cause alleged by the said Defendant or Defendants; whereupon the Issue of 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 the 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 the Costs also in that Part sustained, and that to be assessed by the said Jury or Writ to enquire of the Damages if the same shall be required.

In Action for taking Distress, Defendant may plead, &c. and avow.

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

Punishing Persons swearing falsely.

[Local.]

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shall

shall be false and untrue, every such Person so offending, and being duly convicted thereof, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by Law in force and effect Persons guilty of Perjury are subject and liable to.

Saving for all
the Creditors
of the Road.

LXXVII. Provided always, and be it further enacted, That nothing herein contained shall extend to affect, invalidate, or impair, impeach, or diminish, all or any of the Securities given or granted to the several Creditors of the Road from *Dundalk* to *Banbridge*, by any Act or Acts heretofore made.

Public Act.

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

The SCHEDULE to which this Act refers.

SCHEDULE OF TOLLS

To be paid under the Provisions of this Act.

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

Exemptions from the above Tolls.

All Horses or other Beasts drawing only Stones, Gravel, or other Materials for making or repairing the said Road, or building or repairing, or doing any additional Mason Work to any Bridge, Gullet, Support, or Protection

Protection Wall to the said Road, or drawing Sand or Lime-cherd for Mortar, provided the shoeing of the Wheels of the Carts, Cars, or Drays on which the said Articles shall be drawn, shall be not less than Two Inches wide at the Sole, and shall be set on entirely with flat-headed countersunk Nails, Bolts, or Screws.

All 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, or drawing any Waggon, Wain, Cart, Car, or other Carriage whatsoever, 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.

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