



ANNO UNDECIMO & DUODECIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## Cap. cvii.

An Act to amend and continue the Term of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act to continue the Term of an Act passed in the Parliament of Ireland in the Thirty-fifth Year of His present Majesty, for improving and repairing the Turnpike Road leading from Dublin to Mullingar, and for repealing the several Laws heretofore made relating to the said Road.*

[22d July 1848.]

**W**HEREAS an Act was passed in the Parliament of Ireland in the Thirty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for improving and repairing the Turnpike Road leading from Dublin to Mullingar, and for repealing the several Laws heretofore made relating to the said Road*: And whereas a certain other Act was passed in the Parliament of the United Kingdom of Great Britain and Ireland in the Fifty-seventh Year of the Reign of His said late Majesty, intituled *An Act to continue the Term of an Act passed in the Parliament of Ireland in the Thirty-fifth Year of His present Majesty, for improving and repairing*

35 G.3. (1.)

57 G.3. c. 49.

[Local.]

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repairing

*repairing the Turnpike Road leading from Dublin to Mullingar, and for repealing the several Laws heretofore made relating to the said Road:* And whereas considerable Sums of Money have from Time to Time been borrowed and taken up at Interest upon the Credit of the Tolls of the said Road, of which the Sum of Fifteen thousand Pounds late *Irish* Currency still remains owing, and unless the Term granted by the said Act of the Fifty-seventh Year of His said late Majesty be further continued the same cannot be paid off, nor the Interest thereof discharged, nor can the said Road be kept in effectual Order and Repair, or be improved: And whereas it is expedient that the said recited Acts should be amended, and that further and more effectual Powers should be granted for repairing and improving the said Road; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Day of the Commencement of this Act the said Two recited Acts of the Thirty-fifth and Fifty-seventh Years of the Reign of His said late Majesty, and all and every the Powers, Authorities, Articles, Rules, Provisions, Penalties, Forfeitures, Clauses, Matters, and Things therein respectively contained, shall be and the same are hereby repealed, and made null and void, except as is herein-after otherwise provided.

Recited Acts  
repealed.

10 & 11 Vict.  
c. 16. incor-  
porated with  
this Act.

II. And be it enacted, That "The Commissioners Clauses Act, 1847," shall, so far as the same or the Provisions thereof is or are not inconsistent with or modified by the Provisions of this Act, and the same is declared to be incorporated with and to form Part of this Act, and shall in all respects extend to this Act, and be applicable thereto, and to the Rates, Tolls, and Duties hereby made payable, and shall with this Act be construed as One Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and in other Proceedings, it shall be sufficient to use the Expression, "The *Dublin and Mullingar* Turnpike Road Act, 1848."

This Act to  
be put in  
force in lieu  
of recited  
Acts.

Description  
of Road.

IV. And be it enacted, That instead of the said recited Acts this Act shall hereafter be put into execution during the Term herein-after mentioned, for the Purpose of maintaining, improving, and repairing the said Road leading from *Dublin* to *Mullingar*; that is to say, the present Turnpike Road, beginning on the South Side of the River *Liffey* at the South-west Point of the Bridge on the Circular Road; next on the East to the Gaol of the County of *Dublin* at *Kilmainham*; and on the North Side of the said River at the North-west End of *Sarah Bridge*, and ending at the East End of the Town of *Mullingar* in the County of *Westmeath*.

Act made  
subject to  
former Debts,  
Contracts,  
&c.

V. And be it enacted, That the Term and Tolls by this Act granted shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due

due and owing on the Credit of the Tolls of the said Road, and of all Interest due and to grow due thereon respectively, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or on account of this Act; and that every Person owing any Sum of Money to the Commissioners for executing the said recited Acts shall be liable to the Payment thereof to the Commissioners for executing this Act.

VI. And be it enacted, That all Agreements, Contracts, and Securities entered into by any Person or Persons with the Commissioners acting under the said in part recited Acts, or any Five or more of them, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and that all Leases of Tolls, Orders, Contracts, and Agreements duly made or entered into by the Commissioners acting under the said Acts, or any Five or more of them, shall, so far as the same are not altered or avoided by this Act, remain in full Force, and be observed and kept by the Commissioners under this Act, according to the Terms and Stipulations thereof respectively.

All Contracts entered into under former Acts to remain in force under this Act.

VII. And be it enacted, That every Book or Books in which any Entry or Entries of any Proceeding or Proceedings relating or in anywise appertaining to the said Road shall have been made by any of the said Commissioners, or any of their Officers, or any other Person acting under the Authority of the said recited Act, shall be and be deemed to be good and sufficient Evidence of such Proceeding in any Court of Justice whatsoever, anything herein contained to the contrary notwithstanding.

Entry of Proceedings under former Acts to be good Evidence.

VIII. And be it enacted, That all Persons who shall have been employed or who shall have received any Tolls or other Money on account of or for the Purposes of the said recited Acts, or who shall have had in their Custody or Possession any Money, Books, Papers, Writings, or other Things relating to the said recited Acts, shall account for and deliver over the same and every Part thereof to the Commissioners for executing this Act, or any Five or more of them, or to such Person or Persons as the said Commissioners, or any Five or more of them, shall for that Purpose appoint, in like Manner and under the like Penalties as any Treasurer, Clerk, Collector, Inspector, or other Person receiving any Money by virtue of this Act is hereby required to account for and deliver over the same.

Persons employed under former Acts to deliver up Books, &c.

IX. And be it enacted, That Sir *Hopton Scott*, *Edward Michael Conolly*, *Richard Bourne*, *Daniel Simmonds*, *James Hartley*, *Thomas Crosthwait*, *John Aylmer*, *Francis Pratt Smyth*, *George Gibbs*, Esquires, the Reverend *Henry Stewart*, the Reverend *Robert Pakenham*, the Reverend *George Blacker*, the Reverend *William Willcocks*, *Robert Rynd*, *Richard Maunsell*, *John Hyacinth Nangle*, Esquires, *Thomas Kearney*, *Joseph Ferguson* M.D., *Richard Bourne junior*, *William Bourne*, Esquires, *Ambrose Upton Gledstanes*, *Thomas Conolly*, *William Ferguson* M.D., Esquires, the Reverend *Daniel Ward*, *George Macartney*,

Appoint-ment of Commissioners.

*Macartney, Fenton Hort, and Daniel Connolly, Esquires, Sir William Hort Baronet, Charles Cannon Esquire, and such Persons as shall from Time to Time be chosen in manner herein-after mentioned in room of such of them as shall die, resign, or be disqualified, shall be Commissioners and Trustees for maintaining and repairing the said Road from Dublin to Mullingar, and for otherwise putting this Act into operation.*

Power to  
appoint addi-  
tional Com-  
missioners.

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

Qualification  
of Commis-  
sioners.

XI. And be it enacted, That every Commissioner under this Act shall have the following Qualifications:

He shall be, in his own Right or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments situate in the Counties of *Dublin, Kildare, Meath, or Westmeath*, or One of them, of the clear yearly Value of One hundred Pounds above Reprizes, or he shall be a Son of a Peer, or Heir Apparent of a Person possessed of Lands, Tenements, or Hereditaments in the said Counties, or One of them, of the clear yearly Value of Two hundred Pounds above Reprizes, or he shall be possessed of a Personal Estate of Two thousand Pounds Sterling over and above all Debts and Demands against him.

First and  
other Meet-  
ings.

XII. And be it enacted, That the First Meeting of the said Commissioners shall be held at the *Commercial Buildings* in the City of *Dublin* at the Hour of Twelve o'Clock at Noon on the First *Thursday* in the Month next after the passing of this Act.

Notices by  
Advertisements.

XIII. And be it enacted, That all Notices required by this Act to be given by Advertisement in a Newspaper shall be advertised in some Newspaper published in the City of *Dublin*.

Road to be  
divided into  
Three  
Divisions.

XIV. And whereas the said Road was, by or in pursuance of the said recited Act of the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, divided into Three Divisions, and it is expedient that the said Division should be continued: Be it therefore enacted, That the said Road shall from henceforth be divided into Three Divisions, the First whereof to begin at the Commencement of the said Road as herein-before mentioned, on both Sides of the River *Liffey*, and to terminate at the East of a Turnpike Gate or Toll House erected at or near the old Church of *Larah Brien* beyond *Maynooth* in the County of *Kildare*, and which shall be called the Eastern Division; and the Second Division to commence from the Termination of the said First or Eastern Division, and to end at the East End of *Clonard Bridge* in the County of *Kildare*, and

to

to be called the Middle Division; and the Third Division to commence at the West End of *Clonard Bridge* aforesaid, and to end at the East End or Entrance into the Town of *Mullingar* in the County of *Westmeath*, and to be called the Western Division.

XV. And be it enacted, That the said Road herein-before described and set out, and the Ground and Soil thereof, together with the several Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, and all Buildings erected by virtue of the said Two recited Acts on or near the said Road, and all Lands, Tenements, Houses, Buildings, Hereditaments, and Premises which were vested in the Commissioners for carrying the said Two recited Acts into execution, and all the Turnpikes, Toll Houses, and other Buildings to be erected by virtue of this Act, with the Ground, Fences, and Appurtenances thereunto respectively belonging, and all Materials for building and repairing the same, and for repairing the said Road or any Part thereof, and all the Fences and Rails erected or to be erected and set up by the said Commissioners upon, near, or on the Sides of the said Road respectively, and all Milestones, Direction Posts, Tables of Tolls, Lamps, Bars, and Posts erected or to be erected by the said Commissioners, and also all Materials, Tools, and Implements, Articles and Things, which have been, are, or shall be purchased, collected, or provided by virtue of the said recited Acts or of this Act, and the Scrapings of the Road, shall be and the same are hereby vested in and made the Property of the said Commissioners appointed by virtue of this Act.

Road, Turnpike, Toll House, &c. to vest in Commissioners.

XVI. And be it enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, to continue, alter, or remove all and every or any of the Toll Gates or Turnpikes, and any Toll Houses, Side Gates, Toll Bars, or Chains now standing and being in and upon or across the said Road or on the Sides thereof, and also to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across any Part of the Line of the said Road, or on the Sides thereof or any Part thereof, or across any Lane or Way leading out of the said Line of Road, when and where and as they shall think expedient, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Toll Bar or Toll Bars, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, in place of or in addition to those already erected on the said Road, and also One or more Toll House or Toll Houses at or near each Gate, Bar, Chain, or Weighing Machine, and also to build, purchase, or provide such Toll Houses, with Outhouses and Conveniences suitable thereto, and Gardens or Ground for the same respectively, not exceeding One Eighth Part of a Statute Acre for each, as they or any Five or more of them shall think necessary, and from Time to Time to take down, remove, or alter or discontinue the same or any of them, as they the said Commissioners or any Five or more of them shall think proper to direct or appoint: Provided always, that no Gate shall be erected across any Lane or Road leading into the said Road or across the said Road, so as to intercept the Communication between any Two Roads repaired by Presentment,

Commissioners may remove present Toll Gates, and erect others in lieu thereof.

No Gate to be erected across certain Lanes, &c.

[Local.]

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where

where the said Roads so repaired by Presentment shall lead into the said Turnpike Road opposite to or within Forty Perches of each other.

Commis-  
sioners em-  
powered to  
take Tolls.

XVII. And be it enacted, That from and after the passing of this Act it shall and may be lawful to and for the said Commissioners, in each of the said Divisions of the said Road, by such Person or Persons, or their Deputies, Collectors, or Gatekeepers, as they or any Five or more of them shall authorize so to do, to demand and take the several and respective Tolls mentioned in the Schedule hereunto annexed at the several and respective Toll Houses, Toll Gates, Side Gates, Side Bars, or Chains which are or shall be standing or being or continued or erected by virtue of this Act in, upon, across, or on the Side or Sides of the said Road or any Part thereof, on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

Exemptions  
from Tolls.

XVIII. And be it enacted, That no Tolls shall be demanded or taken by virtue of this Act for any Horse or Carriage belonging to Her Majesty, or attending any of the Royal Family, or returning after having so attended; or for any Horse or other Beast drawing any Carriage employed in carrying or conveying, or going empty to carry, or returning empty from carrying, having been employed only in carrying on the same Day, any Stones, Bricks, Lime, Timber, Trees, Gravel, or other Materials for making or repairing the said Road, or for building, rebuilding, or repairing any Bridge or Toll House on the said Road; nor for the Horse of any Officer or Soldier in Her Majesty's Service upon their March or upon Duty, nor for any Horse, Cattle, or Carriage employed in carrying or conveying the Arms or Baggage of such Officers or Soldiers, or carrying any wounded, sick, or disabled Officers or Soldiers, or returning empty after having been so employed; nor for any Waggon, Cart, or other Carriage whatsoever, or the Horse or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other public Stores of or belonging to Her Majesty or to or for the Use of Her Majesty's Forces, or returning empty from having been so employed; nor for any Horse furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them, nor Carriages conveying Volunteer Infantry in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other public Duty, provided that such Person or Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption; nor for any Horse or Carriage used by or conveying any Constable or Policeman, or any Magistrate commanding and accompanying such Constable or Policeman, provided that such Horse or Carriage be used by such Magistrate, Constable, or Policeman while on Duty, and that such Constable or Policeman be dressed in his proper Uniform and Accoutrements at the Time of claiming such Exemption as aforesaid; nor from any Officer or Person employed by the said Commissioners while acting in the Execution of this Act; nor for  
any

any Horse, Cart, or Carriage employed only in carrying or conveying any Vagrant or Prisoner sent by legal Warrant.

XIX. And be it enacted, That if any Person shall claim or take the Benefit of any of the Exemptions herein contained, not being entitled to the same, or if any Person claiming Exemptions from the Payment of the Tolls hereby granted, or any Part thereof, shall refuse or decline to tell his or her Place of Residence to the Collector or Collectors at any Gate or Gates at which such Exemption shall be claimed, or shall give a false Name or Place of Residence, every Person so offending, and being lawfully convicted thereof, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Penalty for fraudulently taking the Benefit of Exemption.

XX. And be it enacted, That no Passenger or Passengers, with the same Cattle or Carriage, shall be liable to pay any of the said Tolls more than once in the same Day within the same Division; but that every Passenger or Passengers, having paid such Toll once in any one Division, may, during the Remainder of the same Day (every such Day to be computed as aforesaid), pass and repass Toll-free through every Pay Gate in the same Division with the same Cattle and Carriage for which such Toll shall have been paid, on producing a Ticket denoting the Payment of such Toll, and containing such other Matters as herein required respecting the same; which Ticket every Collector is required to give *gratis* on receiving the Toll, upon pain of forfeiting Five Shillings for every Omission or Refusal, upon Conviction before any Justice of the Peace for the County in which the Offence shall be committed.

Tolls to be paid but once a Day.

XXI. And be it enacted, That if any Person subject or liable to the Payment of any of the Tolls under and by virtue of this Act shall, after Demand thereof made, neglect or refuse to pay the same or any Part or Parts thereof, it shall be lawful for any Person authorized or appointed to collect such Tolls, by himself or taking such Assistance as he shall think necessary, to seize and distrain any Horse, Beast, Cattle, Carriage, or other Thing upon or in respect of which any such Toll is imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrement, (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast,) or any Carriage in respect of the Horses or Cattle drawing the Carriage on which such Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horses, Beasts, Cattle, Carriages, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus (if any) of the Money to arise by such Sale, and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

For Recovery of Tolls.

XXII. And

Justices may settle Disputes respecting Tolls.

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

Penalty for evading Tolls.

XXIII. And be it enacted, That if any Person shall, with any Horse, Cattle, Beast, or Carriage, go off or pass from the said Road through or over any Land or Ground near or adjoining thereto (not being a public Highway), and such Person not being the Owner or Occupier, or Servant or One of the Family of such Owner or Occupier of such Land or Ground, with Intent to evade the Payment of the Tolls or Duties granted by this Act, or any of them; or if any Owner or Occupier of any such Land or Ground shall knowingly or willingly permit or suffer any Person (except as aforesaid), with any Horse, Cattle, Beast, or Carriage whatsoever, to go or pass through or over such Land or Ground, with Intent to evade any such Tolls; or if any Person shall give or receive from any Person other than the Collectors of the Tolls any Note or Ticket directed to be given, or forge, counterfeit, or alter any Note or Ticket directed to be given, with Intent to evade the Payment of the Tolls by this Act authorized to be levied, or any of them, or any Part thereof; or if any Person shall fraudulently or forcibly pass through any such Toll Gate with any Horse, Cattle, Beast, or Carriage, or shall leave upon the said Road any Horse, Cattle, Beast, or Carriage whatsoever, by reason whereof the Payment of any Tolls or Duties shall be avoided or lessened, or shall take off or cause to be taken off any Horse or other Beast or Cattle from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Road, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through any Toll Gate, whereby the Payment of all or any of the Tolls or Duties shall or may be evaded; or if any Person shall do



do any other Act whatever in order or with Intent to evade the Payment of all or any of the Tolls or Duties granted by this Act, and whereby the same shall be evaded; every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXIV. And be it enacted, That every Ticket to be given as aforesaid by any Collector for any Horse or other Beast, Cart, Car, or other Carriage, which is subject to Tolls, shall truly specify the Sum received, the Date of the Day and of the Month and Year whereon such Payment is made, the Toll Gate or Toll House, Toll Gates or Toll Houses, (if any,) at which such Horse or other Beast, Cart, Car, or other Carriage, shall by such Ticket be exempted from further Payment of Toll, and the Number of Horses or other Beasts drawing the same Cart, Car, or other Carriage; and if any Ticket shall not truly specify the same the Collector of the Toll at the Gate where such Ticket shall have been given shall forfeit any Sum not exceeding the Sum of Twenty Shillings for every such Offence, upon Conviction by the Oath of One credible Witness before any Justice of the Peace, and in case of not paying the same immediately shall be committed, by Warrant under the Hand and Seal of such Justice, to the Common Gaol or House of Correction for any Time not exceeding the Space of One Month, or until the said Fine shall be paid.

What shall be specified in Toll Tickets.

XXV. And be it enacted, That a List of all the Tolls authorized by this Act to be taken, and which shall be exacted by the said Commissioners, shall be published by the same being painted upon One Toll Board or more in distinct Black Letters on a White Ground or White Letters on a Black Ground, and by such Board being exhibited in some conspicuous Place on the Toll Gates or Toll Houses or Places where such Tolls shall be payable, and also the Name or Names of the Toll Gate or Toll House, Toll Gates or Toll Houses, (if any,) the Payment of Tolls at which shall be exempted by the Payment of Toll at the Toll Gate or Toll House at which such Board shall be exhibited, shall be painted on such Board.

List of Tolls to be exhibited on a Board.

XXVI. And with respect to the Collectors of such Tolls, be it enacted, That every such Toll Collector shall place in the Front or on some other conspicuous Part of the Toll House or other Building where he shall be on Duty his Christian and Surname in legible Characters, and each of the Letters of such Names shall be at least Two Inches in Height, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and he shall continue the same so placed during the whole Time he is on Duty.

Regulations as to Toll Collectors.

XXVII. And be it enacted, That every such Toll Collector who shall commit any of the following Offences shall forfeit a Sum not exceeding Ten Pounds for each such Offence; (that is to say,)

Penalties on Toll Collectors for any of the following Offences.

If he do not place such Board and keep the same in its Place during the whole Time he is on Duty:

[Local.]

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If

If he either refuse to permit any Person to read or in any way hinder any Person from reading the Inscription on such Board, if he refuse to tell his Christian Name and Surname to any Person demanding the same who shall have paid or tendered the Tolls demanded of him, or if he give a false Name to any such Person :

If he demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, and of the Orders of the Commissioners made in pursuance thereof :

If, upon the legal Toll being paid or tendered, he do unnecessarily detain or wilfully hinder any Carriage or any Person from passing upon the said Road :

If he make use of any scurrilous or abusive Language to any Passenger upon or to any Person lawfully using the said Road.

If Toll Collector refuse to give up Possession of Toll House, &c., Justices may give Possession of the same.

XXVIII. And be it enacted, That if any such Collector of Tolls be discharged or suspended from his Office, or die, abscond, or absent himself, and if such Collector so discharged or suspended, or the Wife, Widow, or any of the Family or Representatives of any such Collector so discharged or suspended, or who shall have died, absconded, or absented himself, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the said Commissioners, or to any Person appointed by them for that Purpose, any Toll House, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the said Commissioners in the Possession or Custody of any such Collector at the Occurrence of any such Event as aforesaid in right of his Appointment as Toll Collector, then, upon Application being made by the said Commissioners to any Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the said Commissioners, or any Person appointed by them for that Purpose.

Collectors may detain Carts, Cars, &c., to measure Wheels.

XXIX. And be it enacted, That every Collector, or Person acting as such, shall have Power to detain at any Pay Gate every Cart, Car, or other Carriage whereon the Toll varies according to the Breadth of the Streaks or Shoeing of the Wheels, and to measure the same; and if any Driver or other Person shall hinder or refuse to permit such Collector or other Person to measure the Wheels of any such Cart, Car, or other Carriage, and shall be convicted thereof upon the Oath of One credible Witness before any Justice of the Peace for the County wherein such Offence shall be committed, every such Person so offending shall forfeit any Sum not exceeding the Sum of Twenty Shillings.

Toll Collectors to be liable for wrongful Detention of Goods,

XXX. And be it enacted, That if at any Time it be made to appear to any Justice, upon the Complaint of the Commissioners, that any such Detention or measuring of any Carriage or Goods as herein-before mentioned was without reasonable Ground, or that it was vexatious on the Part of such Collector, then the Collector shall himself pay the Costs of such Detention and measuring, and the Damage

Damage occasioned thereby; and in default of immediate Payment of any such Costs or Damages the same may be recovered by Distress of the Goods of such Collector, and such Justice shall issue his Warrant accordingly.

XXXI. And be it enacted, That if any Collector or Toll Gatherer, whether appointed by the said Commissioners or by any Person or Persons taking any Lease or Assignment of the Tolls under or from the said Commissioners, or any Five of them, shall, without an Order in Writing signed by the said Commissioners or any Five of them, or by the Person or Persons taking such Lease or Assignment, permit any Car, Cart, Carriage, Horse, or Beast whatsoever to pass through any Gate at which such Collector or Toll Gatherer shall be stationed, without Payment of the Toll-payable for the same by virtue of this Act, or without a proper Authority, signed as aforesaid, being produced therewith, or shall be guilty of any other Misconduct in his Office, every Collector, Toll Gatherer, or other Person so offending shall, upon Conviction thereof before any Justice of the Peace of the County where such Offence shall have been committed, forfeit for every such Offence such Sum not exceeding the Sum of Five Pounds as the Justice by and before whom such Offender shall be convicted shall judge proper.

Penalty on Collector permitting Persons to pass free, &c.

XXXII. And be it enacted, That it shall be lawful for any Five of the Commissioners of the said Road, upon the Death of any Collector, to appoint some other fit Person in his Place until the next Meeting of the Commissioners of the said Road; and the Person so appointed shall have the like Power and Authority and be accountable in the same Manner in all respects as the Person so dying had, or would have been if living.

On Death of Collector, Commissioners may nominate another till next Meeting.

XXXIII. And be it enacted, That the said Commissioners shall not reduce or advance the Tolls from Time to Time to be taken by virtue of this Act, except at a Meeting to be held for that Purpose, of which One Calendar Month's Notice shall be given in Writing, to be affixed on all the Turnpike Gates which shall be then erected upon the said Road, and in Two public Newspapers published and circulated in the City of *Dublin*; nor shall the same be reduced beyond the Amount made payable at the several Gates on the said Road at the Period of the passing of this Act, without the Consent of the Holders of Two Thirds of the Amount of the Debentures or other Securities which shall then remain due upon the Security of the said Tolls, who shall be present at such Meeting.

Commissioners not to reduce or advance Tolls, except with Consent of Creditors.

XXXIV. And be it enacted, That the Salaries or Allowances to be paid to the Officers and other Persons appointed and employed to assist in the Execution of this Act shall not exceed the Sum of One hundred Pounds *per Annum* to any One Officer or other Person as aforesaid.

Limitation of Salaries to Officers.

XXXV. And be it enacted, That the said Commissioners shall, some Time during the Month of *March* in the Year One thousand eight hundred and forty-nine, and some Time during the said Month of

Appointment of Auditor.

of *March* in every Year thereafter, appoint a proper Person well skilled in Accounts (and not being one of the Commissioners, nor any Person holding Office under them,) to audit and docket the Accounts of the said Commissioners as before mentioned; and the said Commissioners shall pay to such Auditor for his Trouble in making each such Audit a Sum not exceeding Ten Pounds Ten Shillings, and all such Expenses as he shall or may be put unto in auditing the said Accounts, out of the Tolls, Rates, or Duties by this Act authorized to be levied.

Power to Commissioners to lease Tolls from Time to Time.

XXXVI. And be it enacted, That it shall and may be lawful to and for the said Commissioners or any Five or more of them, at any Meeting, having had Six Days Notice thereof previously inserted in some Newspaper published in the City of *Dublin*, from Time to Time to lease or demise all or any of the Tolls to be collected by virtue of this Act, and all or any of the Toll Houses, Conveniences, and Appurtenances thereto belonging, for any Term not exceeding Three Years, either by public Auction or private Contract, as to the said Commissioners shall seem most expedient, and for the best Rent or Price that can be reasonably gotten for the same, payable at such Times and in such Manner, and with, under, and subject to such Covenants, Conditions, and Agreements, and with such Securities for the Payment thereof, as the said Commissioners or any Five or more of them shall think fit; and the Contract or Agreement for the same shall be in Writing, and be duly executed by the Lessee or Lessees, Farmer or Farmers of such Tolls, and also by Five or more of the said Commissioners; and the said Commissioners shall take such sufficient Security for Payment of the Rents to be reserved by and for the Performance of the Covenants to be contained in such Contract or Agreement as the said Commissioners or any Five or more of them shall think proper.

Power to Lessee to recover Tolls under this Act.

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

Application of Tolls and Monies borrowed.

XXXVIII. And be it enacted, That all the Monies which shall arise and be produced from the Tolls by this Act granted, together with the Monies which shall from Time to Time be borrowed in pursuance of this Act, and all other Monies which have arisen

arisen and been produced by virtue of the said recited Acts, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Commissioners, and shall be applied to and for the several Uses, Intents, and Purposes, and in order and manner following; (that is to say,) in the first place, in Payment of all the Costs, Charges, and Expenses preparatory and relative to the preparing, obtaining, and passing of this Act, or in anywise incident thereto; in the second place, in defraying the Expenses of erecting and providing Turnpikes, Toll Houses, and other Buildings, and maintaining necessary and convenient Bridges upon the said Road, and maintaining and keeping in repair the said Road, and paying the Salaries of the Officers, and of executing the several other Powers and Purposes of this Act; in the third place, in paying the Interest accruing upon the several Principal Sums of Money now due and owing on the Credit of the Tolls collected and to be collected on the said Road, and of the several Sums of Money which shall be due and owing on the several Securities made in pursuance of this Act; in the fourth place, in forming a Sinking Fund from the Surplus of the said Tolls (if any such there be) from Time to Time, to be applied, first, in paying off and discharging the said Debentures, and in the next place in paying and discharging all other Sums of Money which may be then due and owing on the Credit of the Tolls of the said Road; and in the last place, in making such Alterations and Improvements on the said Road and the Approaches of the same from Time to Time as the surplus Tolls or Funds may admit.

XXXIX. And be it enacted, That every Person appointed by any Five or more of the said Commissioners to make or gravel, repair or superintend the said Road or any Part thereof, or any Person or Persons for that Purpose employed, shall have full Power and Authority to dig for, search, raise, and carry away any Gravel, Stone, Sand, or other Materials which may be wanted for the Use of the said Road, and to make Drains in order to carry off the Water from or prevent its injuring the said Road, on or through the Lands of any Person, not being an enclosed Demesne, Deer Park, Garden, Orchard, Haggard, Yard, planted Lawn, Avenue to a Mansion House, or Nursery for young Trees; and that any such Person so appointed shall make satisfaction to the Owners or Occupiers of the Land for the Damage that may be done thereby, either by private Contract after such Damage shall have been sustained, or in case of Disagreement then the same shall be assessed by Three substantial Householders of the County wherein such Damage shall have been done, One to be named by each of the Parties, and the Third by the next or any neighbouring Justice of the Peace; which Persons so to be nominated shall be sworn by such Justice to be Appraisers of such Damages, and to make a true Estimate thereof according to the best of their Skill.

Power to Commissioners to take Materials for Repair of Road.

XL. And be it enacted, That if any Person shall obstruct or prevent the said Commissioners, or any Person acting under their Authority, in digging for, raising, or carrying away such Materials, or in making such Drains, such Person shall, upon Conviction, by the Oath of any credible Witness, before any Justice of the Peace of the

Penalty on Person obstructing the Commissioners in raising Materials, &c.

[Local.]

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County

County in which such Offence shall have been committed, forfeit for every such Offence a Sum not exceeding Five Pounds.

Power to contract for Lands to get Materials.

XLII. Provided always, and be it enacted, That it shall be lawful for the said Commissioners to contract and agree with any Person for the Purchase or Demise from him of and to hold any Land or Ground for the Purpose of digging Stones, Gravel, and Materials therefrom for the Repair or Use of the said Road; provided also, that the Power hereby given to the Commissioners to enter into any such Contract or Agreement as last aforesaid shall not extend so as to authorize them to hold any such Lands after the Materials therein have become exhausted.

Penalty for taking away Materials before Surveyor has discontinued digging for them.

XLII. And be it enacted, That if any Person shall take away any Materials which shall have been gotten for the Repair or Use of the said Road, or any Materials out of any Quarry which shall have been made or opened for the Purpose of getting Materials for the said Road, before the Surveyor of the said Road, and the Workmen employed for getting such Materials, shall have discontinued working therein for the Space of Six Weeks, (except the Owner or Occupier of any private Grounds, and Persons authorized by such Owner or Occupier to get Materials in such Quarry for his own private Use, and not for Sale,) every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Repositories for Materials to be provided.

XLIII. And be it enacted, That it shall be lawful for the said Commissioners to purchase or rent any Piece or Pieces of Land or Ground, not exceeding in any One Place Ten Yards square, on the Sides of the said Road, as Repositories for Stone, Gravel, and other Materials for making or repairing the same; and in case any Difference shall arise between the said Commissioners and the Owner or Owners or Occupier or Occupiers of such Ground with respect to the Value thereof, or the Necessity or Propriety of taking such Ground, the same shall be determined by any Two of Her Majesty's Justices of the Peace for the Counties of *Dublin, Kildare, Meath, or Westmeath*, assembled at Petty Sessions, according as the said Premises shall be situated.

Power to borrow Money on Mortgage.

XLIV. And be it enacted, That it shall be lawful for the said Commissioners to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the said Commissioners, provided that the Consent in Writing of the Holders of Two Thirds of the Amount of Debentures then due and owing upon the Credit of the Tolls of the said Road shall be first had and obtained.

Reborrowing.

XLV. And be it enacted, That if, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond, the Commissioners shall pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of reborrowing shall not be exercised without the Authority of a General Meeting of the said Commissioners, and without the Consent in Writing of such Number of Debenture Holders

Holders as aforesaid, unless the Money be so reborrowed in order to pay off any existing Mortgage or Bond.

XLVI. And be it enacted, That every Bond for securing Money borrowed by the said Commissioners may be according to the Form of the Schedule No. 5. to this Act annexed, or to the like Effect.

Mortgages and Bonds.

XLVII. And be it enacted, That it shall be lawful for the Holders of the Debentures now due upon the Credit of the Tolls of the said Road, and the Mortgagees or Bond Creditors of the said Commissioners, within Six Calendar Months after the same have become payable, and after Demand thereof in Writing, to enforce the Payment of the Arrears of Principal and Interest due on any such Debenture, Mortgage, or Bond, by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies or Interest due on such Debentures, Mortgages, or Bonds not being duly paid, the Amount or Amounts owing to the Holder of Debentures, Mortgagee, or Bond Creditor, Holders of Debentures, Mortgagees, or Bond Creditors, by whom the Application for a Receiver shall be made, shall not be less than One thousand Pounds in the whole.

For enforcing Payment of Monies borrowed.

XLVIII. And be it enacted, That the Clauses in "the said Commissioners Clauses Act, 1847," contained, with respect to the Transfers of Mortgages, and the Register of such Transfers, and the Rights of the Transferees, shall extend and be applicable to all and every the Debentures or Debenture now due and owing upon the Credit of the Tolls of the said Road, and to the Holders or Owners of such Debentures; and the Form of every Transfer of any such Debentures or Debenture may be according to the Form in the Schedule (C.) to the said last-mentioned Act annexed, or to the like Effect, with such Alterations as the Circumstances may require.

Transfer of Debentures.

XLIX. And be it enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, if they shall think fit so to do, at any Time during the Continuance of this Act, with the Consent however of the Holders of Two Thirds of the Amount of the Debentures then due and owing upon the Credit of the Tolls of the said Road, to apply to the Commissioners for Public Works in *Ireland* for the Advance of any Sum or Sums of Money sufficient to pay off and discharge the said Debentures or any of them; and it shall be lawful for the said Commissioners for the Execution of this Act, by Deeds duly stamped, to mortgage or assign all or any of the Rates, Tolls, or Duties expected to arise and be payable, or which shall arise and be payable, under this Act, to the said Commissioners for Public Works, as a Security for the Payment of any Sum or Sums to be advanced, at or within such Time or Times or by such Instalments as the said Commissioners for Public Works, with the Approbation of the Lords Commissioners of Her Majesty's Treasury, shall direct and appoint, and as shall be specified in such Mortgage or Assignment.

Power to Commissioners to borrow Money from Board of Works to pay off Debts.

L. And

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

L. And be it enacted, That in case the said Commissioners shall at any Time be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the said Tolls on Foot of the aforesaid Debentures, where all Interest thereon shall have been duly paid or otherwise satisfied, it shall and may be lawful for them, at any Meeting to be holden according to the Directions of this Act, if they shall think fit, instead of paying the same rateably amongst all the Debenture Holders, to determine by Lot which of the said Debentures shall be so paid off, and to pay off the said Debentures accordingly.

Ditches, &c. to be made by Occupiers of Lands for keeping the Road dry.

LI. And be it enacted, That Ditches, Drains, or Watercourses, of a sufficient Depth and Breadth for conveying the Water from the Road into the adjoining Lands, shall be made or diverted, scoured and kept open, and sufficient Trunks, Tunnels, or Bridges shall be made and laid where any Carriageways or Footways lead out of the said Road into such Lands, by the Owner or Occupier thereof.

If Party neglect to execute Works, Commissioners may, and recover the Expense.

LII. And whereas many Works, Acts, and Things are required by this Act to be done by the Owners and Occupiers of Houses, Buildings, or Lands, and other Persons, for the Improvement of the said Road, and for other Purposes herein mentioned, and it is necessary to provide for the Execution of all such Works, Acts, or Things, in case the same shall not be done by the Persons required to do the same: Be it enacted, That wherever any such Work, Act, or Thing shall not be done by the Owner or Occupier or other Person required to do the same by the Provisions of this Act, in the Manner or at the Time prescribed by this Act, or by any Notice given by the said Commissioners for that Purpose, in pursuance of this Act, or if no Time shall be prescribed, it shall be lawful for the said Commissioners, within such Time as by them shall be deemed reasonable, to cause such Work, Act, or Thing to be done; and the Expenses which shall be incurred by the said Commissioners in respect of such Work, Act, or Thing shall be repaid to them by the Occupier, or in his Default by the Owner or other Person by whom the same ought to have been done.

Power to Surveyor to remove and prevent Annoyances.

LIII. And be it enacted, That it shall be lawful for the Surveyor of the said Road, and such Person as he shall appoint, to remove and prevent all Annoyances on every Part of the said Road by Filth, Dung, Ashes, Rubbish, or any other Matter or Thing whatsoever being laid or thrown upon the said Road, or upon any open, common, or waste Land within Eighty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Road, in case the Owner thereof shall neglect to remove the same within Twelve Hours after Notice in Writing signed by any Two of the said Commissioners, or the said Surveyor, given to such Owner for that Purpose, or in case the Owner is not known, then after a like Notice affixed for Three Days on the nearest Toll Gate, and to turn any Watercourse, Sinks, or Drains running into, along, or out of the said Road or any Part thereof, to the Prejudice of the same, and to open, scour, and cleanse any Watercourses or Ditches, after Seven Days Notice in Writing or Print given for that Purpose; and the Charges thereof,



thereof, and of removing any Annoyances, to be settled by a Justice, shall be reimbursed to the said Surveyor by such Owners or Occupiers; and if after the Removal of any of the said Annoyances any Person shall again offend in the like Manner every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Owner, &c. for Neglect.

LIV. And be it enacted, That the Owners or Occupiers of the Land next adjoining to the said Road shall cut, prune, and trim their Hedges to the Height of Six Feet from the Surface of the Ground, and also cut down, prune, or lop the Branches of Trees, Bushes, and Shrubs growing in or near such Hedges or other Fences adjacent thereto, (such Fences, Trees, Bushes or Shrubs not being in any Garden, Orchard, Plantation, Walk, or Avenue to a House, nor any Tree, Bush, or Shrub being an Ornament or Shelter to a House, unless the same shall hang over the said Road or any Part thereof in such a Manner as to impede or annoy any Carriage or Person travelling thereon,) in such Manner that the said Road shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded from the said Road, to the Damage thereof; and that if such Owner or Occupier shall not, within Ten Days after Notice given by the Surveyor for that Purpose, cut, prune, and trim such Hedges, or cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs, in manner aforesaid, it shall and may be lawful for such Surveyor and he is hereby required to make Complaint thereof to a Justice, who shall summon the Occupier of such Lands before him to answer the said Complaint; and if it shall appear to such Justice that such Occupier has not complied with the Requisites of this Act in that Behalf, it shall and may be lawful for such Justice, upon hearing the said Surveyor and Occupier of such Land, or his Agent, (or, in default of his or her Appearance, upon having due Proof of the Service of such Summons,) and considering the Circumstances of the Case, to order such Hedges to be cut, trimmed, and pruned, and such Branches of Trees, Bushes, and Shrubs to be cut down or pruned or trimmed, in such Manner as may best answer the Purposes aforesaid; and if the Occupier of such Lands shall not obey such Order within Ten Days after it shall have been made, and he or she shall have had due Notice thereof, he or she shall forfeit the Sum of Two Shillings for every Twenty-four Feet in Length of such Hedge which shall be so neglected to be cut, trimmed, and pruned, and the Sum of Two-pence for every Tree, Bush, or Shrub which shall be so directed to be cut down, pruned, or trimmed; and the Surveyor, in case of such Default made by the Occupier, shall and he is hereby required to cut, prune, and trim such Hedges, and to cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs, in the Manner directed by such Order, and such Occupier shall be charged with and pay, over and above the said Penalties, the Charges and Expenses of doing the same.

Owners or Occupiers of adjoining Lands to trim the Hedges, and cut Branches of Trees obstructing the Road.

Penalty on Owner, &c. for Neglect.

LV. Provided always, and be it further enacted, That no Person shall be compelled nor the Surveyor permitted by virtue of this Act to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*.

Time for cutting Hedges.

{*Local.*}

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LVI. And

Penalty on  
Persons  
making En-  
croachments  
or injuring  
Roads, &c.

LVI. And be it enacted, That if any Person shall make or cause to be made any Dwelling House or other Building, or any Hedge or other Fence, on or at the Sides of the said Road, in such Manner as to reduce the Breadth or confine the Limits thereof, or shall fill up or obstruct any Ditch at the Side thereof, or shall make or cause to be made any Dwelling House or other Building, or any Hedge or other Fence, on any common or waste Land on the Side or Sides of the said Road, within the Distance of Thirty Feet, if within Three Miles of any Market Town, or if beyond that Distance within Twenty-five Feet from the Middle or Centre thereof, or shall make any Gutter, Drain, Sink, or Watercourse across or otherwise break up or injure the Surface of the said Road or of any Part thereof, or shall plough, break up, or harrow the Soil of any Land or Ground, or in ploughing, breaking up, or harrowing the adjacent Land shall turn his or their Plough or Harrow in or upon any Land or Ground within the Distances aforesaid from the Middle or Centre of the said Road, or make any other Encroachment on the said Road within the Distances aforesaid from the Middle or Centre thereof, every Person so offending shall forfeit for every such Offence Forty Shillings to such Person as shall make Information of the same; and it shall be lawful for the said Commissioners to cause such Dwelling House or other Building, Hedge, Ditch, or Fence, Drain, Sink, Watercourse, Gutter, or other Encroachment, to be taken down or filled up, or, where any Ditch shall be filled up or obstructed, to be opened and cleansed, at the Expense of the Person or Persons to whom the same shall belong, and it shall be lawful for any One or more Justice or Justices, upon Proof to him or them made, upon Oath, to levy the Expenses of taking down or filling up or cleansing such Dwelling House or other Building, Hedges, Ditches, Drains, or other Encroachments as aforesaid, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner, on Demand.

Power to  
Commis-  
sioners to  
remove En-  
croachments.

Penalties for  
committing  
Nuisances on  
Roads, &c.

LVII. And be it enacted, That if any Person or Persons shall ride upon any Footpath or Causeway by the Side of the said Road made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description, or any Wheelbarrow, Truck, or Sledge, or any single Wheel of any Waggon, Cart, or Carriage apart therefrom, upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof, or shall wilfully pull down or damage any Bridge, Wall, or other Building or Erection made by the said Commissioners, or repaired or repairable by them, or shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, any Timber, Stone, or other Thing otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in part upon wheeled Carriages to drag or trail upon the said Road, to the Prejudice thereof, or shall use any Tipstick, Joggle, or other Instrument for the Purpose of retarding the Descent of any Cart or other Carriage down any Hill or Declivity in such Manner as to destroy, injure, or disturb the Surface of the said Road, or shall in or upon the said Road, or by the Side or

Sides

Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Horse or other Beast on the said Road carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, Matter or Thing, so that the same or any of them shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage, travelling along the said Road; or if any Hawker, Higler, Gipse, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent, Booth, Stall, or Stand, or encamp upon or by the Sides of any Part of the said Road; or if any Blacksmith or other Person occupying a Blacksmith's Shop situate near the said Road, and having a Window fronting the said Road, shall not by good and close Shutters every Evening after it becomes Twilight bar and prevent the Light from such Shop shining into or upon the said Road; or if any Person or Persons shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or wantonly let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, within Eighty Feet of the Centre of the said Road, or bait or run for the Purpose of baiting any Bull, or play at Football, Tennis, Fives, Cricket, or any other Game or Games upon the said Road or on the Side or Sides thereof, or in any exposed Situation near thereto, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart, or other Carriage whatever upon the said Road, or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, except in Cases of Accident, and in Cases of Accident for a longer Time than may be necessary to remove the same, or shall not place such Waggon, Wain, or other Carriage during the Time of loading or unloading the same, or of taking Refreshment, as near to the Side of the said Road as conveniently may be, either with or without Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, or the Footpaths or Causeways adjoining, to the Prejudice of the said Road or Footways, or to the Prejudice, Annoyance, Interruption, or personal Danger of any Person or Persons travelling thereon, or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever to run or flow into or upon the said Roads or Footpaths from any House, Building, Erection, Lands, or Premises adjacent thereto; or if any Person driving any Pigs or Swine upon the said Road shall suffer such Pigs or Swine to root up or damage the said Road, or the Fences, Hedges, Banks, or Copse on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart, Waggon, or other Carriage in going up a Hill or rising Ground, cause or suffer to remain on the said Road the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; or if any Person or Persons shall pull down, damage, injure, or destroy  
any

any Lamp or Lamp Post put up, erected, or placed in or near to the Side of the said Road, or any Toll House erected thereon, or shall extinguish the Light of any such Lamp; every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Damages occasioned thereby.

Additional  
Tolls on  
Carts carry-  
ing Stones,  
&c., if not  
boarded.

LVIII. And whereas Stones, Bricks, and Dung or Manure frequently fall on the said Road from the Car or Cart on which they are laden, and are left remaining thereon, to the great Inconvenience of Persons travelling on the said Road: Be it therefore enacted, That every Car or Cart that shall carry any Stones, Bricks, Dung, or Manure on the said Road shall be boarded, on the Front, Sides, and Back thereof, with Boards Eight Inches high at the least; and that for every Car or Cart so laden which shall not be boarded in the Manner aforesaid it shall and may be lawful for the Gate Keeper at every Gate on the said Road to demand and take, over and above the other Tolls hereby appointed, the Sum of One Shilling for every such Car or Cart every Time it shall pass through any of the said Gates in like Manner, and with the same Remedies upon Refusal as in case of any other Toll under this Act payable at any Turnpike Gate on the said Road; and the Owner or Owners of every Car or Cart laden as aforesaid without being boarded as aforesaid shall for every such Car or Cart forfeit the Sum of Ten Shillings, upon Conviction, on the Oath of One credible Witness, before any Justice of the Peace, which Sum shall be levied in the Manner before directed.

What shall  
be deemed  
the Centre  
of Road.

LIX. And whereas Doubts may arise as to what is to be deemed the Centre of the Road: Be it therefore enacted, That where in this Act any Matter or Thing is directed or forbidden to be done within a certain Distance of the Centre of the Road that Portion of Ground shall be deemed to be the Road which has been maintained by the said Commissioners as hard Road, and repaired with Stones or other Materials used in forming Roads, for Six Months immediately preceding any Offence committed against such Regulations; and the Centre of the Road shall be the Middle of such hard Road where, a Line being drawn along the Road or a Point marked, an equal Number of Feet of such hard Road shall be found on each Side of said Line.

Penalty on  
Drivers of  
Carts riding  
without any  
one to lead,  
or obstruct-  
ing Passage.

LX. And be it enacted, That if any Driver or Person in care of any Car, Cart, Dray, or Waggon (save only such as are respectively drawn by One Horse only, or by Two Horses abreast with Bridles in their Mouths, and conducted or driven by some Person holding the Reins of such Bridle,) shall ride upon the same on any Part of the said Road, not having some other Person on Foot or on Horseback to guide the same; or if the Driver or Person in care of any Carriage shall, by Negligence or wilful Misbehaviour, hinder, obstruct, or interrupt the Passage of any other Carriage or any of Her Majesty's Subjects on the said Road; or if the Driver or Person in care of an empty or unloaded Car, Cart, or any other Carriage shall refuse or neglect to turn aside and make way for any Coach, Chariot, Chaise, loaded Waggon, Cart, Car, Dray, or other loaded Carriage;

Carriage; or if any Person shall in any Manner wilfully prevent any other Person from passing him, or any Carriage under his Care, upon the said Road, or by Negligence or Misbehaviour prevent or interrupt the free Passage of any Carriage or of Her Majesty's Subjects on the said Road; every such Person, being convicted thereof by his own Confession, or by the Oath of any One credible Witness, before any Justice of the Peace, shall for every such Offence forfeit any Sum not exceeding the Sum of Twenty Shillings; and every such Offender shall on Nonpayment thereof be committed, by Warrant under the Hand and Seal of a Justice of the Peace, to the Gaol or House of Correction of the County wherein such Offence shall be committed, there to be kept to hard Labour for any Time not exceeding One Month, or until the said Fine be paid; and every such Offender or Person in care of such Carriage offending in any of the said Cases may, by the Authority of this Act, and without any Warrant, be apprehended by any Person who shall see such Offence committed, and be conveyed or delivered to a Constable or other Peace Officer, to be conveyed before such Justice of the Peace.

LXI. And be it enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Person or Persons employed in the due Execution of this Act, or shall assault any Collector of the Tolls in the Execution of his or their Office or Offices, or shall make or attempt to make any Rescue of Cattle, Carriage, or other Goods distrained or seized by virtue of this Act; or if any Constable or Sub-Constable shall refuse or neglect to execute any Warrant granted by any Justice, and to account for and deliver any Forfeiture or Penalty; or if any Surveyor of the said Road, or any Toll Collector, or any other Person employed by the said Commissioners, and who shall receive Salaries or Rewards, shall wilfully neglect, for the Space of One Week after the Commission of any Offence, to lay such Information upon Oath before One of Her Majesty's Justices of the Peace, as by this Act is directed; every such Person offending therein, and being convicted before any Justice of the Peace, by his or her own Confession, or by the Oath of One credible Witness, shall for every such Offence forfeit any Sum not exceeding Five Pounds, at the Discretion of such Justice.

Penalty for resisting or assaulting Collector, or on Constable neglecting to execute any Warrant, &c.

LXII. And be it enacted, That it shall be lawful for the said Commissioners at any General Meeting to direct Prosecutions, by Indictment or otherwise, against the Offender, for any Nuisance or other Offence done or continued upon the said Road, or to recover any Penalty or Forfeiture incurred under the Provisions of this Act, at the Expense of the Revenues belonging to the said Road, to be allowed by the said Commissioners at some subsequent Meeting.

Commissioners may direct Prosecutions for Nuisances.

LXIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away from Grand Juries the Power or the Obligation to repair any Part of the said Turnpike Road to which this Act is applicable; but that it shall and may be lawful for the Grand Juries of the Counties of *Dublin, Kildare, Meath, and Westmeath*, and they are hereby required, to

[*Local.*] 14 U present

Powers and Obligations of Grand Juries not to be affected.

present from Time to Time such Sums, to be levied on the County at large, as shall appear to be necessary in consequence of a Deficiency in the Tolls for repairing any Part of the said Road, or for making or repairing the Bridges, Pipes, and Gulleys thereon, or the Foot-paths thereof, such Presentment and Presentments to be made on the like Applications, and subject to the like Inquiries, Conditions, and Forms for accounting, as are ordained and required by the Acts now in force for the making and repairing of Roads.

Interpreta-  
tion of Act.

LXIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Dublin*:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "County" shall include any Riding or other like Division of a County:

The Word "Justice" shall mean Justice of the Peace for the County, City, Liberty, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter; and where the Matter shall arise in respect of Lands being the Property of one and the same Party, situate not wholly in any one County, City, Liberty, or Place, the same shall mean a Justice acting for the County, City, Liberty, or Place where any Part of such Lands shall be situate, who shall not be interested in such Matter:

The Word "Toll" shall include any Rate or Charge or other Payment payable under this Act for any Passenger, Animal, Carriage, Goods, Merchandize, Articles, Matters, or Things conveyed on the Road, according to the Schedule of Charges annexed to this Act.

Forms in the  
Schedule to  
be used.

LXV. And be it enacted, That the Forms of proceeding relative to the several Matters contained in this Act which are set forth and expressed in the Schedule hereunto annexed may be used on all Occasions, with such Additions and Variations only as may be necessary to adapt them to the particular Exigencies of the Case; and that no Objection shall be made or Advantage taken for Want of Form in any such Proceedings by any Person or Persons whomsoever.

LXVI. And

LXVI. And be it enacted, That this Act shall be deemed and Public Act.  
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.

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

SCHEDULE to which the foregoing Act refers.

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No. 1.—*Tolls authorized to be taken under the foregoing Act.*

For every Horse or other Beast drawing any Coach, Chariot, Hearse, Curricule, Gig, or other Carriage, the Sum of Sixpence :

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

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

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

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

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No. 2.—*Warrant from a Justice of the Peace to enter the Turnpike or Toll Gate House, and remove the Persons therein.*

County of                    } To                    .                    Whereas Complaint hath been  
                                   to wit.                }                    made unto me, A. B. Esquire, One of Her Majesty's  
 Justices of the Peace for the said County, upon the Oath of  
 and other Evidence now produced to me, that C. D., who now inhabits  
 the Turnpike or Toll Gate House at                    upon the  
 Division of the Turnpike Road leading from the City of Dublin  
 to the Town of Mullingar in the County of Westmeath, and was  
 appointed to collect the Tolls there, hath been duly discharged by  
 the Commissioners of the said Turnpike Road from any further  
 collecting or receiving the Tolls arising at the said Gate, and hath  
 refused and still doth refuse to quit the Possession of the said  
 House ; and the said C. D. having been summoned to appear before  
 me this Day to show Cause why he should not be removed from the  
 said House, and having shown no sufficient Cause for that Purpose  
 (or not having appeared), I do hereby authorize and require you,  
 with such Assistance as shall be necessary, to enter into the said



Toll House or Turnpike House, and the Buildings belonging thereto, in the Daytime, and to remove the said *C. D.*, and all such Persons as shall be found therein, together with his and their Goods, out of such House and Buildings, and to put *E. F.*, the Person lately appointed by the said Commissioners to collect such Tolls, into the Possession thereof; for which this shall be your sufficient Warrant.

Given under my Hand and Seal, this \_\_\_\_\_ Day of \_\_\_\_\_

[*This Form may be varied to suit the Case of the Widow or Family of a deceased Collector.*]

No. 3.—*Summons for any Person or Persons to attend a Justice or Justices.*

County of \_\_\_\_\_ } To *A. B.* of \_\_\_\_\_ . Whereas Complaint and  
to wit. } Information hath been made before me *C. D.*, One  
of Her Majesty's Justices of the Peace for the said County, by *E. F.*  
of \_\_\_\_\_ that, &c. [*here state the Nature and Circumstances  
of the Case, as far as it shall be necessary to show the Offence, and to  
bring it within the Authority of the Justice, and in doing that follow  
the Words of the Act as near as may be*]: These are therefore to  
require you personally to appear before me [or the Justices to be  
assembled at their Special Sessions to be holden] at \_\_\_\_\_ in the  
said County on the \_\_\_\_\_ Day of \_\_\_\_\_ next, at the Hour  
of \_\_\_\_\_ in the \_\_\_\_\_ noon, to answer to the said Complaint  
and Information made by the said *E. F.*, who is likewise directed to  
be then and there present to make good the same. Herein fail not.

Given under my Hand, this \_\_\_\_\_ Day of \_\_\_\_\_

No. 4.—*Information.*

County of \_\_\_\_\_ } BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
to wit. } *A. B.* of \_\_\_\_\_ in the said County  
informeth me } One of Her Majesty's Justices of the  
Peace for the said County, that \_\_\_\_\_ of \_\_\_\_\_ in the said  
County [*here describe the Offence, with the Time and Place, and follow  
the Words of the Act as near as may be*], contrary to the Statute made  
in the \_\_\_\_\_ Year of Queen Victoria, intituled [*here set forth the  
Title of this Act*], which hath imposed a Forfeiture of  
for the said Offence.

Taken the \_\_\_\_\_ Day of \_\_\_\_\_ before me,  
*A. B.*

No. 5.—*Form of Bond.*

Bond, Number \_\_\_\_\_ £

By virtue of an Act passed in the \_\_\_\_\_ Year of the Reign  
of Her Majesty Queen Victoria, intituled [*here set forth the Title of  
this Act*], we, the Commissioners for putting the said Act into  
execution, in consideration of the Sum of \_\_\_\_\_ Pounds to us  
[*Local.*] \_\_\_\_\_ 14 X \_\_\_\_\_ in

