



ANNO QUINQUAGESIMO PRIMO

# GEORGH III. REGIS.

\*\*\*\*\*

## Cap. 19.

An Act for repairing the Road leading from *Shankhill* in the County of *Kilkenny*, to the City of *Waterford*.

[April 4, 1811.]

**W**HEREAS the Road leading from *Shankhill*, in the County of *Kilkenny*, to the City of *Waterford*, is very hilly, and in many Places incommodious to Travellers; and the said Road cannot be effectually levelled, amended and kept in Repair by the ordinary Course of Law, but if the Road were properly levelled, amended and repaired, it would greatly facilitate the Intercourse of the neighbouring Counties, and be of great public Utility and Advantage; 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 the said Road shall be divided into Two Districts; (that is to say,) the Road leading from *Shankill* to *Thomastown* shall be called the First District, and the Road from *Thomastown* to *Waterford* shall be called the Second District.

II. And be it further enacted, That the Knights of the Shire for the Counties of *Kilkenny* and *Waterford*, the Representative for the City of *Waterford*, the Mayor of *Waterford*, the Portreeve of *Gowran*, the Sovereign of *Thomastown*, the Chairman of the Committee of Merchants of the City of *Waterford*, all for the Time being; Lord Viscount *Ikerrin*, the Right Honourable Sir *John Newport* Baronet, Sir *Robert Langrishe* Baronet, *William Tighe*, *Cornelius Bolton*, *William Newport*, *George Rothe*, *John Flood*, *John Power*, *Ralph Gore*, *Joseph Greene* of *Greeneville*, *William N. Izod*, *Nicholas Aylward* Esquires; the Reverend *Edward Hunt* Clerk, *Humphrey Jones*, *Samuel Morgan*, *Robert Flood*,

[Loc. & Per.]

4 A

William

Trustees.

*William Barton*, Esquires; the Reverend Archdeacon *Helsam Clerk*, Reverend *Alexander Hamilton Clerk*, ~~*Peter Welch*~~, *John Prim*, *John Nixon*, *John Davis*, *John Nowlan*, *Simon Blackmore*, *Jeremiah Ryan*, *Timothy Nowlan*, *Alexander Flarpur*, *William Belcher*, and *Mark Belcher*, Esquires, and no other Persons, other than their Successors, to be elected in Manner hereinafter directed, shall be and they are hereby declared to be Trustees for amending, repairing, altering, levelling and improving the Road leading from *Shankill* to the City of *Waterford*, and for otherwise carrying this Act into Execution.

No Act valid unless at a Meeting.

Majority present may act, the whole Number not being less than Seven.

Chairman to be appointed, and to have the casting Vote.

Elections of new Trustees.

If Trustees neglect to act for Twelve Months, it shall be deemed a Refusal to act, unless, &c.

III. And be it further enacted, That no Act of the said Trustees shall be or be deemed to be good, valid or effectual, unless the same be done at some Meeting to be holden in pursuance of this Act (except as may be hereinafter excepted); and that all the Powers and Authorities by this Act granted to the said Trustees, shall and may be exercised from Time to Time by the major Part of them who shall attend at any Meeting to be holden in pursuance of this Act, the Number of such Trustees present at every such Meeting not being less than Seven; and all the Orders and Proceedings of the major Part of the Trustees present at such their several Meetings, shall have the same Force and Effect as if the same were made or done by all such Trustees for the Time being (save and except as may be herein excepted); and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting, upon any Question (including the Vote of the Chairman) then and in such Case it shall and may be lawful to and for the Chairman to give the decisive or casting Vote.

IV. And be it further enacted, That upon the Death, Refusal or Disability of any of the said Trustees hereby appointed, or their Successors, to be elected in Manner hereinafter mentioned to act in the Execution of this Act, then and in every such Case it shall and may be lawful to and for the surviving or remaining Trustees, from Time to Time, to elect and appoint by Ballot one other Person to be a Trustee in the room of each Trustee so dying or refusing, or being incapable of acting, and Notice of the Time and Place of the Meeting for every such Election, shall, by the Clerk of the said Trustees for the Time being, be inserted in some Newspaper published within the Counties of *Waterford* and *Kilkenny*, Twenty Days at least before such Meeting; and every Person so elected a new Trustee as aforesaid, is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as the Trustee in whose room or stead he shall have been so elected.

V. And be it further enacted, That if any Person or Persons herein nominated or to be elected a Trustee or Trustees as aforesaid, shall neglect to act in the Execution of this Act during the Space of Twelve Calendar Months, then and in every such Case such Neglect shall be and be deemed to be a Refusal of such Trustee or Trustees to act, within the Intent and Meaning of this Act, save and except such Trustee or Trustees shall not have resided within that Part of the United Kingdom called *Ireland*, during the whole of such Period of Twelve Calendar Months.

VI. Provided

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in 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, of the clear yearly Value of Fifty Pounds, or be possessed of or entitled to a Personal Estate of the Value of One thousand Pounds, or shall be Heir Apparent of some Person possessed of an Estate in Lands of the clear yearly Value of Two hundred Pounds, and if any Person not being so qualified, shall act as a Trustee in the Execution of this Act, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt, or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection or Wager of Law, or more than one Imparlance, shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of all and every Person and Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Qualification  
of Trustees.

Acts of Trustees not qualified, if done before Conviction, valid.

VII. Provided always, and be it further enacted, That no Person or Persons who shall keep any Victualling House, Alehouse, or other House of public Entertainment, or who shall sell Wine, Cyder, Beer, Ale, Whisky, or other spirituous or 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, or of collecting the Tolls hereby granted and made payable, 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, Cyder, Beer, Ale, Whisky, or other spirituous or strong Liquors by retail; but no such Person shall be precluded from hiring or farming such Tolls, provided he, she or they do employ a Person or Persons to collect such Tolls, who shall not be under any such Incapacity.

Victuallers,  
&c. incapable  
of acting, &c.

VIII. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace, shall and may in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees may  
act as Jus-  
tices, except  
where per-  
sonally in-  
terested.

IX. And be it further enacted, That the said Trustees shall meet at the House of *James Doyle* in *Thomastown* on the Second *Monday* after the passing of this Act; and in case there shall be no Meeting of the said Trustees on that Day, then and in such Case there shall be a Meeting of the said Trustees holden at the same Place on the following *Monday*, and so *toties quoties* until there shall be a Meeting of the said Trustees, between the Hours of Ten in the Forenoon and Four in the Afternoon; and at such Meeting the said Trustees shall

First Meet-  
ing of the  
Trustees.

shall proceed to carry this Act into Execution, and shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden there or at any other Place near to the said Road, as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall from Time to Time, as often as the Case shall happen, adjourn such Meeting to some other Day within Ninety-one Days then following, to be holden at the same Place; and the said Clerk shall cause Notice thereof to be inserted in some Newspaper published in the said Counties of *Waterford* and *Kilkenny*, Ten Days at least before the Day to which such Meeting shall be so adjourned; and the said Trustees shall at their several Meetings defray their own Expences; and no Person shall be capable of acting as a Trustee in the Execution of this Act, during such Time as he shall hold any Place of Profit under this Act.

Trustees to  
defray their  
own Ex-  
pences.

Meetings on  
Emergencies.

X. And be it further enacted, That if after any Adjournment of any Meetings as aforesaid, it shall at any Time or Times be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case the Clerk to the said Trustees (an Order in Writing signed by Three or more of the said Trustees, mentioning the Time and Place and Purpose of such earlier Meeting being given to him, or left at his last or usual Place of Abode) shall forthwith give Notice of such earlier Meeting, by inserting the same in some Newspaper published in the City of *Kilkenny*, and Counties of *Waterford* and *Kilkenny*, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice); and all Proceedings of the said Trustees at such earlier Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment.

No Order to  
be revoked,  
unless at a  
Meeting for  
the Purpose,  
nor unless  
Ten of the  
Trustees pre-  
sent concur.

XI. And be it further enacted, That no Order, Appointment or Proceeding made at any Meeting of the Trustees holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose, nor unless Notice, specifying the Revocation or Alteration intended to be made, be inserted by the Clerk to the said Trustees in some Newspaper published in the said Counties of *Waterford* and *Kilkenny*, at least Twenty Days before such subsequent Meeting, nor unless a Majority of Ten of the Trustees present at such subsequent Meeting shall decide in favour of such Revocation or Alteration, and a greater number of Trustees shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment or Proceeding were had or made.

Proceedings  
to be entered.

XII. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books, being signed by the Chairman and Clerk then present, or either  
of

of them, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits and Actions touching or concerning any thing done in pursuance of this Act; and that such Book or Books shall at all of the Meetings of the said Trustees be open and liable to the Inspection of all and every of the said Trustees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy, not exceeding One Hundred Words, the Sum of Sixpence, and so in proportion for any greater or less Number of Words.

XIII, And be it further enacted, That the said Trustees may and they are hereby empowered, by Writing under their Hands, to appoint a Treasurer or Treasurers, Secretary or Secretaries, and a Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and also such other Officers and Persons for the Execution of this Act, as they the said Trustees shall think proper, and from Time to Time to make such Rules, Orders and Regulations for the good Conduct and well governing of every such Treasurer, Clerk, Collector, Surveyor, and all such other Officers and Persons; and from Time to Time to remove such Officers and Persons respectively, as they the said Trustees shall see Occasion; and out of the Monies to be received by virtue of this Act, to allow and pay such Salaries and Allowances (provided that no such Salary or Allowance do exceed the Sum of Two Hundred Pounds *per Annum* to any one Officer or Servant) to the said Officers and other Persons, as they the said Trustees shall think reasonable; and the said Trustees shall and they are hereby required to take such sufficient Security from every such Treasurer and other Officer, for the due Execution of his Office, as they shall think proper; and all such Officers so to be appointed shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees shall direct, deliver to the said Trustees or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall, on the First Day in the Month of *May* yearly, or at the First Meeting of the said Trustees then next following (although not thereunto required by the said Trustees) lay his Accounts before the said Trustees, in order that the same may be audited, passed and allowed by them, if approved, and all the said Officers so accounting as aforesaid, shall upon Oath (which Oath any of the said Trustees are hereby empowered to administer) verify their said Accounts; and if any such Officer shall refuse or neglect to make and render, or to verify upon Oath any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Twenty Days next after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, or give Satisfaction to the said Trustees

Trustees to  
appoint Offi-  
cers;

and remove  
them; and  
and allow  
them Sa-  
laries.

Trustees to  
take Security  
from the  
Treasurer.

Treasurer to  
account  
yearly on  
Oath.

[*Loc. & Per.*]

4 B

respecting

respecting the same, then and in every such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand and Seal, for the Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer) it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act, shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer, and if no Goods and Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers or Writings relating to the Execution of this Act, shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction of the County, City or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make and receive), and until he or she shall deliver up such Books, Papers and Writings, or give Satisfaction in respect thereof to the said Trustees: Provided always, that upon the Death, Removal, or Resignation of the Treasurer so appointed by the said Trustees, then and in every such Case the said Trustees shall proceed to the Election of one other proper and fit Person to act in the room of such Treasurer; and Notice of the Time and Place of the Meeting for every such Election, shall, by any one of the said Trustees, be inserted in the Newspaper published within the Counties of *Waterford* and *Kilkenny* Twenty Days at least before such Meeting.

Action to be brought in the Name of the Treasurer or Secretary, or one of the Trustees; but neither of them to be liable to the Payment of Costs.

XIV. And be it further enacted, That whenever any Action shall be brought by the Order of the said Trustees, against any Person or Persons by virtue or in pursuance of this Act, the same may be brought in the Name or Names of their Treasurer or Secretary, or in the Name of any One of the said Trustees, on behalf of the said Trustees; and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name the same shall be brought; but no such Treasurer, Clerk, or Trustee, or any or either of them, shall be subject to the Payment of any Costs or Expences on Account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act.

XV. And

XV. And be it further enacted, That the said Trustees, and their Surveyor and Surveyors of the said Road, shall have and they are hereby invested with the like Powers and Authorities in respect to the Road directed to be amended and kept in Repair by virtue of this Act, as any Overseer appointed by any Law or Statute in force and effect, in that Part of the United Kingdom called *Ireland*, for amending, making or repairing public Roads, is invested with.

Trustees and Surveyor to have the like Powers with respect to the Road, as any Overseer of the public Roads.

XVI. And be it further enacted, That it shall and may be lawful to and for any Three or more of the said Trustees, nominated or appointed by virtue of this Act, upon the Death, Neglect, Refusal or Incapacity to act, of any Collector of the Tolls hereby granted, by Writing under their Hands, to nominate and appoint some other fit Person in his or her Place, until the next Meeting of the Trustees of the said Road; which Person so to be nominated and appointed, shall have the like Power and Authority, and be accountable in the same Manner in all respects, as the Person in whose room or stead he or she shall be so nominated and appointed; and if any Collector of the said Tolls, who shall be discharged from his or her Office by the said Trustees, shall refuse to deliver up the Possession of the Toll-house, Buildings and Appurtenances which he or she possess or enjoy in right of his or her Appointment to that Office, within Three Days after Notice given to him or her, or left at such Toll-house in Writing under the Hands of the said Trustees or any Three or more of them; or if the Wife or Family of any such Collector who shall die as aforesaid, or any other Person who shall be in possession of the Premises by any Means whatsoever, shall refuse to deliver up such House, Buildings and Appurtenances, within Three Days after Notice of such new Appointment being made as aforesaid, shall have been given to him, her or them, or left at such Toll-house, signed by any Three or more of the said Trustees, then and in either of the said Cases it shall and may be lawful to and for any Justice of the Peace for the County, City or Place where such Toll-house shall stand or be, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll-house and Premises in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such Toll-house and other Premises, and to put the new appointed Collector in Possession thereof.

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

If discharged Gate Keeper refuses to deliver up Toll House, &c.;

any Justice may cause him to be removed.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered to cause to be erected such and so many Turnpikes in each District of said Road, to secure the Tolls hereby granted upon or across the said Road, and on or near the Sides thereof, in, near, unto or across any Lanes or Ways leading or that may hereafter lead out of the same, and to erect or cause to be erected such and so many Toll-houses as they shall think proper; and it shall and may be lawful to and for the said Trustees, and they are hereby empowered, in Manner herein directed for the purchasing or taking of Land for the turning or widening of the said Road, to purchase and take Land sufficient for such Toll-house or Toll-houses, with necessary Accommodations thereto, and from Time to Time remove, alter or discontinue such Turnpikes and Toll-houses or any of them, as they the said Trustees shall from Time to Time think meet and expedient; and it shall and may be lawful to and for the said Trustees to demand and

Trustees empowered to erect Turn pikes and Toll Houses, and receive Tolls.

take,

take, or cause to be demanded and taken at the said Turnpikes, at each and every District, the Tolls following, before any Carriage, Horse or other Beast or Cattle, shall be permitted to pass through the same; that is to say:

## Tolls.

For every Coach, Berlin, Landau, Vis-a-Vis, Chariot, Chaise, Phaeton, Cabriolet, Calash, Chair, Caravan, Hearse and Litter, drawn by Six or more Horses or other Beasts of Draught, the Sum of Three Shillings and Three-pence:

For every Carriage of the same or a like Description, drawn by Four or Five Horses or other Beasts of Draught, the Sum of Two Shillings and Two-pence:

For every Carriage of the same or a like Description, drawn by Two or Three Horses or other Beasts of Draught, the Sum of One Shilling and One Penny:

For every Carriage of the same or a like Description, drawn by One Horse or other Beast of Draught, the Sum of Six-pence Half-penny:

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

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

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

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

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

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

For



For every Horse and other Beast of Draught drawing any Cart or Car, having any Streak or Streaks, Shoeing or Shoeings, of any Wheel or Wheels thereof respectively, not so set on or fastened as aforesaid, the Sum of Three-pence :

For every Horse, Mare, Gelding, Mule or Ass, laden or unladen, the Sum of Two-pence :

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

For every Drove of Calves, Hogs, Sheep or Lambs, the Sum of Two Shillings and Two-pence *per* Score, and so in proportion for any greater or less Number : And

For every Mill Stone Three Shillings and Nine-Pence :

Provided also, and be it further enacted, That the Sum of One Penny more shall be demanded and taken at any Gate or Gates erected or to be erected on the said Road, for any Horse or other Beast of Draught, drawing any Cart or Car, the Axletree whereof shall turn round with the Wheels thereof, of whatever Size or Dimensions the Streaks or Shoeings of such Wheels shall be.

More Toll to be demanded for Carriages with Axletrees turning round.

XVIII. And be it further enacted, That no Gate shall be erected nearer to the City of *Waterford* than the Avenue of *Greenville*, unless Notice thereof be given in some Newspaper printed in the City of *Waterford*, Twenty-one Days previous to the next usual Meeting of the Committee of Merchants of the said City, and the Consent of the Majority thereof so assembled, signified in Writing to the Secretary of the Trustees, signed by the Chairman of the said Committee.

No Gate to be erected within a certain Distance of the City of *Waterford*.

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

Collectors may measure the Dimensions of Wheels.

XX. And be it further enacted, That the said Tolls shall be and they are hereby declared to be vested in the said Trustees, and a Table thereof shall be put up and continued at each and every Turnpike erected on the said Road; and it shall and may be lawful to and for the several Persons who shall, by virtue of this Act, be appointed Collectors of the said Tolls, to demand, collect, and receive the Tolls hereby granted; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Collector appointed as aforesaid, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful to and for such Collector to seize and distrain or cause to be seized and distrained any Carriage, Horse or Horses, or other Beast or Cattle, chargeable with the said Tolls, or their respective Bridles, Saddles, Harness, or Accoutrements, or any Part or Parts thereof; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and detaining and keeping the same, shall not be paid within Five Days next after such Seizure and Distress made, the Collector so seizing and

Tolls vested in the Trustees.

For Recovery of Tolls.

[*Loc. & Per.*]

4 C

distraining

distraining shall and may sell or cause to be sold the Carriage or Carriages, Horse or Horses, Beasts or other Cattle, and their Bridles, Saddles, Harness, or Accoutrements so seized and distrained, or any Part or Parts thereof, at or near the Turnpike where the said Tolls ought to have been paid, rendering the Overplus (if any) upon Demand to the Owner or Owners thereof, after such Tolls and all reasonable Charges attending the distraining, keeping, and selling the same, shall be deducted and paid.

In case of a  
Dispute con-  
cerning Tolls  
the Matter to  
be settled by  
a Justice.

XXI. Provided always, and be it further enacted, That if any Dispute shall arise about the Quantity of the Tolls due, or respecting the Costs and Charges of distraining, keeping or selling any Distress, it shall and may be lawful to and for the Collector or Person distraining, to detain the Distress or the Money arising from the Sale thereof, until the Quantity of the Tolls or the Charges of distraining, keeping and selling the Distress, as the Case may be, shall be ascertained by some Justice of the Peace for the County, City or Place where such Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the said Matter by Oath of the Parties, or other Witness or Witnesses, and shall determine the Quantities of Tolls due, and shall also assess the Costs and Charges of such Distress and Sale, and all other reasonable Costs and Charges; all which Sum or Sums of Money so determined and assessed, shall be paid to the Collector before he shall be obliged to return the said Distress, or the Overplus after the Sale thereof, or of any Part thereof.

Turnpikes  
vested in the  
Trustees.

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

No more than  
one Toll to  
be taken in  
one Day in  
each District.

XXIII. Provided also, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable any Collector of the said Tolls to demand or take any more than one Toll in any one Day in each District (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) from any Person or Persons for or in respect of the same Carriage,

riage, Horse, or other Beast or Cattle passing and repassing through the same, or any other Gate or Turnpike erected or to be erected on the said Road, all and every such Person and Persons producing a Ticket denoting that such Toll hath been paid on such Part of the said Road, in that Day, for or in respect of such Carriage, Horse, Beast or other Cattle, which Ticket every such Collector is hereby required to deliver *gratis* on the Payment of such Toll: Provided nevertheless, that each and every hired Carriage returning the same Day with a different Passenger or different Passengers through any such Gate, shall be liable to the said Toll, notwithstanding such Toll hath been before paid for or in respect of the said Carriage on that Day.

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

Collectors of  
Tolls to be  
competent  
Witnesses.

XXV. And, for preventing the Evasion of Payment of the said Tolls, be it further enacted, That if any Person or Persons shall give, offer or dispose of to, or receive from any other Person or Persons any such Ticket as aforesaid, or shall counterfeit or knowingly make Use of any counterfeited Ticket, in order to avoid the Payment of the said Tolls, or of any Part thereof; or if any Person or Persons owning, renting or occupying any Lands adjoining to the said Road, near unto any Turnpike Gate erected thereon, shall permit or suffer any Person or Persons to pass through or over any Part of his, her or their said Lands, with any Carriage, Horse, Beast or other Cattle, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall ride or drive any Horse, or other Beast or Cattle, through or over any Way or Passage (not being a public Way or Passage) or through or over any Lands adjoining to any Part of the said Road, or near to any of the said Turnpike Gates, or shall take off or cause to be taken off any Horse or other Beast from any Carriage, or do any other Act whereby the Payment of any of the said Tolls, or of any Part thereof, is or shall be avoided, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Penalty on  
evading  
Tolls.

XXVI. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Mare, Gelding or other Cattle, drawing any Carriage going for or returning laden or unladen, having been laden only with Stones, Gravel, or other Materials for the repairing of the said Roads, or any of the Highways or public Roads in the Parishes or Places in which the Roads hereby intended to be repaired and improved, or any Part thereof, do lie, or any Dung, Mould, Soil, or Compost of any Kind (Lime excepted) for the manuring of any Garden, or other Land or Ground; nor shall any Toll be taken, demanded or received for any Carriage or Cattle going for the Purpose of or returning from ploughing, sowing, tilling or cultivating any

Exemptions  
from Toll.

any Land or Ground, or going for or returning unladen, or only laden with Hay, Straw, Corn in the Straw, or Wood for the Owners' Fuel or Consumption, cut and taken from Lands in his own Occupation un- fold and not for Sale, but to be laid up in the Houses, Out-houses, Yards, or on the Premises of any Inhabitant of the respective Parishes in which the said Roads do lie, or for any Plough, Harrow, Dray, or other Implement of Husbandry, or for any Horse or other Beast or Cattle drawing or carrying the same in order for the repairing there- of, or using the same in Husbandry; or for any Horse or other Beast or Cattle going to or returning from Water or Pasture, or going to be or returning from being shod or farried; or for the Horses of Soldiers on their March or on Duty, or Carriages or Horses or other Beasts employed in carrying the Arms or Baggage of such Soldiers, or returning back from carrying the same; nor for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Com- missariat or other public Stores, of or belonging to His Majesty, or for the use of His Majesty's Forces; or for any Horse, Mare or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided such Persons be in the Uniform of their respective Corps, and have their Arms, Furni- ture and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions; or for any Carriage, Horse or other Beast employed in the Conveyance of Va- grants travelling with legal Passes, or returning from so doing; nor shall any of the Tolls hereby granted be demanded or taken from any Inhabi- tant of any Parish through which any Part of the said Roads doth lie, who shall pass through any of the said Turnpikes to or from his, her or their respective Parish Church, Chapel or other Place of Religious Worship tolerated by Law, on *Sundays* or on *Christmas Day*, *Good Friday* or any other Day on which Divine Service is ordered by Authority to be cele- brated, or who shall attend the Funeral of any Person dying and to be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any Sick Person, or upon any other his Parochial or Ministerial Duty, on a *Sunday* or on *Christmas Day*, *Good Friday* or any other Day on which Divine Service is ordered by Authority to be celebrated; nor shall any Toll be demanded or taken for or in respect of any Horse, Cattle or Beast carrying any Passenger, or drawing any Coach, Landau, Landauler, Chariot, Gig or other Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Waterford*, or of a Citizen to serve in Parliament for the City of *Waterford*, or of a Knight or Knights of the Shire to serve in Parliament for the said County of *Kilkenny*, or of a Citizen to serve in Parliament for the said City of *Kilkenny* or either of them, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemp- tions aforesaid, not being entitled to the same, or shall make use of any Fraud whatsoever, whereby the Payment of the Tolls granted by this Act, or any Part thereof, shall be evaded, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, whereof one Moiety shall be applied towards repairing or  
amending

amending the said Roads, and the other Moiety thereof shall be paid to the Use of the Informer.

XXVII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat or other public Stores, of or belonging to His Majesty, or for the use of His Majesty's Forces, shall be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding. Stores.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees or any Seven of them, at any Meeting duly convened for that Purpose, to agree and contract with such Person or Persons as they shall think fit for the repairing, widening and keeping in repair the Entire of said Road and intended Line of Road, for any Period during the Continuance of this Act; and for that Purpose that it may be lawful for the said Trustees to assign to such Person or Persons the Tolls to be levied thereon by virtue of this Act or any Part thereof, together with the Management of the said Road, and all the Powers and Authorities of levying the same, and all such other Powers vested in the said Trustees by virtue of this Act, and all Benefits arising therefrom, as they shall think fit: Provided, That such Contract be reduced to Writing, and be executed by at least Seven Trustees: And provided also, That good and sufficient Security be first taken by the said Trustees or any Seven of them, for the full and effectual Performance of the said Contract, and all and every the Covenants therein contained: And provided also, That in every such Contract shall be contained a Clause or Covenant, that the said Roads shall be kept in good and sufficient repair during the Continuance of said Contract or otherwise, that the Tolls thereby assigned shall be subject to Sequestration as hereinafter mentioned. Trustees may contract.

XXIX. Provided always, and be it further enacted, That at any Time during the Continuance of said Contract any Part of said Road be out of Repair, that it shall be lawful for any Trustee to call a Meeting of the said Trustees, for which due Notice shall be given as hereinbefore mentioned, and the Cause of such required Meeting specified therein, and if it shall appear to a Majority out of at least Seven of said Trustees at such Meeting so called, that any Part of the said Road within such District is out of Repair, without a just and reasonable Cause for the Delay thereof, it shall be lawful for the Majority of the said Trustees to prefer a Petition to the Lord Chancellor or Lord Keeper, or Lords Commissioners for the Custody of the Great Seal, for the Time being, setting forth the Matters of the said Complaint, and that the said Lord Chancellor or Lord Keeper, or Lords Commissioners for the Custody of the Great Seal, may, upon the Hearing of the Matter of the said Complaint, make an Order to have a Receiver appointed to receive the Amount of the said Tolls, with Two Shillings in the Pound for receiving Remedy in case of Non-performance of Contract.

[Loc. & Per.]

4 D

cciving

ceiving and accounting for the same, and may direct that the said Trustees shall appoint proper and suitable Persons to oversee and lay out the same, in the repairing or amending the said Roads or any Part thereof, as if such Contract had not been made, and that such Person or Persons so appointed, shall continue to receive and apply the said Tolls in Manner aforesaid, and the Expence thereof to be paid out of said Tolls until the said Road and every Part thereof put into perfect Repair, and for that Purpose, that it shall be lawful for any of the said Trustees to issue his Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter all the Toll-houses and Premises on said Roads in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels out of such Toll-houses and other Premises, and to put the new appointed Collectors in Possession thereof, in case the Person or Persons who have been in Possession thereof under said Contract, or their Deputies or Collectors shall refuse to deliver up the Possession thereof, within Three Days after Notice given to him, her or them, or left at such Toll-house in Writing under the Hands of the said Trustees or any Seven or more of them.

Lessees of  
Tolls in-  
vested with  
Powers to  
collect.

XXX. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in farm to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she or they shall, by Writing or Writings under his, her or their Hand or Hands, authorize or appoint to demand and take the said Tolls so leased, demised or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees, is hereby authorized and empowered to demand, take and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, shall be subject 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 Trustees is subject or liable to.

Tolls may be  
compounded  
for.

XXXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound from Time to Time with any Person or Persons, for any Period of Time not exceeding One Year, for any Carriages, Horses, Beasts or Cattle passing on the said Road, or on any Part or Parts thereof, for all or any of the Tolls to be paid in respect of such Carriages, Horses, Beasts or other Cattle, and all such Composition Money shall be paid in advance or otherwise, as the said Trustees shall appoint; and in Default thereof, every such Composition shall be null and void to all Intents and Purposes whatsoever.

Trustees may  
borrow  
Money.

XXXII. And, for the more speedy raising such further Money as may be necessary for the Purposes of this Act, be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered, from Time to Time, to borrow and take up at Interest such Sum or Sums of Money as they shall adjudge necessary for the Purposes of this Act, and by Writing under their Hands and Seals to assign over the Tolls hereby granted, or any Part thereof, and the several Turnpikes and Toll Houses erected or to be erected on the said Road  
(the

(the Charges of such Assignments to be paid out of the said Tolls) for any Term during the Continuance of this Act, as a Security for the Repayment of such Sum or Sums of Money, with Interest for the same, to the Person or Persons who shall advance and lend such Money, his, her or their Executors, Administrators and Assigns, such Interest to be paid and payable by equal half-yearly Payments, at the Dwelling House of the Treasurer to the said Trustees for the Time being; all which Assignments shall be in the Words or to the Effect following:

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

Form of Assignment.

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

Copies of Mortgages to be entered.

Assignments may be transferred.

I *A. B.* being entitled to the Sum of \_\_\_\_\_ secured to \_\_\_\_\_ Executors Administrators, and Assigns, by virtue of an Assignment bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_ under the Hands and Seals of \_\_\_\_\_ of the Trustees, acting in Execution of an Act of Parliament, made in the Fifty-first Year of the Reign of King *George* the Third, intituled [*set forth the Title of this Act*] upon the Credit of the said Act, do hereby transfer all my Right and Title in and to the same, and all the Principal

Form of Transfer.

Principal and Interest Money now due and owing thereon, unto  
 C. D. Executors, Administrators, and Assigns. Dated this  
 Day of in the  
 Year of our Lord

Notice of  
 Transfers to  
 be given to  
 the Secretary.

And every such Transfer shall be produced and notified to the Secretary to the said Trustees, within Three Calendar Months next after the Date thereof, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned, to be transferred in the said Book or Books to be kept for entering the said original Assignments to be made by virtue of this Act, and for which Entry the Secretary who shall enter the same shall be paid Five Shillings and no more; and after such Entry made, every such Transfer shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and after such Entry or Memorial made thereof as aforesaid, it shall not be in the Power of any Person or Persons making such Transfer, to make void, release or discharge the same, or the Monies thereby due, or any Part thereof; and all Persons to whom such Assignments or Transfers shall be made as aforesaid shall be, in proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of the advancing any such Monies, or of the Dates of such Mortgages or Assignments: Provided nevertheless, that before any Sum or Sums of Money shall be taken up or borrowed, Twenty Days Notice at the least shall be given of the Intention of borrowing such Money, by inserting the same in some Newspaper published in the said Counties of *Waterford* and *Kilkenny*.

Notice to be  
 given pre-  
 viously to  
 borrowing  
 Money.

Creditors to  
 be paid by  
 Ballot.

XXXIII. And, in order that no Preference may be given to any Person or Persons who shall advance and lend any Money upon the Credit of the said Tolls; be it further enacted; That the said Trustees shall, when and as often as there shall be an Overplus of Money received by virtue of this Act, equal to the Sum of Two hundred Pounds after Payment of the Interest of the Money borrowed by virtue of this Act, and of the several Charges and Expences of carrying this Act into Execution (if there shall be more Creditors than one) cause Twenty-one Days Notice to be given of the same, in some Newspaper published within the said Counties of *Kilkenny* and *Waterford*, and shall, upon the Day appointed in the said Notice, cause the Numbers of all Assignments granted, and then in force for securing the Principal Monies lent and advanced upon the Credit of the said Tolls, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form as near as may be, and be put into a Box or Wheel, and the Number or Numbers of the said Assignments or Securities shall be drawn separately out of the said Box or Wheel by the Secretary to the said Trustees, and after every such Ballot the said Trustees shall cause Notice, signed by their Secretary, to be given to or left at the last or usual Place or Places of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and where there is only one Creditor, a Notice shall be given One Calendar Month to such Creditor, of the Intention of the said Trustees to pay



pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same will be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than One calendar Month after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money to be so paid off, shall, from and after the Day to be so specified, cease, and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice, and not paid; but the Principal Money, in respect whereof such Notice shall be given, and also the Interest thereof to the Day to be so specified, shall nevertheless be payable on Demand.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, Surveyor or Surveyors of the said Road, and to and for all such Persons as they respectively shall appoint, to search for, cut, dig for, get, gather and take away any Furze, Heath, Beach, Stones, Gravel, Sand or other Materials for making or repairing the said Road, out of or from any Common or Waste Ground, River or Brook, in any Parish, Township, Hamlet, Division, District or Place, in or near which any Part of the Road hereby directed to be made, amended, altered or repaired, shall lie, or in any neighbouring Parish, Township, Hamlet, Division, District or Place, without paying any thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or other Persons as aforesaid, may, by Order of the said Trustees (such Order to be made at some Meeting of the said Trustees to be holden in pursuance of this Act, and a Copy thereof to be given to such Surveyor or Surveyors, attested and signed by the Clerk to the said Trustees) search for, cut, dig, get, gather and take away any such Materials as aforesaid, in, off, from and out of the private Lands, Fields or Grounds of any Person or Persons where the same may be had or found (such Lands, Fields or Grounds, not being a Garden walled-in, Orchard, Yard, Park, Paddock or Field inclosed in with a Wall made of Lime, Mortar and Stone, or Brick of the Height of Five Feet at the least, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees) making or tendering such Satisfaction for the Damages done thereby, to the Owner and Occupiers of such Grounds where and from whence the same shall be cut, dug, gotten, gathered and carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Damages, it shall and may be lawful to and for any One or more Justices of the Peace of the County, City or Place, where such Materials shall be so cut, dug, gotten, gathered, taken and carried away or over, on Three Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode; to hear, settle and determine such Payment and Damages; and

For getting  
Materials to  
repair the  
Road.

[*Loc. & Per.*]

4 E

the

the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

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

XXXV. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take or carry away any Materials for repairing such Road, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken or left for such Occupier at his usual Place of Residence, to appear before the said Trustees or One or more Justices of the Peace acting for the County, City or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case the said Trustees or such Justices shall and may authorize such Surveyor or other Person or Persons, to dig, get, gather, take and carry away such Materials, at such Time or Times as to the said Trustees or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent pursuant to such Notice, the said Trustees or Justices shall and may make such Order therein as they respectively shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Penalty on taking away Materials.

XXXVI. And be it further enacted, That if any Person or Persons who-soever shall remove or take away any Stones or Gravel, or other Materials laid upon the said Road for the Repair thereof, without the Order of the said Trustees, or of their Surveyor or Surveyors for that Purpose, or if any Person or Persons whomsoever shall take away any Stones or Gravel, or Materials which shall have been dug or gathered by or by the Order of the said Trustees, or their Surveyor or Surveyors, in any Lands, Fields, Grounds, River or Brook for the Purpose of amending the said Road, or any Part or Parts thereof, or shall get or take away any Stones or Gravel, or Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting such Materials for amending the said Road, or any Part or Parts thereof, before the said Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his or her own private Use only, and not for Sale) every Person so offending shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

Surveyor to make Drains, &c.

XXXVII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and to and for any Person or Persons whom he or they shall appoint, by Order of the said Trustees, to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Road, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending or keeping in Repair any Part of the said Road, and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Road (not being

being a Garden walled-in, Orchard, Yard, Paddock, planted Walk or Avenue to any House) to be made use of as a public Highway, whilst the narrow or ruinous Parts of the said Road are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively, through and into which any such Drain shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case any Difference shall happen between such Owners or Occupiers and such Trustees, touching such Damage, then and in every such Case the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the said County of the City of *Waterford* or County of *Kilkenny*, according to the Jurisdiction in which the Land shall lie, next after the Expiration of Ten Days from the Time of doing such Damage, shall and they are hereby authorized and required to hear, settle and determine the same; and their Determination therein shall be final and conclusive.

making reasonable Satisfaction.

In case of Difference Justices in Sessions to determine the same.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (by Direction and under the Hands of any One or more of the said Trustees) from Time to Time to remove and prevent all Annoyances or Nuisances on any Part or Parts of the said Road, by Rails, Steps, Sign Posts or other Posts, and also by Filth, Dung, Ashes, Rubbish or otherwise, and to turn any Watercourses, Sinks or Drains running into, along or out of any Part of the said Road to the Prejudice thereof, and to make the same as large and deep as he or they shall think proper, and to cleanse any Ditch or Watercourse next adjoining to any Part of the said Road, and to cut down, lop or top any Trees or Bushes growing in any Part of the said Road; or in the Hedges or Banks adjacent thereto, in case the Person or Persons occasioning such Annoyances, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop or top such Trees or Bushes, shall refuse or neglect to do so for the Space of Three Days next after Notice in Writing given for that Purpose, signed by any One or more of the said Trustees, or by their Surveyor or Surveyors, the Surveyor may cause the same to be removed, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person shall not, upon Demand, pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person, in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the said Annoyances, any Person shall again offend in the like Manner, every Person so offending shall for every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Surveyor may remove Annoyances.

XXXIX. And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheel Carriage,

For preventing drawing Timber or Stone on the

Road other-  
wise than  
upon a  
Wheel Car-  
riage.

riage, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage, to drag upon any Part of such Road to the Prejudice thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Buildings  
not to be  
erected on  
Sides of  
Road.

XL. And be it further enacted, That no House, or Part of a House, be built within Thirty Feet of the Centre of the Road, or within Fifteen Feet of the Sides thereof, except in the Streets of Corporate or Market Towns; and that if any Person shall build, or begin to build, or proceed in building, any House, or Part of a House within such Distance, every such Person shall forfeit Ten Pounds, and the further Sum of Twenty Shillings *per* Week until the same be pulled down or removed.

Roads to be  
measured and  
Mile Stones  
to be set up.

XLI. And be it further enacted, That the said Trustees shall and may cause the said Road to be measured, and Mile Stones to be set up at or near the Sides thereof, at the Distance of One Mile from each other, and Posts to be erected to denote the Distance of every such Post from any Town or Place, as the said Trustees shall think fit, and also cause to be erected Guide Posts upon such Parts of the said Road where the same are crossed or joined by other Roads, and also Tables of the Tolls at each Turnpike Gate, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate or deface any Mile Stone, Table of Tolls, or Post erected or to be erected on any Part of the said Road, or any of the Letters, Figures or Marks inscribed thereon, or shall wilfully break, throw down or injure any Stone or Stones, or Parapet Wall or Walls on the Side or Sides of any Bridge or Bridges, Arch or Arches, on any Part or Parts of the said Road, every such Person shall forfeit and pay any Sum not exceeding Five Pounds for each Stone, Table of Tolls, Post, or Parapet Wall so broken, thrown down, injured or destroyed, or on which any Letters, Figures or Marks shall be so obliterated or defaced, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Penalty on  
damaging  
Mile Stones.

For prevent-  
ing Annoy-  
ances, &c.

XLII. And be it further enacted, That if any Person shall wilfully or negligently injure, destroy, break down or otherwise damage, or shall ride on, or drive or lead any Horse, Beast, Cattle or Carriage over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Part of the said Road; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Foot-paths or Causeways; or if any Person shall plough over or drag any Plough upon any Part of the said Road, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Road, to the Prejudice thereof; or if any Person shall keep or have in his Possession any Cur Dog, Bull Dog or Mastiff, at any House within Fifty Yards of the Road, without a Block of Wood of Five Pounds Weight at least fastened to the Neck of such Dog; or if any Person shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road, with any Instrument, so as to damage the said Road or any Part thereof, without the Consent of the said Trustees, or of their Surveyor or Surveyors; or if any Person shall leave any Waggon, Wain, Cars

Cart or other Carriage, or any Plough, Harrow or other Implement of Husbandry (without some reasonable Cause, to be allowed by the Justice before whom the Person so offending shall be summoned or conveyed in order to his Conviction, or except with regard to such Waggon, Wain, Cart or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near the Side of the said Road as conveniently may be) in, upon, or on the Side of the said Road, either with or without any Horse or Beast harnessed or yoked thereto, or shall spread any Skins or Linen, or Cloaths to dry, or shall winnow any Corn within Fifty Feet of the Center of any Part of such Road, or shall lay any Timber, Wood or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyance whatsoever, upon any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or Annoyance of any Person or Persons travelling thereon, every Person so offending shall, for every such Offence, forfeit and pay any Sum not less than Ten Shillings or more than Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

XLIII. And whereas bad Accidents may happen, and great Mischiefs done upon the said Road, by the Negligence or wilful Misbehaviour of Persons riding Horses and 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 situate on his or her left Hand, when meeting any other Carriage; or if the Driver of any Cart, Car, Dray, Wain or Waggon, or other such Carriage, shall ride upon any such Carriage on the said Road, not having some other Person on Foot or on Horseback to guide the same (save and except all such Carriages as are conducted by some Person holding the Reins of the Horse or Horses, or other Beast or Beasts drawing the same;) or if the Driver of any Carriage whatsoever on any Part of the said Road, shall, by Negligence or wilful Misbehaviour, cause any Hurt or Damage to any Person or Carriage passing along such Road, or shall quit the said Road, and go on the other Side of the Hedge or Fence inclosing the same, or wilfully be at such a Distance from such Carriage, while it shall be passing on such Road, that such Driver cannot have the Direction or Government of the Horse or Horses, or other Beast or Beasts drawing the same, or shall, by Negligence or wilful Misbehaviour, prevent, hinder or interrupt the free Passage of any other Carriage, or of any of His Majesty's Subjects on the said Road; or if any Person driving, or acting as the Driver of any Coach, Post Chaise, or other Carriage let for Hire, or of any Cart, Car, Dray, Wain or Waggon, or other such Carriage, and committing any Offence or Offences against this Act, shall refuse to discover (on being thereunto required by any Person or Persons whomsoever) the true Christian Name or Names, and Surname or Surnames of the Owner or Owners, Proprietor or Proprietors of such Coach, Post Chaise, Cart, Car, Dray, Wain, Waggon or other Carriage respectively, 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 the Oath of any credible Witness or Witnesses, forfeit and pay any Sum not exceeding Forty Shillings, in case such Driver shall not be the Owner or Proprietor of such Coach, Post Chaise, Cart, Car, Dray, Wain, Waggon or other Carriage, and

Drivers of Carriages punishable for wilful Neglect.

in case such Driver shall be the Owner or Proprietor of such Coach, Post Chaise, Cart, Car, Dray, Wain, Waggon or other Carriage, such Driver shall forfeit and pay the Sum of 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 other 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, City or Place where the Offence shall be committed, to be dealt with according to Law.

Trustees may turn or alter the Course of any Part of the Road,

and may contract for the Purchase of Lands for that Purpose or for a yearly Rent.

XLIV. And be it further enacted, That it shall and may lawful to and for the said Trustees, and they are hereby fully 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 Road comprized in this Act; and that any Variation of Road may be made of any Width not exceeding Sixty Feet through any Common or Waste Ground, without making any Satisfaction for the same, and through any private or inclosed Lands, Grounds or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall and may be lawful to and for the said Trustees, or for their Secretary, or any other Person or Persons by them duly authorized and deputed for that Purpose, by Order of a Meeting of the said Trustees, to treat, contract and agree with the Owners of and Persons interested in any Lands, Tenements and Hereditaments, for the Purchase thereof, or for a yearly Rent, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting, turning or altering the Course or Path of any Part or Parts of the said Road through such Lands, Tenements, and Hereditaments; and the said Lands, Tenements, or Hereditaments so purchased, or any Part thereof, shall and may, by Order and Direction of the said Trustees, be laid into and made Part of the said Road, in such Manner as the said Trustees shall think convenient, and shall, by such Person or Persons as they shall order and appoint, be sufficiently drained, ditched and fenced out for that Purpose; and after the said Lands or Grounds shall be so drained, ditched and fenced out, the same shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be a public and common Highway, and to be Part of the Road to be amended, widened and kept in Repair by virtue of this Act, and shall be repaired and kept in Repair by such Ways and Means, and in such a Manner as the old Road was and ought to have been kept in Repair; and after any such Lands shall be made any Part of the said Road as aforesaid, the Lands and Grounds comprized in or constituting the former Road, in lieu whereof such Lands or Grounds shall be purchased as aforesaid, shall be sold by the said Trustees to such Person or Persons as shall be willing to become a Purchaser or Purchasers thereof, for the best Price that can be reasonably had or gotten for the same; and the Conveyance thereof being executed by the said Trustees, and inrolled with the Clerk of the Peace for the County of the City of *Waterford*, or for the said County of *Kilkenny*, according to the Jurisdiction in which such  
Lands

Lands or Grounds shall lie, shall be good, valid and effectual, to all Intents and Purposes whatsoever.

XLV. And be it further enacted, 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 Fee Tail General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots and Lunatics, and Husbands, and all other Trustees whomsoever, for and on behalf of any Infants, Feme Covert, or Cestuique Trusts, Idiots, Lunatics, or other Person under any Disability of acting for themselves, and for all and every Person or Persons who are or shall be seized, possessed of or interested in any Lands, Tenements, or Hereditaments, to treat and agree with the said Trustees for the absolute Sale thereof, or of any Part thereof, or for their Interest therein, and to convey the same to the said Trustees for the Purposes aforesaid; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid and effectual to all Intents and Purposes whatsoever, any Law, Usage, or other Matter or Thing to the contrary thereof in anywise notwithstanding; and that all such Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, Committees, Husbands, and Trustees, Bodies Politic, Corporate, or Collegiate, Corporations aggregate or sole, and other Persons, are and shall be indemnified for what they do by virtue or in pursuance of this Act.

Corporation  
&c. empow-  
ered to treat.

XLVI. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Person or Persons interested in any Lands, Tenements, or Hereditaments, which the said Trustees shall judge necessary or proper to be purchased, taken or used for the Purposes of this Act, or any such Body Politic, Corporate or Collegiate, Corporations aggregate or sole, Feoffees, Guardians, Husbands, Committees, or other Trustees, upon Notice to him, her or them, given or left in Writing, at the Dwelling House or Place of Abode of such Person or Persons, or of the Clerk or Head Officer of any such Body Politic, Corporate or Collegiate, or at the House of the Tenant in Possession of the Premises, signed by the Secretary to the said Trustees, shall, for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat or shall not agree in the Premises, or by reason of Absence or otherwise shall be prevented from treating, then and in every such Case, it shall and may be lawful to and for the said Trustees to cause it to be enquired into and ascertained, by and upon the Oath of a Jury of Twelve indifferent Men of the County of the City of *Waterford*, or of the said County of *Kilkenny*, according to the Jurisdiction in which such Premises in question shall lie or be situate (which Oaths the said Trustees, or any Two or more of them, are hereby empowered to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested, for or upon Account of the taking or using of such Lands, Tenements, or Hereditaments, for the Purposes of this Act; and in order thereto the said Trustees, or any Seven or more of them, are hereby empowered and required, from Time to Time, to summon and call before them all and every Person and Persons who shall be thought necessary or proper to

In case of  
Persons re-  
fusing to  
treat or not  
agreeing, a  
Jury to settle  
the Recom-  
pence.

Verdict of  
the Jury to  
be final.

Trustees to  
issue War-  
rant for Sher-  
riff to sum-  
mon Jury.

Sheriffs &c.  
may be fined  
for Neglect  
of Duty.

to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath (which Oath the said Trustees or any Seven or more of them, are hereby empowered and required to administer); and they shall order and cause the said Jury to view the Place in question, and use all other lawful Ways and Means as well for their own, as for the said Jury's Information in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Trustees shall thereupon order, adjudge and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the Owners, Proprietors or Occupiers of the said Lands, Tenements or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict, or Inquisition and Judgment, Order or Determination, so had and made, shall be final, binding and conclusive, to all Intents and Purposes whatsoever, against all Parties and Persons claiming in Possession, Reversion, Remainder or otherwise; and every such Owner, Proprietor, Occupier and Person anywise interested in such Lands, Tenements or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest or Property, of, in, to or out of the same; and upon Payment of the Money so assessed, to the respective Persons entitled thereto, or their Agents, or upon paying the same into the Bank of *Ireland* in manner by this Act directed, it shall and may be lawful to and for the said Trustees to cause the Premises in respect whereof such Money shall be assessed to be disposed of, and such Acts to be done thereto as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and for summoning and returning any such Jury, the said Trustees are hereby empowered to issue out their Warrant or Warrants, signed by any Seven or more of them, to the Sheriff of the said County of the City of *Waterford*, or Sheriff of the said County of *Kilkenny*, in their respective Jurisdictions, thereby commanding and requiring such Sheriffs respectively to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees, at such Time and Place as in such Warrant shall be appointed; and such Sheriffs or their respective Deputies, is and are hereby required thereupon to impanel, summon, and return such Twenty-four Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriffs, or their respective Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned to attend that Service, to the Number of Twelve: Provided always, that all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Dublin* is or shall be by Law entitled to; and the said Trustees are hereby empowered to impose any reasonable Fine or Fines on such Sheriffs respectively, or their respective Deputies, who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury and shall not appear, or after having appeared



peared shall refuse to be sworn on the said Jury, or having been sworn shall refuse to give or shall not give his or their Verdict on the Matter in question, or shall in any other Manner wilfully neglect his or their Duty therein, and on any of the Persons who being summoned or required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear, or refuse to be sworn or be examined, or give Evidence touching the same, but no such Fine shall exceed Ten Pounds upon any one Person for one Offence.

XLVII. Provided always, and be it further enacted, That wherever the Course of any Part of the said Road shall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road shall be first made to the Owner of such adjoining Land, which shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then and in such Case the Value thereof shall be settled and ascertained by a Jury, in such and the like Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act, and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by a Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money upon Demand made thereof by the Treasurer or Secretary to the said Trustees; and Tender of the Conveyance of such old Road, the same shall and may be recovered by the said Trustees by Action of Debt, in any of His Majesty's Courts of Record in *Dublin*; and in case any such Owner shall not agree, or shall refuse to purchase any such old Road, it shall and may be lawful to and for any Person or Persons not interested in the Premises; to make an Affidavit to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, City or Place where such old Road shall lie, stating that such Offer has been made by or on Behalf of the said Trustees, and that such Owner has not agreed, or has refused to purchase such old Road, as the Case may be; and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner: Provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road as is lying immediately adjoining to his, her or their Land respectively, in manner aforesaid: Provided also, that if such Owner or Owners respectively, shall be willing and consent to take such old Road in exchange for such new Road, it shall and may be lawful to and for the said Trustees, and they are hereby required to assure the same to such Person or Persons by entering the same in their Books, and delivering to him or them a Copy of the Entry thereof, signed by any Seven or more of the said Trustees, which Copy shall be a good and valid Title to the same, and be available in any Suit in Law or Equity.

Owners of Land used in making the new Road have the first Offer of the old Road.

XLVIII. And be it further enacted, That in case any such Jury shall give in and deliver a Verdict or Assessment for more Money than shall, by or on Behalf of the said Trustees, have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right,

By whom the Expences of the Jury to be paid.

[*Loc. & Per.*]

4 G

Interest

Interest or Property, or Damage as aforesaid, or for less Money than shall have been offered, to be accepted or taken by or on Behalf of the said Trustees, as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Charges of summoning and maintaining the Jury and Witnesses, shall be borne and paid by the said Trustees, out of the Money arising by virtue of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more or less Money than shall, by or on Behalf of the said Trustees, have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest or Property, or Damage as aforesaid, or for the same or any more Money than shall have been offered to be accepted or taken as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Charges of summoning and maintaining the said Jury and Witnesses, 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 shall be ascertained and settled by some Justice of the Peace, not interested in the Matter in question, and within whose Jurisdiction such Controversy or Dispute shall arise (who is hereby authorized and required to examine and settle the same) and 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 whatsoever to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Secretary to the said Trustees by such Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures: Provided always that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, with the said Trustees such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Trustees to pay Expences when Persons from Absence are prevented from treating.

Houses, &c. not to be injured.

XLIX. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable the said Trustees to take, use, injure or damage any Dwelling House or other Building built of Stone and Mortar, or Brick and Mortar or any Garden walled in Orchard, Yard, Park, Paddock or other Ground, so as that such Wall be of the Height of Five Feet, and made with Lime, Mortar and Brick, or Stone, or any planted Walk or Avenue to a House, without the Consent of the Owners or Proprietors thereof.

Application of Compensation, if amounting to 200 l.

L. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of 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, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to 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

of the Accountant General of the High Court of Chancery, to be placed to his Account there *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 or Hereditaments, in discharge of any Debt or Debts, or such 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 or 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 or Hereditaments which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Government Securities; and in the mean Time and until the said Government 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 by virtue of this Act in case such Purchase or Settlement were made.

LI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to 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, her or their Guardian or Guardians, Committee or Committees, in case of Infancy Idiocy 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 in *Ireland*, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Seven or more of 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 any Manner hereinbefore directed, so far as the

Application  
of Compen-  
sation if less  
than 200l.  
and not ex-  
ceeding 20l.

the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation if less than 20l.

LII. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as next beforementioned 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, or Hereditaments so purchased, taken or used, for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid to his, her or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery on Motion or Petition.

LIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees or any Seven or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Ireland*, in the Name and with the Privity of the 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 same 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.

Where any Question shall arise touching the Title to Money to be paid to the Persons who

LIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements or Hereditaments to be purchased in pursuance of this Act, or to any Government Securities

Securities to be purchased with any such Money, or the Dividends or Interest of any such Government Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments, according to such Possession, until the contrary shall be shewn, to the Satisfaction of the said High Court of Chancery; and the Dividends and Interest of such Government Securities, and also the Capital of such Government Securities, shall be paid, applied and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

shall be in Possession of the Land, &c. at the Time of such Purchase shall be deemed entitled thereto according to such Possession, unless, &c.

LV. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied to 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 Court of Chancery, to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

LVI. And be it further enacted, That if any Person shall obstruct, hinder or molest any of the said Trustees, or any Collector of Tolls, Clerk, Surveyor, Workman or other Person or Persons whomsoever, who is or are employed in carrying this Act into Execution, in the Performance or Execution of his, her or their Duty, or of any of the Matters or Things to be done by virtue or in pursuance thereof, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on obstructing Execution of the Act.

LVII. And be it further enacted, That if any Person or Persons, upon any Examination on Oath or Affirmation before the said Trustees or any of them, or any Justice of the Peace acting in Execution of this Act, shall wilfully and corruptly give false Evidence touching any Matter or Thing relating to this Act, or shall wilfully and corruptly swear or affirm any Matter or Thing which shall be false or untrue, every such Person so offending, and being duly convicted thereof, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law in Force and Effect, Persons guilty of wilful and corrupt Perjury are subject and liable to.

Penalty on Persons guilty of Perjury.

LVIII. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Surveyors, or other Officers under this Act; Be it therefore further enacted, That it shall

Power to Collectors, &c. to detain unknown

[Loc. & Per.]

4 H

shall

Persons  
guilty of Of-  
fences.

shall and may be lawful to and for any of the said Collectors, Surveyors, or other Officers respectively, to seize 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, City, or Place where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

Expence of  
obtaining the  
Act to be  
paid out of  
the Tolls.

LIX. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall in the first place be paid and defrayed out of the first Monies borrowed, received, or collected by virtue of or for the Purposes of this Act, and the Remainder thereof shall from Time to Time be applied in repaying the Monies borrowed on the Credit of this Act, and the Interest thereof respectively, and in carrying this Act into Execution.

Recovery  
and Applica-  
tion of Pe-  
nalties.

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

Form of  
Conviction.

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

BE it remembered, that on this \_\_\_\_\_ Day of  
in the \_\_\_\_\_ Year of the Reign of  
A. B. is convicted before \_\_\_\_\_ of His Majesty's Justices of the  
Peace for the \_\_\_\_\_ of having [as the Offence shall be]  
and I [or we] the said \_\_\_\_\_ do adjudge him [her, or them]  
to forfeit and pay for the same the Sum of \_\_\_\_\_ Given  
under \_\_\_\_\_

‘under my Hand and Seal [or, our Hands and Seals] the Day and Year aforesaid.’

LXII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the County or Place within which the Matter of Appeal shall arise, next after the Expiration of Six Calendar Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Twenty-one Days Notice at least, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Trustees and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County, with sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties or otherwise as they shall judge proper; and all such Determinations shall be final, binding and conclusive to all Parties, to all Intents and Purposes whatsoever.

Allowing an Appeal to the Quarter Sessions.

LXIII. 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 distrained be deemed a Trespasser or Trespassers, *ab initio*, on Account of any Irregularity which shall be afterwards done by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Distress not to be unlawful for want of Form.

LXIV. 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 in any wise notwithstanding.

Proceedings not to be quashed for want of Form, or be removable by *Certiorari*

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

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

before such Action 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.

LXVI. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall arise, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-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, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Publick Act.

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

Continuance  
of this Act.

LXVIII. And be it further enacted, That this Act shall commence and taken place on the Second *Monday* after the passing thereof, and shall be in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1811.