ANNO SECUNDO

GULIELMI IV. REGIS.

***

Tolls by this Act granted made subject to former Debts, Contracts, &c.

II. Provided always, and be it further enacted, That the Term and Tolls by this Act granted shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and now are due and owing on the Credit of the Tolls authorized to be taken on the said Road by the said recited Act hereby repealed, and of all Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or on account of this Act; and all and every Person and Persons owing any Sum or Sums of Money to the respective Trustees for executing the said recited Act hereby repealed, so far as the same relates to the said Road, shall be liable to the Payment thereof to the Trustees for executing this Act.

Bonds, Agreements, &c. under former Act to remain good under this Act.

III. And be it further enacted, That all Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person or Persons to or with the respective Trustees for executing the said recited Act hereby repealed, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed, on account and for the Benefit of the Road to be repaired under this Act; and all Leases of Tolls, Orders, Contracts, and Agreements, duly made or entered into by the said Trustees for executing the said Act hereby repealed, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Term and Stipulations thereof respectively.

Entries of Proceedings under former Acts good Evidence.

IV. And be it further enacted, That all and every Book or Books in which any Entry or Entries of any Proceeding or Proceedings relating or in anywise appertaining to the Road directed to be amended and repaired by virtue of this Act, of any of the Trustees or other Person or Persons acting by and under the Authority of the said recited Act, so far as the same relates to the said Road, (such Entry or Entries having been made in such Book or Books according to the Direction of and having been made Evidence by the said recited Act,) shall be and be deemed to be good and sufficient Evidence of such Proceedings in any Court whatsoever; any thing herein contained to the contrary thereof notwithstanding.

Trustees.

V. And be it further enacted, That the Right Honourable Viscount *Duncannon*, the Right Honourable the Earl of *Ossory*, the Right Honourable the Earl of *Carnick*, Sir *John Newport* Baronet, Sir *Josiah Coghill Coghill* Baronet, *William Frederick Fownes Tighe*, *John Flood*, *John Power*, *Richard Coote* Clerk, *Hans Hamilton* Doctor in Divinity, *William Bayley*, *Thomas Neville*, *Joseph Greene*, *Joseph Hayden*, *Thomas Neville*, *Joseph Robbins*, *Sydenham Davis*, *David Burtchell*, *John Nixon*, *John Snow Davis*, *William Henry Hunt*, *Thomas T. Bookey*, *Peter Connellan*, *Peter Purcell*, *John Hawtrey Jones*, *William Weekes*, *William Clifford*, *Anthony Nugent*, *Joseph H. M'Enery*, *Jones Ridge* Clerk, *Mark Belcher*, *William Bayley*, *William Bayley* the younger, *Edward Robbins*, and their Successors,

to be elected as is herein-after mentioned, shall be and they are hereby appointed the Trustees for amending, repairing, altering, levelling, and improving the Road leading from *Shankhill* to the City of *Waterford*, and for otherwise carrying this Act into execution.

Power to appoint additional Trustees.

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

Election of new Trustees on Vacancies arising.

VII. And be it further enacted, That upon the Death, Refusal, or Disability or Resignation of any of the said Trustees hereby appointed, or their Successors, to be elected in manner herein-after mentioned, to act in the Execution of this Act, then and in every such Case it shall and may be lawful for the surviving and remaining Trustees, and they are hereby required, from Time to Time to elect and appoint One other Person to be a Trustee in the Room of each Trustee so dying, or refusing or being incapable of acting, or so resigning as aforesaid; and Notice of the Time and Place of the Meetings for every such Election shall, by the Clerk of the said Trustees for the Time being, be inserted in some One 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 if he had been originally appointed a Trustee in and by this Act.

Qualification of Trustees.

VIII. 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 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 shall be the Son of a Peer, or Heir Apparent of some Person possessed of any Estate in Lands of the clear yearly Value of Two hundred Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before any One or more of the said Trustees, an Oath (or being a Quaker made and subscribed an Affirmation) in the following Form of Words; and which Oath or Affirmation the said Trustees or any of them, at any of their Meetings to be holden in pursuance of this Act, are or is hereby authorized to administer; (that is to say,)

Oath of Qualification.

'I do swear, [*or, being one of the People called Quakers*, do solemnly affirm,] That I truly and *bonâ fide* 'am, in my own Right, [*or* in the Right of my Wife, *as the Case* '*may be*,] entitled to and in the actual Possession of Lands, Tene- 'ments, or Hereditaments of the clear yearly Value of Fifty Pounds

'[*or*

'[*or* am Heir Apparent of *A. B.*, who to the best of my Know-
'ledge and Belief is possessed of such an Estate of the clear yearly
'Value of Two hundred Pounds; *or* am the Son of *A. B.*, who is a
'Peer of this Kingdom]; and that I will truly, faithfully, and im-
'partially act in the Execution of the Trusts and Powers reposed
'in me by virtue of an Act passed in the Second Year of the Reign
'of King *William* the Fourth, intituled [*here set forth the Title of*
'*this Act.*] So help me GOD.'

[*or being a Quaker omit the Words* 'So help me God.']

Penalty on Trustees acting without being qualified.

And if any Person not being so qualified, or not having taken or subscribed such Oath, or being a Quaker not having made and subscribed such Affirmation in manner as aforesaid, or being disqualified as in and by this Act is mentioned, 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, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, 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 had acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of all and every Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid, previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Acts of unqualified Trustees previous to Conviction valid.

Trustees not to hold Offices nor take Contracts;

IX. Provided always, and be it further enacted, That no Person appointed or to be appointed a Trustee by virtue of this Act, who shall have or accept the Office of Clerk, Treasurer, or Surveyor, shall during his Continuance in such Office be capable of acting as a Trustee in the Execution of this Act; nor shall any Trustee be capable of taking or entering into any Contract under this Act during the Time he shall be such Trustee.

nor be concerned in Victualling Houses.

X. And be it further enacted, That no Person or Persons who shall keep or be concerned in any Victualling House, Alehouse, or other House of public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, Whiskey, 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 or they shall keep such Victualling House, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cider, Ale, Beer, Whiskey, or other spirituous or strong Liquors by Retail; but no such Persons shall be precluded from hiring or farming such Tolls, provided he or they do employ a Person

Person or Persons to collect such Tolls who shall not be under any such Incapacity as aforesaid.

No Act valid unless at a Meeting.

XI. 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 herein-after 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 Five; 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 and done by all such Trustees for the Time being (save and except as may be herein-after 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 a decisive or casting Vote.

Trustees may act as Justices.

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

First Meeting of the Trustees.

XIII. And be it further enacted, That the said Trustees shall meet at the House of *Samuel Duke* at *Thomas-town*, or at some other convenient Place in the Town of *Thomas-town*, on the Second *Monday* next 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 in the said Town on the following *Monday*, and so *toties quoties* until there shall be a Meeting of the said Trustees, between the Hours of Eleven in the Forenoon and Four in the Afternoon; and at such Meeting the said 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 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 such Case shall happen, adjourn such Meeting to some other Day within Forty Days then next 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

Trustees to defray their own Expences.

the Day to which such Meeting shall be so adjourned; and the said Trustees shall at their several Meetings defray their own Expences, except any Sum not exceeding One Pound and One Shilling *per Diem* for the Use of the Room where they shall meet.

Meetings on Emergencies.

XIV. And be it further enacted, That if after any Adjournment of any Meeting 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 being left with some Inmate 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.

Annual General Meetings to be held.

XV. And be it further enacted, That the said Trustees shall hold a General Meeting on the last *Tuesday* in the Month of *March* in every Year, at the said House of *Samuel Duke*, *Thomas-town*, or at such other Place as the said Trustees shall elect, which Meeting shall be called the Annual General Meeting of the said Trustees; and at such Annual General Meetings the said Trustees shall examine and audit the annual Accounts of the Clerk, Treasurer, Surveyors, and Collectors, relating to their respective Offices, and then and there, from Time to Time, shall pass such Accounts, or so much thereof as they shall think proper.

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

XVI. 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 shall have been previously inserted, in the Names of any Two or more of 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.

Books to be kept of Proceedings of Trustees, and Entries

XVII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in

in which Book or Books all Acts, Orders, and Proceedings of the Trustees relative to the Execution of this Act, and the Names of all such Trustees as shall be present at their several Meetings, shall be regularly entered; and all Entries in such Book or Books are hereby required to be and shall be signed by the Chairman and Clerk then present, or either of them; and the said Book or Books, and also the Book or Books herein-after directed to be kept for the entering of the Receipts or Disbursements of Money, or for registering Securities and Assignments, or Transcripts thereof, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Books therein to be Evidence.

XVIII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books, together with the Book or Books in which the Proceedings of the Trustees shall have been entered, shall at all the Meetings of the said Trustees be open and liable to the Inspection of all and every Person and Persons, and who 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.

Accounts to be kept of Receipts.

XIX. And be it further enacted, That the said Trustees may and they are hereby required and empowered to appoint a Treasurer or Treasurers, Clerk or Clerks, and Collector or Collectors of the Tolls by this Act granted and made payable, and a Surveyor or Surveyors of the said Road, and all 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 the said Trustees shall see Occasion, and appoint others in the Room of such of them as shall be removed, or shall die or resign, or refuse or neglect to perform or become incapable of performing their Duty; and the said Trustees shall and may, out of the Monies to be received by virtue of this Act, allow and pay such Salaries and Allowances to the said Officers and other Persons as the said Trustees shall think reasonable.

Trustees empowered to appoint and remove Officers.

XX. And be it further enacted, That it shall be lawful for any Three or more of the said Trustees, although not assembled at any Meeting, upon the Death, Neglect, Refusal, or Incapability 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 said Trustees of the said Road, which Person so to be nominated and appointed shall have the like Power

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

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 enjoyed 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 any or either of the said Cases it shall and may be lawful for any Justice of the Peace for the County, City, or Place where such Toll House shall stand, or by Warrant under his Hand and Seal, to order any Constable or Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Premises in the Daytime, 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 said Trustees or the new-appointed Collector of the said Tolls in possession thereof.

If a discharged Gate Keeper refuse to deliver up Possession, any Justice may cause him to be removed.

Officers to give Security.

XXI. Provided always, and be it further enacted, That the said Trustees shall take such Security from their Treasurers, Clerks, and Collectors, and other Officers, for the due Execution of their respective Offices, and accounting for the Money received by them respectively, as to the said Trustees shall seem meet.

Treasurer and Clerk not to be the same Person.

XXII. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or

Persons

Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record in *Dublin*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers to account.

XXIII. And be it further enacted, That every Officer and Person who shall be appointed as aforesaid shall from Time to Time, when thereunto required by the said Trustees by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose 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 him, her, or them had, collected, and received by virtue of this Act, and how much, and to whom, and for what Purpose the same and every Part thereof hath been expended and disbursed, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and he or she is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her 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 of the Month of *May* yearly, or at a 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 of; and all the said Officers or Persons so accounting as aforesaid shall verify their said Accounts; and if any such Officer or Person shall refuse or neglect to render and deliver or to verify such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required, in manner 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 Three 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 or Person, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint being 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 Two Justices of the Peace for the County, City, or Place wherein such Officer so refusing or wilfully neglecting shall be and reside, such Justices may and they are hereby authorized and required to issue a Summons under their

Proceedings in case of Neglect.

Hands and Seals for the Officer or Person so refusing or wilfully neglecting to appear before them, and upon his or her appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party against whom such Complaint shall be made, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justices are hereby empowered to administer), it shall appear to such Justices that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of or remain due from such Officer or Person, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands and Seals to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods and Chattels of such Officer or Person respectively 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 such Officer or Person shall not appear before the said Justices at the Time and Place appointed for that Purpose, without some reasonable Excuse, or if appearing shall refuse or neglect to make out and deliver to the said Justices such Account in Writing as aforesaid, such Justices may and they are hereby authorized and required by Warrant under their Hands and Seals to commit such Officer or Person to the Common Gaol or House of Correction of the County, City, Town, or Place where he or she shall be or reside, there to remain without Bail or Mainprize until he or she shall have delivered up the Vouchers and Receipts relating to the aforesaid Accounts, and shall have paid all the Money which shall happen to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the Trustees for such Money and Charges, and shall have paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and 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 no such Person who shall be committed for Want of sufficient Distress shall by virtue of this Act be detained in Prison for a longer Space of Time than Six Calendar Months; but such Commitment to Prison shall not be deemed a Discharge for any Money due from such Officer or Person, nor exonerate his or her Securities.

Officers acting under former Acts to account to the Trustees under this Act.

XXIV. And be it further enacted, That each and every Treasurer and Treasurers, Clerk and Clerks, and each and every other Person and Persons appointed by virtue of or acting or who have acted in the Execution of the said recited Act, so far as the same relates to the said Road to be amended, widened, and repaired by virtue of this Act, who shall have in his, her, or their Custody or Power any Monies collected by virtue of, or any Books, Papers, or Writings relating to the Execution of the said recited Act, so far as the same relates to such Road, shall, when thereunto required by Notice in Writing signed by any Three or more of the said Trustees, given by him,

him, her, or them, or left at his, her, or their last or usual Place or Places of Abode, within Three Days after the Receipt of such Notice, deliver up to the said Trustees, or to such Person or Persons as they shall appoint for that Purpose, at the Time and Place to be mentioned in such Notice, all the Monies received by him, her, or them by virtue of the said recited Act, and all Books, Papers, and Writings relative to the Execution thereof, and all the Accounts of the several Monies received or disbursed by him, her, or them, together with the Vouchers relating thereto; and every such Treasurer, Clerk, or other Person so accounting shall verify all the said Accounts; and if any such Treasurer, Clerk, or other Person shall refuse or wilfully neglect to make and render or to verify any such Account, or to produce and deliver up the Vouchers relating thereto, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver up in manner aforesaid all Books, Papers, and Writings relating to the Execution of the said recited Act, or give Satisfaction to the said Trustees in respect of the same, then and in every such Case it shall and may be lawful to and for any One Justice of the Peace for the County, City, or Place wherein such Treasurer, Clerk, or other Person so refusing or neglecting shall be or reside, upon Complaint made to him by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, and he is hereby authorized and required, to issue a Warrant under his Hand and Seal for the Treasurer, Clerk, or other Person 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 received by virtue of the said recited Act shall be due from the Treasurer, Clerk, or other Person, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be raised by Distress and Sale of the Goods and Chattels of such Treasurer, Clerk, or other Person as aforesaid; and if no Goods and Chattels of such Treasurer, Clerk, or other Person can be found sufficient to answer and satisfy the said Money so due as aforesaid, and the Charge of distraining and selling such Goods and Chattels, or if it shall appear to such Justice that such Treasurer, Clerk, or other Person shall have refused or wilfully neglected to render and give such Accounts, 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 the said recited Act shall be in the Custody or Power of such Treasurer, Clerk, or other Person, and that he or they shall have refused or neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall and he is hereby required to commit such Offender to the Common Gaol or House of Correction of the County, City, or Place where such Offender shall be and reside, there to remain without Bail or Mainprize until he or she shall give and make a true and perfect Account, and make Payment as aforesaid, or until he shall

shall compound with the said Trustees for the said 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 all such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees.

Trustees may sue and be sued in the Name of their Clerk.

XXV. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any thing relating to the Execution of this Act, in the Name of their Clerk for the Time being, or in the Name of any One of the said Trustees; and no Action or Suit to be commenced by or against the said Trustees in the Name or Names of any One of such Trustees, their Clerk or Treasurer, for the Time being, shall abate or be discontinued by the Death or Removal of any such Trustee, Clerk, or Treasurer, or any of them, or by the Act of any such Trustee without the Consent of the said Trustees; but that the Trustee, Clerk, or Treasurer in whose Name such Action or Suit shall have been so brought shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in any such Action or Suit, as the Case may be: Provided always, that every such Trustee, Clerk, or Treasurer in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued, or defended, in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action, Suit, Prosecution, Information, or Appeal, or other Proceedings, he shall pay, bear, sustain, expend, or be put unto, or may have become chargeable with or liable for, or be fairly entitled to, by reason of being so made Plaintiff, Prosecutor, Defendant, Informant, Appellant, or Respondent, and shall not be disqualified from being a Witness by reason of his so being Plaintiff, Prosecutor, Informant, Defendant, Appellant, or Respondent as aforesaid.

Trustees and Surveyors to have the like Powers as Overseers of Public Roads.

XXVI. 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.

Power to erect Toll Gates, Side Gates, &c.

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees and they are hereby empowered to continue the several Turnpikes already erected on the said Road, and to erect or cause to be erected such and so many other Toll Gates and Turnpikes, in, upon, or across the said Road, and such Parts thereof, and on or near the Sides thereof, as to the said Trustees may seem proper, for the Purpose of securing the Tolls by this Act granted, and to continue the present Toll Houses, and to erect or cause to be erected such and so many other Toll Houses as they shall think proper; and it shall be lawful for the said Trustees and they are hereby empowered, in manner herein-after directed for

for the purchasing or taking of Land for the turning, altering, or widening of the said Road, to purchase and take Land sufficient, not exceeding Three Roods, for such Toll House or Toll Houses, with necessary Accommodations thereto, and from Time to Time to remove, alter, or discontinue such Turnpikes and Toll Houses, or any of them, as they the said Trustees shall from Time to Time think expedient.

Turnpikes, Toll Houses, &c. vested in Trustees.

XXVIII. And be it further enacted, That the Right and Property of and in the several Turnpikes, Toll Gates, Toll Houses, and other Buildings erected by virtue of the said recited Act, on or near the Road to be amended and repaired by virtue of this Act, and 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 all Materials for building and repairing the same, and for repairing the said Road or any Part thereof, and all Fences and Rails erected or to be erected and set up by the said Trustees upon, near, or on the Sides of the said Road respectively, and all Milestones, Direction Posts, Tables of Tolls, and Posts erected or to be erected by the said Trustees, and also all Materials, Tools, and Implements, Articles and Things, which have been, are, or shall be purchased, collected, or provided by virtue of the said recited Act, so far as relates to the Road hereby directed to be repaired or amended, or 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 sell and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, and to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment, against any Person or Persons who shall steal, break down, damage, take away, injure, or spoil any such Turnpikes, Toll Gates, Toll Houses, Fences, Rails, Milestones, Tables of Tolls, Posts, Conveniences, Appurtenances, Materials, or Articles, or disturb them the said Trustees, or their Agent or Servant, in the Possession thereof; in all which Actions or Bills of Indictment respectively it shall be deemed and taken to be sufficient to state generally that such Turnpikes, Toll Gates, Toll Houses, Fences, Rails, Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment be preferred, is or are the Property of "The Trustees for repairing the Road leading from *Shankhill* in the County of *Kilkenny* to the City of *Waterford*," without particularly stating or specifying the Name or Names of all or any of the said Trustees.

Power to take Tolls.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed under and by virtue of this Act Collector or Collectors as aforesaid, to demand and take or cause to be demanded and taken at the said respective Turnpikes the Tolls following, subject to the Provisions and Restrictions herein-after contained, before any Carriage, Horse, Beast, or Cattle shall be permitted to pass through the same; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Berlin, Landau, Vis-à-vis, Chariot, Chaise, Phaeton, Cabriolet, Calash, Jaunting Car, Gig, Taxed Cart or other Carriage of the like Description, Chair, Caravan, Hearse, and Litter, the Sum of Sixpence Halfpenny:

For every Coach, Waggon, Vehicle, or other Carriage of whatever Description, propelled or drawn by Steam, Gas, Machinery, or any other like Means, any Sum not exceeding Three Shillings:

For every Horse or other Beast 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 Streak or Shoeings respectively, the Sum of Four-pence:

For every Horse or other Beast 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 fastened as aforesaid, the Sum of Sixpence:

For every Horse or other Beast 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 Sixpence:

For every Horse or other Beast 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 or other Beast 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 Shillings:

For every Horse or other Beast 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 every Horse and other Beast 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 or other Beast, laden or unladen, the Sum of Two-pence:

For

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:

And for every Drove of Calves, Sheep, Lambs, or Goats, Two Shillings *per* Score, and so in proportion for any greater or less Number:

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

And for every Millstone, Three Shillings and Nine-pence.

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

XXX. 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.

Toll for Carriages propelled by Steam to be paid each Time.

XXXI. Provided always, and be it further enacted, That the Tolls hereby made payable for or in respect of any Carriage propelled or moved by Steam, Gas, or any other like Means shall be paid every Time of passing and repassing of such Carriage along the said Roads.

Collectors may measure the Dimensions of Wheels.

XXXII. And be it further enacted, That it shall be lawful 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 Car, or other such Carriage, shall be permitted to pass through any Turnpike or Turnpikes erected or to be erected on the said Road.

Trustees to put up a Table of Tolls, &c.

XXXIII. And be it further enacted, That the said Trustees shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at any Toll Gate where Toll is now collected or demanded, within One Calendar Month after the passing of this Act, and at each and every Toll Gate which shall be erected by virtue of this Act, within One Calendar Month after such Toll Gate shall have been erected, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at every such Gate, distinguishing the several Tolls to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated, and also a List of the several Gates which shall be cleared by the Payment of Toll at the Toll Gate or Bar where such Table of Tolls shall be affixed; and in case there shall at any Time or Times be more than One Gate, the said Trustees shall also provide or cause to be provided Tickets denoting the Payment of Toll, and on such several Tickets shall be named and specified the Name of the Gate at which the same respectively shall be delivered, and also the Names of the several Gates freed by such Ticket, One of which Tickets shall be delivered

Tickets denoting Payment of Tolls to be provided and delivered to Persons paying Toll.

delivered *gratis* to the Person paying the Toll, and on the Production of such Ticket at any Gate or Gates therein mentioned to be cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate or Gates therein mentioned without paying any further or additional Toll.

Trustees not to demand Toll but when Board remains affixed.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees to demand or take or cause to be demanded or taken any Tolls for or in respect of any Passenger, Horse, Mule, Ass, or other Beast, at any Toll Gate, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate; Provided always, that if at any Time or Times, and when and so often as such painted Toll Board as aforesaid shall be wilfully or maliciously removed, stolen, taken away, or defaced, then and in each and every such Case it shall and may be lawful for the said Trustees to demand and take or cause to be demanded and taken such Tolls as are by this Act made payable, in the same Manner as though such painted Toll Board had not been so wilfully and maliciously removed, stolen, taken away, or defaced as aforesaid; and the said Trustees are hereby required, within Twenty Days from the Time that such painted Toll Board shall have been so wilfully or maliciously removed, stolen, taken away, or defaced as aforesaid, to replace and put up or cause to be replaced and put up at such Gate or Gates where such painted Toll Boards shall have been so wilfully or maliciously removed, stolen, taken away, or defaced as aforesaid, such a painted Toll Board as is herein-before required by this Act to be put up.

Tolls vested in Trustees.

XXXV. And be it further enacted, That the said Tolls shall be and they are hereby declared to be vested in the said Trustees; and the said respective Sums herein respectively granted or made payable shall be demanded and taken in the Name of and as Toll by such Person or Persons as the said Trustees shall from Time to Time authorize and appoint to receive the same; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Person or Persons authorized to receive the same, neglect or refuse to make Payment thereof or any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized to seize and distrain any Horse, Cattle, or Beast upon which any Toll by this Act is imposed, or any Carriage in which the same shall be drawing, or the Loading, Harness, and Accoutrements of any such Horse, Cattle, or Beast (except the Bridle or Reins separate from such Horse or Beast), or any of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Distress, and of keeping the same, shall not be paid within the Space of Five Days next after the Day of making such Distress, the Person or Persons so distraining shall and may, at any Time or Times thereafter, sell by public Auction (Notice in Writing of such intended Sale having been affixed at the Toll Gate where such Distress was made, and at the Two nearest Toll Gates on the said Road, Two Days at least before such Sale,) the Horse, Cattle, Beast, Carriage,

Carriage, Goods, and Chattels so distrained, and out of the Money which shall arise by such Sale pay or retain such Tolls, and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold, if any, upon Demand, to the Owner or Owners thereof.

For settling Disputes concerning Tolls.

XXXVI. And be it further enacted, That in case any Dispute shall happen respecting the demanding or taking or the Payment of Toll, or the Amount of Toll, or the Charges of keeping or selling any Distress, then and in every such Case such Dispute shall be heard and determined by any Justice or Justices of the Peace for the County, City, or Place in which the Cause of Dispute shall arise, who, upon Application made to him or them for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses (which Oath every such Justice or Justices is or are hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in dispute between the Parties relative to the said Tolls or Distress or Sale, and may also award such Costs to be paid by either Party to the other as to such Justice or Justices shall seem reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons directed to pay the same, by Warrant under the Hand and Seal of such Justice or Justices (which Warrant every such Justice or Justices is or are hereby empowered to issue); and the Overplus, if any, after the Payment of the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Collectors competent Witnesses.

XXXVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, shall not be incompetent, on account of his or their being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

No more than One Toll to be demanded in one Day.

XXXVIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to enable any Collector of the said Tolls to demand or take more than One Toll in any One Day (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) for or in respect of the same 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, on the Production of a Ticket denoting that such Toll hath been paid on such Part of the said Road on 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.

Stage Coaches, &c. to pay each Time of passing;

XXXIX. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or other Beast drawing any Stage Coach, Caravan, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, for each Time of passing or repassing along the said Road: Provided nevertheless, that no further or additional Toll shall be payable in respect of the Horses or other Beasts drawing any such Stage Coach, Caravan, Stage Waggon, or other Stage Carriage, on account only of the Horses or other Beasts drawing the same having been changed.

Post Chaises on every fresh Hiring.

XL. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or other Beast let out to Hire or otherwise, or drawing any Post Chaise, Jaunting Car, or other Carriage, for each Time of passing or repassing along the said Road whenever any fresh Hiring thereof shall take place.

Penalty on evading Tolls.

XLI. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, or Beast upon which any Tolls by this Act are imposed, pass through any Land or Ground within the Distance of One Mile from any Toll Gate or Turnpike which shall be erected by virtue of this Act, the same not being a public Road, and such Person not being the Owner or Occupier, or Servant or One of the Family of the Owner or Occupier, of such Land or Ground; or if any Owner or Occupier of such Land or Ground shall knowingly permit or suffer any Person or Persons, except as aforesaid, with any Horse, Beast, or other Cattle, to pass throguh the same, whereby Payment of any of the said Tolls, or any Part or Parts thereof, shall be evaded; or if any Person or Persons shall give to or receive from any Person or Persons other than a Collector of the said Tolls any Ticket by this Act directed to be given by a Collector of the said Tolls, or shall forge or counterfeit any such Ticket, or shall forcibly pass through any such Toll Gate or Turnpike as aforesaid with any Horse, Cattle, or Beast, or shall at any Time or Times take off or cause to be taken off any Horse, Cattle, or Beast from any Carriage, whereby the Payment of the said Tolls, or any Part or Parts thereof, shall be evaded; or if any Person or Persons shall leave or cause to be left upon or near to any Part of the said Road any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or of any Part or Parts thereof, or with such an Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage; every Person so offending in any of the Cases aforesaid, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted; one Moiety whereof shall be paid to the Informer or Informers, and the other Moiety thereof to the Treasurer of the said Road, to be applied for the Purposes of this Act.

Exemptions from Tolls.

XLII. And be it further enacted, That no Tolls shall be demanded or taken for any Horses or Carriages belonging to His Majesty, or attending any of the Royal Family, or returning after having so attended; or for any Horse, Ox, or other Beast drawing any Carriage employed in carrying or conveying Stones, Bricks, Lime,

Lime, Timber Trees, Wood, Gravel, or other Materials for making or repairing any Bridge thereon, or any of the Highways in the several Parishes, Town Lands, or Districts through which the said Road shall pass; or Hay, or Corn in the Straw, or Potatoes, the Produce of Lands lying within the respective Parishes, Town Lands, or Districts aforesaid, to be laid up or consumed in the Houses, Outoffices, Barns, or Yards of the Owners thereof, and not for Sale; or Limestone or Lime, or other Manure, to be used for the Improvement of Lands; nor when returning unladen after the carrying or conveying any such Materials; nor shall any of the Tolls hereby granted be demanded or taken for any Horse, Ox, or other Beast drawing or not drawing, and employed only in carrying or conveying any Ploughs, Harrows, or other Implements of Husbandry; nor for any Horses, Beasts, or other Cattle when going to or returning from being shod or farried, or to or from Work in cultivating the Lands or Grounds within the same Parishes, Town Lands, or Districts, or going to or returning from Pasture or Watering Places, provided that such last-mentioned Exemption shall only extend to such Cattle as shall not pass upon the same Road more than Two Miles in going to or returning from Water or Pasture; nor shall any of the Tolls hereby granted be demanded or taken for any Horse, Ox, or other Beast which shall only cross such Road, and shall not pass above One hundred Yards thereon; nor for any Horses or Carriages which shall be employed solely in conveying any Mail or Packet made up under the Authority or Direction of His Majesty's Postmaster General or his Deputies; nor for any Horses belonging to Officers or Soldiers upon their March or upon Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of such Officers or Soldiers, or carrying any wounded, sick, or disabled Officers or Soldiers, or returning empty after having been so employed, provided such Horses, Cattle, or Carriages shall return empty within the same Days; 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 Commissariat or other public Stores of or belonging to His Majesty, or to and for the Use of His Majesty's Forces; nor for any Horse furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, rode by them, nor Carriages conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person or Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; nor for any Horse or Carriage used by or conveying any Constable or Policeman, or any Magistrate commanding and accompanying such Constable or Policeman, provided that such Horse or Carriage be used by such Magistrate, Constable, or Policeman while on Duty, and that such Constable or Policeman be dressed in his proper Uniform and Accoutrements at the Time of claiming such Exemption as aforesaid; nor for any Horse, Cart, or Carriage employed only in carrying or conveying any Vagrant or Prisoner sent by legal Warrants; nor for any Horses or Carriages carrying or conveying

veying any Person or Persons going to or returning from voting at any Election for a Knight or Knights of the Shire to serve in Parliament for the said County of *Waterford*, or of a Knight or Knights of the Shire to serve in Parliament for the said County 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 and be concluded; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, or of any other of the Exemptions from the Toll herein contained, not being entitled to the same, or if any Person claiming Exemptions from the Payments of the Tolls hereby granted, or any Part thereof, shall refuse or decline to tell his or her Place of Residence to the Collector or Collectors at any Gate or Gates at which such Exemptions shall be claimed, or shall give a false Name or Place of Residence, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Twenty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Tolls may be let for any Term not exceeding One Year.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby enabled at any Meeting, having had Fourteen Days previous Notice thereof inserted in some one Newspaper published in the said Cities of *Kilkenny* and *Waterford*, from Time to Time to lease and demise all or any of the Tolls to be collected by virtue of this Act, and all or any of the Toll Houses, Conveniences, and Appurtenances thereto belonging, for any Time not exceeding One Year, upon public Bidding, to the highest Bidder, and for the best Rent or Price that can be gotten for the same, payable at such Times and in such Manner, and with, under, and subject to such Covenants, Conditions, and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit; and at such Letting the Trustees present shall have and be entitled to One or more Biddings for the Tolls, either by themselves, or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter when the said Tolls shall be put up to Auction there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm all or any of such Tolls at the best Rent that can be reasonably gotten for the same; provided that the Leases, Contracts, or Agreements for the same be in Writing, and be duly executed by the Lessee or Lessees, Farmer or Farmers of such Tolls, and also by any Five or more of the said Trustees, and that the said Trustees have a Counterpart or Counterparts of such Lease or Leases, and take such other sufficient Security for Payment of the Rents to be reserved by and for the Performance of the Covenants to be contained in such Lease or Leases, as the said Trustees or any Five or more of them shall think proper.

Lessee invested with Power to collect Tolls.

XLIV. And be it further enacted, That during such Time as the said Tolls or any Part or Parts thereof shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful

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 by this Act invested with; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

For preventing Misconduct of Toll Collectors.

XLV. And be it further enacted, That each and every Toll Collector, being Lessee of the Tolls authorized to be collected upon the said Road, or appointed or continued either by the said Trustees respectively or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike or Toll Gate erected or to be erected by virtue of this Act, shall and he or she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately on his or her coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and shall continue the same so placed during the whole Term he or she shall be on Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take or cause to be demanded or taken any Toll not authorized to be taken by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take or cause to be demanded and taken a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer or shall in any way hinder any Person or Persons from reading such Christian or Surname as aforesaid, or shall refuse to tell his or her Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and having named and specified thereon the several Gates freed by such Payment, or shall unnecessarily detain any Passenger or Passengers, or shall make use of any abusive Language to any Trustee, Traveller, Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Enabling Trustees to take Possession of Toll Houses, in case of Non-performance of the Terms of the Lease.

XLVI. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear for the Space of Ten Days next after any of the said Days on which the same ought to be paid pursuant to the Terms of the Agreement for the demising or letting thereof, or in case such Lease or Agreement shall in any other Manner become void, then and in either or any of such Cases it shall and may be lawful for any Justice of the Peace for the County, City, or Place where the Toll Gate or Toll House shall be situate, and he is hereby required, upon Application made to him by the said Trustees, or their Clerk or Clerks, Treasurer or Treasurers, or any other Person or Persons authorized by Writing under the Hand and Seal or Hands and Seals of such Clerk or Clerks, Treasurer or Treasurers respectively, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any or every such Toll House or Toll Houses, Toll Gate, Bar, or Chain, and the Buildings, Gates, and Appurtenances thereunto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls, and also any other Person or Persons residing thereat respectively, from the Possession thereof, and from the Collection of such Tolls, and to put the Trustees or any Person acting by or under their Authority into the Possession thereof; and thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Demise of the said Tolls, or the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part,) as if such Demise or Agreement had never been made; and in that Case, or in case the Lease and Agreement shall otherwise become void, it shall and may be lawful for the said Trustees in every such Case to demise and let to farm the said Tolls again to any other Person or Persons, or cause them to be collected, in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Tolls may be compounded for.

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

Trustees may enter into Contracts.

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to

to enter into any Contract or Contracts for the repairing and amending of the said Road or of any Part or Parts thereof, or for furnishing Materials, or for any Purpose relative to the Execution of this Act; but no such Contract or Contracts shall be entered into save and except Three Days Notice at the least shall have been given previous to the entering into the same, in Two Newspapers published in the said City of *Kilkenny*, expressing the Purpose or Purposes of such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered to the said Trustees at a certain Time and Place in such Notice to be mentioned; and the said Trustees shall and they are hereby required to take Security from every such Contractor for the due Performance of his, her, or their Contract; and every such Contract shall be signed by Five of the said Trustees, and by the Person or Persons contracting to perform such Works respectively; which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk of the said Trustees: Provided always, that no such Contract or Contracts shall be deemed good, valid, or effectual if the same shall have been made for a longer Space than One Year from the Time of entering into such Contract or Contracts.

Contracts not to be made for more than One Year.

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

Trustees may compound for Breach of Contract.

L. Provided always, and be it further enacted, That all and every Sum and Sums of Money due and owing to the Trustees acting by virtue of the said recited Act, so far as the same relates to the Road hereby directed to be amended, widened, and repaired, shall and may be recovered by the Trustees acting by virtue of this Act, by such Ways and Means, and in such and the like Manner, as any Sum or Sums due and owing or to grow due and owing to the said Trustees acting by virtue of this Act can or may be recovered.

Debts due under former Acts may be recovered by Trustees.

LI. 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 be lawful 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 judge necessary for the Purposes of this Act, not exceeding the Sum of One thousand Pounds, 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 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,

Trustees may borrow Money.

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 quarterly Payments at the Dwelling House of the Treasurer to the Trustees for the Time being; all which Assignments shall be in the Words or to the Effect following; (that is to say,)

Form of Assignment.

'BY virtue of an Act passed in the Second Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], we whose Names are hereunto subscribed (being Trustees acting in the Execution of the said Act), in consideration of the Sum of to the Treasurer of the said Road in hand paid by *A. B.*, do hereby grant, bargain, sell, and demise unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and also of the Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum charged or advanced, or which may at any Time be charged and 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'

And every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, or Assigns, to the Payment of the Principal Sum of Money thereby secured, and of Interest for the same, until the said Principal Sum of Money be repaid, and to all Profits and Advantages thereon, according to the true Intent and Meaning of this Act, and as so expressed in such Security; and Copies of all such Securities shall be entered in a Book or Books, to be kept for that Purpose by the Clerk to the said Trustees; which Book or Books may at all seasonable Times be perused and inspected without Fee or Reward; and it shall be lawful for all and every Person and Persons to whom any Security shall be made as aforesaid, his, her, and their Executors and Administrators respectively, by Writing or Writings under their respective Hands and Seals, to assign and transfer his, her, and their Right, Title, and Interest in and to such Security, and the Principal Money and Interest secured thereby, to any other Person or Persons; which Assignment and Transfer may be made by Indorsement in the Form or in Words to the Effect following; (that is to say,)

Securities may be transferred.

Form of Transfer.

'I do transfer this Security unto his, *or* her, *or* their Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord'

And every such Transfer shall be produced and notified to the Clerk of the said Trustees within Two Calendar Months next after the Date thereof, who shall cause an Entry or Memorial to be made thereof,

Notice of Transfers to be given to the Clerk.

thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred in the said Book or Books to be kept for entering the said original Assignments to be made by virtue of this Act, and for which Entry the Clerk who shall enter the same shall be paid Five Shillings 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 (as well as such Assignments made by virtue of the said recited Act, so far as the same relates to the Road to be amended, widened, or repaired by virtue of this Act) 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 Priority of 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 Two Newspapers published in the said City of *Kilkenny*.

Notice to be given previously to borrowing Money.

LII. And be it further enacted, That in case the Trustees shall at any Time or Times be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the said Road, where all Interest thereon shall have been duly paid or otherwise satisfied, it shall and may be lawful for them, at any Meeting to be holden according to the Directions of this Act, if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of the said Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, or to any of the Creditors, with the Consent of all the other Creditors.

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

LIII. And be it further enacted, That if any Mortgagee or Mortgagees of any Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings on the said Road shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Premises *pari passu* and in proportion to the several Sums which may be due to them as such Mortgagees.

An Action of Ejectment may be supported by One Mortgagee.

Application of Tolls and Monies borrowed.

LIV. And be it further enacted, That all the Monies which shall arise and be produced from the Tolls by this Act granted, together with the Monies which shall from Time to Time be borrowed in pursuance of this Act, and all other Monies which have arisen and been produced, and shall arise and be produced by virtue of the said recited Act, and also by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and shall be applied to and for the several Uses, Intents, and Purposes, and in Order and Manner following; (that is to say,) in the first place, in Payment of the Costs, Charges, and Expences of preparing and passing this Act; in the second place, in paying the Interest accruing upon the several Principal Sums of Money due and owing on the Credit of the Tolls collected and to be collected on the said Road by virtue of the said recited Act, and of the several Sums of Money which shall be due and owing on the several Securities made in pursuance of this Act; in the third place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and of repairing, widening, and amending the said Road, and of erecting and maintaining necessary and convenient Bridges upon the said Road, and of executing the several other Powers and Purposes of this Act; and, lastly, in reducing, paying off, and discharging the several Principal Sums for the Time being due on such Securities as aforesaid.

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

LV. And be it further enacted, That it shall be lawful 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 intended to be repaired and improved by this Act, and that any Variation of Road may be made of any Width, not exceeding One hundred 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 Clerk, 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, or Hereditaments, for the Purchase thereof, 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, or 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 and 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 Manner as the old Road was and ought to have been kept in repair.

Trustees may apply to Grand Juries for a Presentment to alter, &c.

LVI. And be it further enacted, That it shall be lawful for the said Trustees to give Notice Three several Times in some One or more of the Newspapers published in the City of *Kilkenny*, and also in the *Dublin Gazette*, that Application is intended to be made at the ensuing Assizes to be held for the County of *Kilkenny*, and to the Grand Jury of the same, for a Presentment of Two hundred Pounds to widen, alter, and repair the said Road hereby intended to be repaired and amended; and upon such Notices being given the said Grand Jury of the said County of *Kilkenny* shall and may and is hereby empowered at such Assizes to present the said Sum of Two hundred Pounds respectively to the said Trustees; and it shall then be lawful for any Owner or Occupier of Ground into, through, over, or upon which any Part of the said Road is to be altered or widened, to traverse the same for Damages only at such Assizes aforesaid; and such Traverse shall be tried at the same Assizes, and the Jury then and there impannelled to try the same shall true Verdict give whether any and what Damages shall thereby accrue to the Traverser; and upon the Damage so found being paid to the Traverser, or deposited with the Treasurer of the said County of *Kilkenny* for the Use of the said Traverser, it shall be lawful for the said Trustees to proceed in the Execution of said Presentment without Interruption from any Person or Persons whatsoever; and it shall be lawful for the said Grand Jury and it is hereby empowered to present such Sum or Sums of Money so found as Damages to be raised off the County of *Kilkenny*, in which the Traverser shall have made it appear that he or she has sustained the Damage; to which Presentment no Traverse shall be allowed or received.

Trustees may purchase for the Purpose of widening Roads, making Toll Houses, &c. and Corporations, &c. may sell.

LVII. And be it further enacted, That it shall be lawful for the said Trustees to treat, contract, and agree with the Owners and Persons interested in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which it may be necessary to purchase for widening, diverting, altering, and improving the said Road, and also for making all necessary Fences on the Side of the said Road respectively, and for the Erection of Toll Houses, with necessary Accommodations thereto, for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful to and for all Bodies Politic or 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, or any Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether

Femes

Femes Covert, Infants or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every other Person and Persons whomsoever who are or shall be seised of or interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or who shall sustain any Damage as aforesaid, to sell, and convey by Conveyance, Lease and Release, or Bargain and Sale inrolled, unto the said Trustees, all or any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purpose aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be good, valid, and effectual, to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, and Interests whatsoever, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons shall be and they are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

In case of Persons refusing to treat, or not agreeing, a Jury to settle the Recompence.

LVIII. 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, Tenants for Life or in Tail, General or Special, or for Years determinable on any Life or Lives, or any Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or Administrators, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, shall, for the Space of Twenty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained upon the Oaths of a Jury of Twelve indifferent Men of the County or Place wherever such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie, and which Oaths the said Trustees, or any Two or more of them, are hereby empowered to administer; and in order thereto the said Trustees, or any Two or more of them, are hereby empowered and required, from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises, which Oath the said Trustees, or any Two or more of them, are and is hereby empowered to administer; and such Trustees shall, by ordering a View

View or otherwise, use all lawful Ways and Means as well for their own Use as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the Owner or other Persons interested, according to the Verdict or Inquisition of such Jury; and such Verdict or Inquisition, and Judgment, Order, and Determination, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Succeessors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, General or Special, or for Years determinable on any Life or Lives, as well as all and every Person and Persons whatsoever.

Trustees may issue Warrants to impannel a Jury.

LIX. And be it further enacted, That for summoning and returning such Juries the said Trustees are hereby empowered to issue their Warrant or Warrants, signed by any Five or more of them, to the Sheriff or Sheriffs of the County or of the County of the City wherein such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie, commanding them or him to impannel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff or Sheriffs, or their or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purpose aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff or Sheriffs, or their or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured 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 in *Dublin* is or shall be by Law entitled to; and the said Trustees acting in the Premises are hereby empowered from Time to Time to impose any reasonable Fine or Fines upon such Sheriff or Sheriffs, or their or his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who without sufficient Excuse shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury shall without sufficient Excuse refuse or neglect to appear, or appearing shall

Fines on Sheriffs, Jury, and Witnesses for Default.

refuse to be sworn and examined or to give Evidence, so that no Fine be more than Ten Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person, for more than One Offence.

How Expences of Jury and of Witnesses to be borne.

LX. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act shall give in a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken by or on behalf of the said Trustees for the Purchase Money of any such old Road as aforesaid, then and in every such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, after having been ascertained and settled by some Justice of the Peace for the County or Place where the Cause of Dispute shall arise, not interested in the Matter in question, who is hereby authorized to examine and settle the same, shall be borne and paid by the Treasurer or Treasurers to the said Trustees out of any Money which shall then be in his or their Hands, or out of any Monies to be received by virtue of this Act; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by or on behalf of the said Trustees before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or Losses or Damages as aforesaid, or for the same or any more Money than shall have been offered to be accepted or taken by the said Trustees as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne or 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 for the County or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question, 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 and Tender of the whole Sum or Sums so assessed and damaged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by

the Clerk 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.

Money assessed for Lands, &c. to be paid by the Trustees to the Parties entitled thereto, or into the Bank, and thereupon the Premises shall vest in the Trustees.

LXI. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid out of any Monies in the Hands of the said Trustees, or out of the Tolls granted by this Act for making and repairing the said Road, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties or Person or Persons respectively entitled thereto, or to their Agents, or into the Bank of *Ireland*, in manner by this Act directed (as the Case may be); and upon such Payment to such Parties or Persons, or their Agents, or into the Bank of *Ireland*, and after Thirty Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands, Tenements, Hereditaments, and Premises, then such Lands, Tenements, Hereditaments, and Premises respectively shall be vested in such Trustees, and shall and may be taken and used for the Purposes of this Act; and such Lands, and the Site of such Lands, Tenements, Hereditaments, and Premises, shall be laid into and made Part of the said Road, in such Manner as the said Trustees shall direct, and shall be repaired and kept in repair by the said Trustees by the same Ways and Means as any other Part of the Road under their Management is or ought to be kept in repair; and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands, Tenements, and Hereditaments.

Houses, &c. not to be injured without Consent.

LXII. Provided always, and be it further 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 Field or Place, so as that the Wall or Walls of the said Field or Place be of the Height of Five Feet or more, 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.

Trustees not to deviate more than 100 Yards from present Line.

LXIII. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, or altering the Course or Path of any Part or Parts of the said Road, to deviate more than One hundred Yards from the present Line or Course of the said Roads, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands or Grounds which may be affected by any such Diversion or Alteration.

Application of Compensation if amounting to 200*l.*

LXIV. 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, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased,

purchased, taken, or used, by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, or Administrator, Husband, Guardian, Committee, or other Trustees for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or Cestuique Trust, or to any other Person or Persons whose Lands, Houses, Buildings, Tenements, Hereditaments, and Premises are limited in strict or other Settlement, or to any Person or Persons under any other Disability or Incapacity whatever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the High Court of Chancery in *Ireland*, to be placed to his Account *ex parte* the Trustees for carrying this Act into execution; to the Intent that such Money shall be applicable, 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, Houses, Buildings, Tenements, Hereditaments, and Premises, in or towards the Discharge of any Debt or Debts, or such Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or affecting other Lands, Tenements, and Hereditaments standing settled therewith to the same or to the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Houses, Buildings, Tenements, and Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, Hereditaments, and Premises which shall be so purchased, taken, or used as aforesaid stood settled and limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by the 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 meantime and until the said Government Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interests and annual Produce of the said 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, Houses, Buildings, Tenements, Hereditaments, and Premises so to be purchased in case such Purchase or Settlement were made.

When less than 200*l.*, and not less than 20*l.*

LXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Houses, Buildings, Hereditaments, and Premises to be purchased, taken, or used for the Purpose aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid,

said, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in 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, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *Ireland*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for carrying this Act into execution (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 Produce and Dividends arising thereon and therefrom, may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction and Approbation of the said High Court of Chancery.

When less than 20*l.*

LXVI. Provided also, and be it further enacted, That where such Money so agreed and awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, and used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled thereto.

In case of not making out a good Title, &c.

LXVII. 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, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used under and by virtue of the Powers 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 the 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 any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises be not known or discovered, then and in every such Case it shall be lawful for the said Trustees 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 there to the Credit of the Parties interested in the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, (describing them,) subject to the Order, Controul, and Disposition of the said High Court of Chancery;

cery; which said Court, on the Application of any Person or Persons making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or the 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 appear 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 the same, mentioning and specifying therein for what and for whose Use the said Sum or Sums of Money is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank of *Ireland* aforesaid.

Persons in Possession to be deemed entitled.

LXVIII. And be it further enacted, That where any Question shall arise touching the Title of a 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 High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or of any Estate, Right, or Interest in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Government 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 any such Lands, Houses, Buildings, Hereditaments, and Premises 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, Houses, Buildings, Tenements, Hereditaments, and Premises according to such Possession, until the contrary shall be shown to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Government Securities to be purchased with such Money, 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, Houses, Buildings, Tenements, Hereditaments, and Premises, or some Estate or Interest therein.

Court may order reasonable Expences of Purchases in certain Cases.

LXIX. 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, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used 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, Houses, Buildings, Tenements, Hereditaments, and Premises, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said High 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 the said Expences as to the said

Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, 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.

Power of Grand Juries not to be affected.

LXX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away from Grand Juries the Power or the Obligations to repair any Part of the Road to which this Act is specially applicable, but that it shall and may be lawful for the Grand Juries of the Counties of *Kilkenny* and *Waterford* and they are hereby required to present from Time to Time such Sums, to be levied on the Counties at large, as shall appear to be necessary, in consequence of a Deficiency in the Tolls, for repairing any Part of the said Road, or for making or repairing the Bridges, Quays, Walls, Pipes, and Gutters thereon, or the Footpaths thereto, and also for repairing such Parts of the old Road as now are or shall be used as a public Road, although a Turnpike or Turnpikes may be erected thereon, provided it shall appear that the Receipts of such Turnpike or Turnpikes are not sufficient for defraying the Expence of such Repairs; such Presentment and Presentments to be made on the like Applications, and subject to the like Inquiries, Conditions, and Forms for accounting, as are ordained and required by the Acts now in force for making and repairing of Roads.

For getting Materials to repair the Road.

LXXI. And be it further enacted, That it shall and may be lawful for the said Trustees, their Surveyor or Surveyors, and for all such Persons as they shall respectively appoint, to search for, cut, dig, gather, and take away any Materials for making or repairing the said Road, or for other the Purpose of this Act, out of any Common or Waste Ground, River or Brook, in any Parish, Townland, or Place in or near which any Part of the said Road may lie, or in any adjoining Parish, Townland, or Place, without paying any thing for the same, and without being deemed a Trespasser or Trespassers; the said Surveyor or Surveyors or other Person or Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be so taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and such Surveyor or other Person 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, or other Person or Persons, 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, and Grounds not being a Garden, walled-in Orchard, Yard, Deer Park, or Paddock or Field, inclosed with a Wall made of Lime Mortar, Stone or Brick, of the Height of Five Feet at least, Walk or Walks or Avenue to a House, or any Piece of Ground planted or set apart as a Nursery for Trees,) making or tendering such Satisfaction for such Materials, as well as for the Damages done to the Soil thereby, to the Owners and Occupiers

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 repairing the said Road shall be carried, according to their respective Rights and Interests in the said 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 Two 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 Application made to them for the Purpose, and Three Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payment and Damages; and the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

Notice to be given to Occupiers of enclosed Lands before Materials are taken.

LXXII. 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 Land or Grounds until Three Days 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 any Two or more Justices of the Peace acting for the County, City, or Place where such Premises shall lie, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, then and in such Case 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, without sufficient Excuse, 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.

Power to contract for Lands to get Materials.

LXXIII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to contract and agree with any Person or Persons whomsoever for the Purchase or Demise, from him, her, or them, of any Land or Ground, and to hold the same for the Purpose of digging Stones, Gravel, and Materials therefrom for the Repair and Use of the said Road, and at any Time afterwards to sell the Land or Ground so purchased by public Auction or Tender; provided also, that the entering into any such Contract or Agreement as last aforesaid shall not be compulsory against any Person or Persons unwilling to enter into the same.

Penalty on taking away Materials

LXXIV. And be it further enacted, That if any Person or Persons whomsoever shall remove or take away any Stones or Gravel or

or other Materials laid upon the said Road for the Repair thereof, without the Order of the said Trustees, or their Surveyor or Surveyors, Contractor or Contractors, for that Purpose, or if any Person or Persons whomsoever shall take away any Stones or Gravel or other Materials which shall have been dug or gathered by or by the Order of the said Trustees, or their Surveyor or Surveyors, in any Lands, Fields, Grounds, Rivers, or Brook, for the Purpose of altering or amending the said Road, or any Part or Parts thereof, or shall get or take away any Stone, Gravel, or Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for altering or amending the said Road or any Part thereof, before the said Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein for the Space of 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, her, or their own private Use only, and not for Sale,) every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds, to be recovered by the Surveyor or Surveyors of the said Road, or by the Treasurer or Treasurers, Clerk or Clerks of the said Trustees, by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures.

provided for the Road.

LXXV. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered to purchase or rent any Piece or Pieces of Ground not exceeding in any One Place Ten Yards square, on the Side or Sides of such Road, as Repositories for Stone, Gravel, and other Materials for making and repairing the same; and in case any Difference shall arise between the Trustees and the Owner or Owners of such Ground with respect to the Value thereof, or the Necessity or Propriety of taking such Ground, the same shall be determined by any Two of His Majesty's Justices of the Peace for the said County of *Kilkenny*, assembled in Petty Sessions, according as the said Ground shall be situated, in manner herein-before directed with respect to getting Materials for the Repair of the said Road.

Repositories for Materials to be provided.

LXXVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, 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 or Grounds adjoining to any narrow or ruinous Part or Parts of the said Road, (not being a Garden, walled-in Orchard, Yard, Park, 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 and 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

Surveyor to make Drains, &c.

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.

In case of Nonpayment of Compensation for Damage, &c. the same to be levied by Distress of the Goods vested in the Trustees or their Treasurer.

LXXVII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, as or by Way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and all the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Penalty for erecting Encroachments on the Sides of the Road.

LXXVIII. And be it further enacted, That if any Person shall encroach upon the said Road, by making or causing to be made any Dwelling House or other Building within Forty Feet of the Centre thereof, or any Hedge, Ditch, or other Fence on or at the Sides of the

the said Road, so as to reduce the Breadth or confine the Limits thereof, or shall make any Drain, Gutter, Sink, or Watercourse across or otherwise break up or injure the Surface of the said Road or any Part thereof, or shall place any Sluice or Dam in any Brook or Watercourse, whereby the said Road or any Part thereof shall be flooded or injured, every Person so offending shall forfeit for every such Offence the Sum of Forty Shillings to such Person as shall give Information of the same; and it shall be lawful for the said Trustees to cause such Dwelling Houses, Buildings, Hedges, Fences, Sluices, or Dams to be taken down, and such Ditches, Drains, Sinks, or Watercourses to be filled up, at the Expence of the Person or Persons to whom the same shall belong; and it shall be lawful for any One or more Justice or Justices of the Peace for the County, City, or Place where such Offence shall be committed, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, Fences, and Dams, and filling up of the Ditches and Drains aforesaid, as the Penalty hereby imposed, by the Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus, if any, to the Owner, on Demand.

For removing Annoyances and Nuisances.

LXXIX. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to pull down and remove any Windmill or Windmills which shall after the passing of this Act be erected within Three hundred Feet of the Centre of any Part of the said Road, and to remove and prevent all Annoyances of Timber, Stone, Carriages, Cars, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things being laid on any Part of the said Road, or upon Open, Common, or Waste Land within Fifty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Road, in case the Owners thereof shall neglect to remove the same within Twenty-four Hours after Notice in Writing, signed by any Two Trustees or their Surveyor, or given to such Owner, or left at his last or usual Place of Residence, for that Purpose, or in case the Owner is not known, then after a like Notice affixed for Three Days on the nearest Turnpike Gate; and to turn any Watercourse, Sinks, or Drains running along, into, or out of the said Road to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining or near thereto, and to make the same as deep and as large as he or they shall think necessary; and to cut down or lop any Branches, Shrubs, or Bushes growing on or over the said Road, or in the Hedges or Banks adjacent thereto respectively, at proper Seasons of the Year, and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Eight Feet; in case the Owners or Occupiers of the Premises shall, for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop, top, cut down, or remove such Branches, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, in such Manner as the said Trustees, or the Surveyor or Surveyors, shall require; and the Charges thereof,

thereof, and of removing any Annoyances, (to be settled by any One or more of His Majesty's Justices of the Peace for the County or City where such Part of the Road shall be,) shall be reimbursed to the said Surveyor by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if after the Removal of any of the said Annoyances any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Cattle straying to be impounded.

LXXX. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind shall at any Time be found tethered or wandering, straying, or lying about the said Road or any Part thereof (except on such Parts as pass through or over any common or waste or uninclosed Ground), it shall be lawful for the Surveyor, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound of the Parish, Townland, or Place where the same shall be found, or in such other Place as the Trustees shall provide for that Purpose, and the said Beasts there to detain until the Owner or Owners thereof shall, for every such Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Two Shillings, together with the reasonable Charges and Expences of impounding and keeping the same, to the Treasurer, Clerk, or Surveyor of the said Road, to be by him applied to the Use of and in aid of the Tolls of the said Road; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, Notice thereof having been first given to the Owner, if known at the Time, or, if not known, by affixing written Notices on the Two next Toll Gates on the Road nearest to the Place where the same shall be impounded, it shall be lawful for any One or more Justices of the Peace of the County or City where the Offence shall have been committed to order any such Horse, Ass, Sheep, Swine, or other Beast or Cattle to be sold, except where it shall be made to appear to such Justice or Justices that the Horse, Ass, Sheep, Swine, or other Beast or Cattle impounded escaped from any Inclosure by any Gate or Fence being wilfully or negligently left open or destroyed by any Person not being Owner or Occupier of such Inclosure, or employed by such Owner and Occupier, in which Case such Justice or Justices may remit the Penalty; and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been; and in case the Owner thereof shall not be known, and no Application shall be made for the Money arising from such Sale within Twenty-one Days after such Sale shall have taken place, the said Money shall be applied, after deducting the said Charges and Expences, in the same Manner as the said Penalty of Two Shillings is herein-before directed to be applied: Provided always, that no Owner of any Horses, Asses, Sheep, Swine, or other Beasts or Cattle impounded as aforesaid

said shall in any Case pay more than the Sum of Five Pounds, over and above the Charges and Expences of impounding and keeping the same, for any Number of Horses, Asses, Sheep, Swine, or other Beasts or Cattle impounded at one Time.

Punishment of Persons guilty of Pound Breach.

LXXXI. And be it further enacted, That in case any Person or Persons shall rescue or release, or attempt to rescue or release, any Cow, Horse, Ass, Swine, or other Beast or Cattle which shall be seized for the Purpose of being impounded, under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County, City, or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One or more credible Witness or Witnesses, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County wherein the said Offence shall have been committed, there to remain without Bail or Mainprize, and to be kept at hard Labour, for any Time not exceeding Three Calendar Months.

Roads to be measured, and Milestones set up.

LXXXII. And be it further enacted, That the said Trustees shall cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the same at the Distance of One Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distance of Places, as they shall think proper; and also such and so many Direction Posts as they shall judge necessary or proper.

Stopping up certain Ways.

LXXXIII. And whereas the repairing, altering, and improving of the said Road will render useless and unnecessary certain Lanes, Ways, or Footpaths; be it therefore enacted, That it shall be lawful for the said Trustees at any Meeting, and they are hereby authorized, by Order under their Hands and Seals, to stop up and discontinue, at the Expiration of One Calendar Month after the Date of such Order, any of such Lanes, Ways, or Footpaths which may become useless or unnecessary in consequence of repairing, altering, and improving the said Road, and the same shall at the Expiration of such One Calendar Month cease to be common Highways to all Intents and Purposes whatsoever: Provided always, that Notice in Writing of such Order having been made as aforesaid shall be affixed on the Door of the Church of the Parish in which the said Lanes, Ways, or Footpaths shall be for Two *Sundays* next after making such Order, and also inserted in some Newspaper usually circulated in the said County of *Kilkenny*, for the

Purpose of enabling any Person who may be aggrieved by making such Order to appeal against the same, as herein-after provided.

Penalty for injuring the Roads or committing Nuisances.

LXXXIV. And be it further enacted, That if any Person or Persons whomsoever shall wilfully pull up, injure, or damage any of the Posts, Boards, Milestones, or Tables of Tolls, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon, or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp Post, or Lamp Iron set up or affixed by Order of the said Trustees at or near any of the said Turnpike Gates, or in any other Parts of the said Road, or shall cause and procure the same to be done; or if any Person or Persons, in attempting to evade the Payment of any of the aforesaid Tolls, or on any other Occasion, shall pull up, pull down, displace, or damage any Hedge, Wall, Bank, Ditch, Gate, or Stile, or cause the same to be done, or if any Person or Persons shall wilfully pull up, remove, injure, or damage any other Posts, Rails, or Fences now or at any Time hereafter to be placed or put up by Order of the said Trustees or their Surveyor or Surveyors, either by the Side or Sides of the said Road or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of this Act, in order to prevent Accidents, or to protect and preserve any Hedge or Quickset, or any Part or Parts thereof, which the said Trustees shall or may make or plant for the Purposes of this Act, or which by virtue of this Act they are authorized to keep in good Order; or if any Person or Persons shall wilfully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part or Parts thereof, or shall wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches, or otherwise damage any of the Bridges or Arches, now or hereafter to be erected along the said Road, or shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Tree or Piece of Timber, or any Stone, which shall be conveyed upon a Wheel Carriage or Wheel Carriages, to drag upon any Part of such Road to the Prejudice thereof, or shall, without being thereto authorized by the Surveyor or Surveyors for the Time being acting under this Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, or other Materials, Slush, Dirt, Mire, Drift, or Soil from off any Footway or Causeway, being Part of or adjoining to the said Road, or from or off any other Part or Parts of the said Road; or if any Person or Persons shall ride upon or wilfully drive any Waggon, Cart, or other Carriage upon, along, or against any such Footway or Causeway, or any other Way or Ways already made or to be made upon the said Road for the Use of Foot Passengers, or shall wilfully lead, ride, or drive any Horse or other Cattle, Sheep, or any Swine, or any Cart or Carriage thereon, or shall wilfully or carelessly cause any Damage to be done to such Footway or Causeway; or if any Person or Persons driving any Pigs or Swine upon the said Road shall suffer the Swine to root up or damage the said Road, or any Part thereof, or the Fences, Hedges, Banks, or Copse upon either Side thereof; or if any Person or Persons shall wheel any Hurry,

Truck, or Wheelbarrow on any Footway or Causeway adjoining to the said Road, or shall winnow or sieve any Corn within Fifty Feet of the Centre of the said Road, or shall in or upon any Part of the said Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, dress, or cut up any Beast, Sheep, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter-house, Buildings, Butchers Shops or Shambles into the said Road, or shall hoop, fire, cleanse, wash, or scald any Cask or Casks, or bind any Wheels, in any Part or Parts of the said Road, or in any exposed Situations near thereto, or shall hew, saw, or cut, or cause to be hewn, sawn, or cut, any Stone, Wood, Timber, or shall shoe, farry, or bleed any Horse, Mule, or Ass, except in the Case of Accidents, upon any Part of the said Road; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize shall ride on the Shafts or any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, without having Reins to guide the Horse or Horses, Beast or Beasts drawing the same, or on any of the Horses drawing the same, upon any Part of the said Road; or if any Person on Horseback, or driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, or Person on Horseback, shall not keep his Horse or Carriage on his Left or Near Side of the said Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person or Persons shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever upon the said Road, or within Eighty Feet of the Centre thereof, or play at Football, Handball, Bowls, or any other Game upon any Part or Parts of the said Road, to the Annoyance of any Passenger or Passengers; or if any Higgler, Hawker, Pedlar, Tinker, or other Person travelling with any Machine, Vehicle, Cart, or other Carriage, or with or without any Horse, Mule, or Ass, shall pitch any Tent or encamp upon or by the Sides of any Part of the said Road; or if any Blacksmith, or any other Person occupying a Blacksmith's Shop having Windows to the Front of the said Road, shall not, by good and close Shutters every Evening after it becomes Twilight bar and prevent the Light from such Shop shining into the said Road; or if any Person shall carry any Rods or Bars of Iron, Beams of Wood, Basket, Pannier, or other Matter or Thing across the Back of any Horse, Mule, or Ass passing along the said Road, so that the same or any of them shall project beyond the Distance of Twenty Inches on either Side of each Horse, Mule, or Ass; or if any Person shall leave any Waggon, Wain, Cart, or other Carriage longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not during such Time be placed as near to the Side of the said Road as conveniently may be; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart, or other

Carriage

Carriage in going up a Hill or rising Ground, leave or suffer to be or remain on the said Road or any Part thereof the Stone or other Thing with which any such Waggon, Wain, Cart, or other Carriage shall have been blocked or stopped; or if the Driver of any Wain, Cart, or other Carriage shall wilfully or carelessly pull up, break, or damage any Posts or Stones erected or to be erected for the Security of any Footway or Causeway on or adjoining to the said Road, or shall wilfully or carelessly drive the Wheel of any Carriage against the same, or shall lay any Piece of Timber, Packs of Wool, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or any other Matter or Thing whatsoever on any Part of the said Road, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Road, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; or if any Person or Persons shall otherwise wilfully hinder, obstruct, or prevent the free Passage on any of the said Footpaths, or shall lay or place on the Walls or Fences of the said Road, or on the Sides thereof, for any Purpose whatsoever, any Wool, Woollen or Cotton Cloth, Warp, or Linen, or shall hang out or cause to be hanged out any Linen or Clothes upon the Side of the said Road; every such Person shall forfeit and pay, over and above the Damage, if any, occasioned, any Sum not exceeding Forty Shillings for every such Offence, to be levied, recovered, and applied in the same Manner as other Penalties are by this Act directed to be levied, recovered, and applied; and such Offenders shall also pay to the said Trustees or to their Treasurer or Treasurers such Sum of Money as shall be full Satisfaction for the Damage so done, which shall be settled or ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid, and shall and may be levied and recovered in like Manner as other Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied for the Purposes of this Act.

Penalty on obstructing the Execution of this Act.

LXXXV. And be it further enacted, That if any Person shall obstruct, hinder, or molest any of the said Trustees, or any Collectors of the Tolls, Clerk, Surveyor, Workmen, or other Person or Persons whomsoever who is or are employed in carrying this Act into execution, in the Performance of his, her, or their Duty, or of any of the Matters or Things to be done by virtue or in pursuance thereof; or if any Person or Persons, without having been duly elected and qualified as is required in and by this Act, shall exercise any of the Powers or Authorities hereby vested in the said Trustees, their Clerk, or any other Person or Persons appointed by the said Trustees for the Purpose of carrying this Act into execution; every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power of Collectors to detain unknown Persons guilty of Offences.

LXXXVI. 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 be lawful for any of the Trustees, Collectors, Surveyors, or other Persons respectively, or their Assistants, to seize and detain any

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.

Damages and Charges, in case of Disputes, to be settled by Justices.

LXXXVII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid by or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner directed by this Act for the levying of any Penalties or Forfeitures.

Recovery and Application of Penalties.

LXXXVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not otherwise particularly directed,) shall, upon Proof of the Offences respectively before any Justice or Justices of the Peace for the County of the City of *Waterford*, or County of *Kilkenny*, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid and levied (if not otherwise directed to be applied by this Act), shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers of the said Trustees, to be applied for the Purposes of the said Road; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Eight Days from the Time of taking any such Security, and which Security such Justice or Justices is and are hereby empowered to take, by way of Recognizance or otherwise, as to him or them shall seem right and proper; but if upon Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the

Offender or Offenders or otherwise, that he, she, or they hath not nor have Goods and Chattels within the Jurisdiction of such Justice or Justices sufficient whereon to levy all such Penalties and Forfeitures, Costs and Charges, such Justice or Justices may, at his or their Discretion, without issuing any Warrant of Distress, commit the Offender or Offenders to the Common Gaol of the said County of the said City of *Waterford* or County of *Kilkenny*, or to any House of Correction within the same, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months nor less than Ten Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Justices may proceed by Summons in the Recovery of Penalties.

LXXXIX. And be it further enacted, That in all Cases in which any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justices; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was exhibited.

Form of Conviction.

XC. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice and Justices of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect; (that is to say,)

'} to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* [*or* before us *C. D.* and *E. F.*], One [*or* Two, *as the Case may be*,] of His Majesty's Justices of the Peace for the said County [*here specify the Offence, and when and where committed*], contrary to an Act passed in the Second Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*], for which Offence I [*or* we] adjudge the said *A. B.* to have forfeited the Sum of [*or* to be commited to for the Space of]. Given under my Hand and Seal [*or* our Hands and Seals], the Day and Year first above written.'

Appeal to Quarter Sessions.

XCI. 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 in which the Matter of Appeal shall arise within Four Calendar Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Ten 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 Ten Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Securities, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such 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 think proper; and all such Determinations shall be final, binding, and conclusive to all Parties to all Intents and Purposes whatsoever.

Distress not unlawful for Want of Form.

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

Proceedings not to be removed by Certiorari.

XCIII. And be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceedings made 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 by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record in *Dublin*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Penalty on Persons guilty of Perjury.

XCIV. 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 the Execution of this Act, shall wilfully and corruptly give false Evidence touching any Matter or Thing relating to this Act, or shall wilfully or 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 liable to.

Plaintiffs not to recover without

XCV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons

Notice, or after Tender of Amends.

Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made it shall and may be lawful 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 any 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.

XCVI. 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 Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County where such Cause of Action shall arise, and not elsewhere; and if any such Action or Suit shall be brought before Ten Days Notice shall be given, or after sufficient Satisfaction made and 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 his, her, or their Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Public Act.

XCVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Term of Act.

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

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