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GEORGII IV. REGIS.

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Musgrave Baronet, *William Samuel Currey*, Sir *William Jackson Homan* Baronet, *Richard Smyth*, *Robert Power*, *Henry Parker*, *John Musgrave*, *William Howe Hennis*, *William Gun Raul*, *Pierce Hely*, *Thomas Walsh*, *James Ellis Green*, *Samuel Allen*, *Thomas John*, *Thomas John* junior, Reverend *James Hingston*, Reverend *Arthur Hyde*, *Roger Green Davis*, *Joseph Harvey*, *Thomas Harvey*, *William Harvey*, *Abraham Fisher*, *John Green*, *Samuel Green*, *Simon Bagge*, *John Pollock*, *Benjamin Jackson*, *Samuel Allen* junior, *William Andrews Lamb*, *Roger Dartnell*, *Christopher Musgrave*, Reverend *Robert Bell*, *William Feuge*, *James Giles*, *Robert Hitchcock* junior, *Rodolphus Mortimer*, *Henry Browne*, *John Desmond*, *Michael Heffernon*, *John Garde*, *Samuel Merrick*, *John Eustace*, *Alexander Anderson*, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for the Execution of this Act, for making, constructing, and maintaining a Bridge over the said River, at or near the Place aforesaid, with the necessary Avenues, Approaches, and other Works by this Act authorized to be executed, and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Bridge of Stone, Timber, Iron, or other fit Material, across the River *Blackwater*, at or near the Place called *Foxhole* in the Parish of *Saint Mary's Youghal* in the County of *Cork*, to the opposite Side in the Parish of *Clashmore* in the County of *Waterford*, with a Drawbridge for the Passage of Shipping, also a Quay or Quays, Abutments and Moorings for the Convenience and Accommodation of Vessels passing the said Bridge; also to make and maintain One Road of Approach from the present Mail Coach Road in *Muckridge* Townland to the said Bridge, through the Townland of *Youghal*, *Foxhole*, or *Muckridge*, in the Parish of *Saint Mary's Youghal* and County of *Cork* aforesaid; One Road from the said Bridge, along the Slab or Sand of the River *Blackwater*, to the Quay called and known by the Name of *Green's Quay*, to *Catherine Street* in the Parish of *Saint Mary's Youghal* aforesaid; and One Road from the Eastern End of the said Bridge to or near *Pilltown* in the Parish of *Kinsalebeg*, and to *Summnerhill* in the Parish of *Grange* and County of *Waterford* aforesaid, to communicate with the *Clashmore* and the new *Dungarvan* Roads.

Power to make the Bridge, &c.

Bridge to be constructed so as to leave Passage for Ships.

II. And to the Intent that the Navigation of the said River *Blackwater* may receive no Prejudice, be it further enacted, That the Bridge so to be erected or built as aforesaid under the Authority of this Act shall be so constructed and built as that there shall be a Passage for Ships and Vessels to pass up and down the said River by or through the said Bridge, and for that Purpose there shall be in the said Bridge, or adjoining thereto, One or more Lifting or Portcullis Bridge or Bridges of at least Thirty Feet in the Clear in Length, so as to admit of Vessels passing up and down the said River.

Commissioners may make proper Foundations, in the River Blackwater.

III. And be it further enacted, That for the Purposes of this Act the said Commissioners, their Deputies, Servants, Agents, Surveyors, and Workmen, shall be and they are hereby authorized and empowered, for the Purposes aforesaid, to dig and make proper Foundations in the said River *Blackwater* and on the Lands on each Side thereof,

and make Dams in the said River, and cut and level the Banks thereof, and cut, remove, take, and carry away all Trees, Roots of Trees, Beds of Gravel, Sand, Mud, or any other Impediment whatsoever, and do and execute all and every other Things necessary or convenient for building, maintaining, and repairing the said Bridge, and making proper Roads and Approaches thereto as aforesaid; and for the Purpose of erecting, building, maintaining, repairing, and supporting the said Bridge and Approaches thereto, the said Commissioners shall from Time to Time have full Power and Authority to land on either Side of the said River, within Five hundred Yards of the Scite of the said Bridge, all Materials and other Things to be used in and about the same, and there to work and use such Materials and Things as they the said Commissioners and the Persons to be by them appointed shall think proper, doing as little Damage as may be, and making such Satisfaction as herein-after mentioned to the respective Owners and Occupiers of all Lands and Hereditaments which shall be damaged, taken, or used for the Purposes of this Act.

Power to appoint additional Commissioners.

IV. And be it further enacted, That it shall be lawful for the said Commissioners at their First Meeting, to be held as herein directed, or at any subsequent Meeting to be held for that Purpose, (of which subsequent Meeting, and of the Purpose whereof, Ten Days Notice shall be given in One or more of the Newspapers published in the said County of *Cork* and County of *Waterford*,) to elect and appoint any Number of Persons, not exceeding Ten in the whole, to be Commissioners for executing this Act, in addition to the Commissioners hereby appointed; and such Commissioners so to be elected and appointed shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed by this Act.

Qualification of Commissioners.

V. And be it further enacted, That no Person hereafter to be elected shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall, in his own Right or in the Right of his Wife, be possessed of or in the Receipt of the Rents, Issues, and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or possessed of a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Four thousand Pounds above Reprizes, or unless he be Heir Apparent of a Person possessed of or in the Receipt of the Rents, Issues, and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes; and if any Person not qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath herein-after mentioned, or, being a Quaker, not having made and subscribed the Affirmation herein-after mentioned, shall nevertheless presume to act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall inform or sue for the same, the same to be recovered in any of His Majesty's Courts of Record at *Dublin* or elsewhere, by Action of Debt or on the Case, where

where no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person had acted as a Commissioner in the Execution of this Act: Provided always, that all Acts that shall have been done by any such Person touching the Execution of this Act, previous to his being convicted of or a Verdict given against him for the Offence before mentioned, shall, notwithstanding such Conviction or Verdict, be as valid and effectual as if such Person had been duly qualified to Act as a Commissioner according to the Directions of this Act.

Commissioner's Oath.

VI. Provided always, and be it further enacted, That no Person hereafter to be elected shall be capable of acting as a Commissioner in the Execution of this Act (save and except in administering the Oath or Affirmation following to the other Commissioners) until he shall have taken and subscribed the Oath or Affirmation following before any Two or more of the Commissioners, who are hereby authorized to administer the same; (that is to say,)

'I *A. B.* do swear, [*or, being one of the People called Quakers,* do solemnly, sincerely, and truly affirm and declare,] That I am truly and *bonâ fide,* in my own Right or in the Right of my Wife [*as the Case may be*], possessed of, or in the Receipt of the Rents, Issues, and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes [*or* am Heir Apparent of who to the best of my Knowledge and Belief is seised and possessed of, or in the Receipt of the Rents, Issues, and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes, *or* am possessed of a Personal Estate alone, or of a Real and Personal Estate together, to the Amount or Value of Four thousand Pounds after the Payment of all my just Debts]. So help me GOD.'

(*Except that in case of any of the People called Quakers, the Words* 'So help me God' *are to be omitted.*)

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

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

Meetings of Commissioners.

VIII. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act from Time to Time and at all Times hereafter to meet and assemble whensoever and wheresoever within the said Town of *Youghal* they may think proper for any of the Purposes in this Act, and that unless otherwise specially provided all Powers and Authorities by this Act granted to the said Commis-

Commissioners shall and may be exercised by the major Part of the Commissioners who shall attend at any Meeting holden in pursuance of this Act, the whole Number of the Commissioners present at such Meeting not being less than Five; and all the Acts, Orders, and Proceedings of the major Part of such Commissioners present at any such Meeting, for any Purpose whatsoever, shall have the same Force and Effect as if the same were made or done by all the said Commissioners for the Time being; and at every Meeting of the said Commissioners a Chairman shall and may be appointed; and when and as often as it shall happen that there shall be an Equality of Votes on any Question, including the Vote of the Chairman, then and in every such Case the Chairman shall have and he is hereby empowered to give One additional decisive or casting Vote: Provided nevertheless, that if such Chairman so appointed shall leave or quit such Meeting before the Adjournment of the same, then and in such Case the remaining Commissioners present at such Meeting, not being less than Five, shall and may nominate and appoint another Chairman, being a Commissioner present at such Meeting, to replace the said former Chairman, and to preside at such Meeting as aforesaid during the Remainder of the Time of such Meeting, until the same shall be adjourned.

Books for entering Orders and Proceedings of Commissioners to be kept.

IX. And be it further enacted, That the Commissioners for the Execution of this Act shall cause to be provided and kept a proper Book and Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Commissioners as shall be present at the several Meetings; and all Entries in such Books, being signed by the Chairman then present, shall be deemed Originals; and the said Entries, or Copies thereof respectively, duly attested by the Clerk of the said Commissioners for the Time being, and proved to have been compared with the Originals, and to be true Copies respectively, shall be allowed to be read as Evidence in all Causes, Prosecutions, Suits, and Actions, and shall be deemed and taken to be to all Intents and Purposes good Evidence of all Matters required to be inserted therein, and of all Acts and Proceedings of the said Commissioners touching and concerning any thing done in pursuance of this Act, whether the Commissioners under this Act shall be Parties in such Cause, Prosecution, Action, or Suit, or not; and such Books shall, at all Meetings of the said Commissioners, and at all other reasonable Times, be kept open and liable to the Inspection of all and every the Commissioners; and that any of the said Commissioners shall and may have and take Copies thereof.

Commissioners to give Orders for Payment Expences; and to appoint Officers.

X. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time, when and as often as they shall think necessary or expedient, at any such Meeting to give and sign Orders for the Payment of all Expenditures which they shall deem and judge to be necessary for carrying into Execution the Purposes of this Act, and to elect and appoint any Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, Receiver or Receivers, Collector or Collectors, and all such other Officers and Servants as they shall think fit and proper for the Execution of the several

several Matters necessary in the Execution of this Act, and to establish such Salaries and Allowances to be paid to all such Officers and every of them respectively, as to the said Commissioners shall seem fit and reasonable, and the same to increase and diminish from Time to Time as to them shall seem reasonable; and also from Time to Time, as often as it shall appear fit to the Commissioners for the Time being, to remove such Officers or any of them, and to elect such others in their Stead as they shall think fit.

Commissioners not to hold Office or Employment under this Act, or be concerned in Contracts.

XI. And be it further enacted, That no Person who shall be a Commissioner under this Act shall, during the Time he shall be such Commissioner, hold any Place or Office of Profit or Emolument connected with the Execution of this Act, or enter into any Contract with the said Commissioners, or be Surety for any Person contracting with the said Commissioners; and if any Person, being such Commissioner, shall accept any Place or Office under this Act, or shall enter into or be concerned or interested in any Contract, or shall be Surety for any Person contracting with the said Commissioners, such Person shall cease to be a Commissioner from the Time of his Appointment to and acceptance of such Place or Office, or of his entering into or being concerned in such Contract, or becoming Surety for any Person contracting with the said Commissioners, as the Case may be, during the Time he continues to hold such Office or be concerned in any Contract either as Principal or Surety.

Security to be taken from Treasurer.

XII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to take such sufficient Security from their Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officer or Officers to be appointed for the Purposes of this Act, for the due and faithful Execution of their respective Offices, as the said Commissioners shall think fit and proper; and that no such Treasurer, Receiver, Collector, or other Officer shall be permitted to enter upon such their Office respectively until they shall have given such Security.

Treasurer and Clerk not to be the same Person.

XIII. Provided always, and be it further enacted, That it shall not be lawful for any Commissioner 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 Commissioners; 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 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 the 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 at *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Accounts to be kept.

XIV. And be it further enacted, That every Treasurer to be appointed by the said Commissioners shall and he is hereby required and directed to keep distinct Accounts of the Monies by him received and paid for and on account of the said Commissioners, and from Time to Time, by and out of the Monies in his Hands, to pay and discharge all such Sum and Sums of Money as the said Commissioners at any of their Meetings shall from Time to Time direct and appoint.

Officers to account with Commissioners.

XV. And be it further enacted, That every such Treasurer, Clerk, Surveyor, Receiver, Collector, or other Officer so to be appointed, shall, as often as they shall be thereunto required by the said Commissioners, render and deliver to the said Commissioners, or to such Persons as they shall appoint, distinct, true, and perfect Accounts in Writing, signed with their own Hands respectively, of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Person respectively received by virtue of such Appointment, or for or on account of the said Commissioners, and how much thereof hath been paid and applied, and for what Purpose or Purposes, together with proper and legal Receipts and Vouchers for such Payments respectively, and shall pay all such Monies as shall remain due from them respectively to the said Commissioners or to such Person or Persons as they the said Commissioners shall from Time to Time direct and appoint; and if any such Officer or Person so appointed as aforesaid shall not render and deliver, signed with his own Hand, all and every such Statement and Accounts, within a reasonable Time after he shall have been thereunto required as aforesaid, or shall not produce and deliver up the Receipts and Vouchers relating to all Monies received and paid by him or them, or shall not pay the Monies received or in his Hands to such Commissioners or to such Person as the said Commissioners shall direct or appoint, or shall not deliver up to such Commissioners, or to any other Person or Persons whom they shall appoint, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, within Forty-eight Hours next after he or they shall be required so to do by a Notice

a Notice in Writing signed by the Clerk of the said Commissioners, and delivered to and left at the last or usual Place of Abode of such Officer or Officers, then and in such Case it shall be lawful for the said Commissioners, and they are hereby required, authorized, and empowered, to bring or cause to be brought any Action or Actions against any such Officer or Officers so neglecting or refusing as aforesaid, for the Recovery of the Money that shall be in the Hands of such Officer or Officers, or against the Person or Persons having become Surety for him or them; or it shall be lawful for such Commissioners, or any other Person whom they shall direct and appoint for that Purpose, to make Complaint of any such Refusal or Neglect as aforesaid to the Mayor of the said Town of *Youghal*, or any One Justice of the Peace for the County, Town, Borough, or Place wherein such Officer so neglecting or refusing shall be or reside, and thereupon it shall be lawful for such Mayor or Justice of the Peace, and he is hereby authorized and empowered, by Warrant under his Hand and Seal, to cause such Officer or Officers so neglecting or refusing, and against whom such Complaint shall be made, to be brought before him, and upon his 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, or upon the Testimony of any credible Witness or Witnesses of the People called *Quakers*, upon Affirmation, which Oath or Affirmation such Mayor or Justice is hereby empowered to administer, it shall appear to such Justice that any of the Monies that shall have been received by any such Officer or Person shall remain due from any such Officer or Person, then it shall be lawful for such Mayor or Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Money, and all Costs, Charges, and Expences incurred and to be incurred by such Complainant, to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels of such Officer and Person can be found sufficient to answer and satisfy the said Money, and the full Costs, Charges, and Expences of distraining, removing, and selling the said Goods, Chattels, and other Effects, and all such Costs and Charges as aforesaid, or if it shall in manner aforesaid appear to such Mayor or Justice of the Peace that such Officers or Persons shall not have rendered such perfect and true Accounts signed as aforesaid, or shall have detained any Receipts or Vouchers, Documents, Books, Papers, or Writings as aforesaid, then and in each and every of such Cases such Mayor or Justice shall commit every such Offender to the Common Gaol or House of Correction of the County, County of the City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have rendered, signed, and delivered as aforesaid such true and perfect Accounts as aforesaid, and shall have delivered as aforesaid all Receipts and Vouchers relating thereto, and shall have paid all such Monies remaining in his Hands, or shall have compounded with the said Commissioners for all such Money to their Satisfaction, and shall have paid the Amount of such Composition in such Manner as they shall approve, and which Composition the said Commissioners are hereby empowered to make and accept, or until he shall have delivered all such Books, Papers, and Writings aforesaid in his Custody

Custody or Power, or shall have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no such Officer or Person so committed as aforesaid shall be detained and kept in Prison for Want of sufficient Distress for any longer Space of Time than Six Calendar Months.

Proceedings against Principals not to release Sureties.

XVI. Provided always, and be it further enacted, That no Prosecution, nor any Commitment, Action, or other Proceeding of or against any Treasurer or other Officer by the said Commissioners, shall in any Manner acquit, release, or discharge any Security which shall or may have been accepted by or given to or for the said Commissioners for the due and faithful Execution of the Duties of any Office or Appointment, or for the due and punctual Payment and Application of the Monies received by any such Treasurer or Officer in pursuance or by virtue of any such Office or Appointment, or for the proper Observance and Performance of the Duties enjoined on any such Treasurer or other Officer by virtue of this Act, nor shall acquit, release, or discharge in any Manner any Person or Persons who shall have become bound as Surety for or in behalf of such Treasurer or other Officer to the said Commissioners.

Accounts to be kept and published.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners, 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, and laid out and expended under this Act, and the several Articles, Matters, and Things for which any Sum of Money shall be disbursed, laid out, and paid, and in the Month of *July* in every Year to print, publish, and circulate in the said Counties of *Cork* and *Waterford*, an Account of the Sums received and expended in each Year; which Book or Books shall at all seasonable Times be open to the Inspection of every Commissioner, without Fee or Reward; and any such Commissioner shall or may take Copies of or Extracts from any such Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit any such Commissioner to inspect the same, or to take such Copies or Extracts therefrom as aforesaid, or shall not print, publish, and circulate such annual Account as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Fifty Pounds, to be levied and recovered in manner by this Act directed.

Bridge, &c. vested in the Commissioners.

XVIII. And be it further enacted, That the Right and Property of and in the said Bridge, and of and in the Toll House, Gate, and Bars, and all Posts, Rails, and Fences to be erected, set up, and provided in, upon, or near the said Bridge, or any of them, under and by virtue of this Act, and of the Materials which shall be from Time to Time gotten or provided for erecting, building, making, maintaining, and repairing the same, all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be and the same are hereby respectively vested in the said

said Commissioners and their Successors; and they are hereby empowered and authorized to bring or cause to be brought any Action or Actions, and to prefer and prosecute One or more Indictment or Indictments, against any Person or Persons who shall steal, take, carry away, or damage the same or any of them, or any Part thereof, or disturb them in the Possession thereof; and in such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Articles, Thing or Things for or concerning which such Action or Actions shall be brought, or Bill or Bills of Indictment be preferred, is or are the Property of the Commissioners for the building *Youghal Bridge*, without particularly naming or specifying the Name or Names of all or any of the said Commissioners.

How Commissioners may be sued.

XIX. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name of any One of the said Commissioners, or of their Treasurer or Clerk for the Time being; and that no Action or Suit which may be brought by or against the said Commissioners, or any of them, in relation to this Act, in the Name of any One of the said Commissioners, or of their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of such Commissioner, Treasurer, or Clerk, or by the Act of such Commissioner, Treasurer, or Clerk, without the Consent of the said Commissioners, but One of the said Commissioners, or the Treasurer or Clerk for the Time being, shall always be deemed Plaintiff or Plaintiffs, Defendant or Defendants, in every such Action or Suit, as the Case may be: Provided always, that all and every such Commissioner, Treasurer, or Clerk shall be reimbursed, out of the Monies to be raised by virtue of this Act, all such Costs, Damages, and reasonable Expences as he or they shall be put unto or become charged or chargeable with by reason of his or their being so made Plaintiff or Defendant or Plaintiffs or Defendants as aforesaid, and no such Commissioner, Treasurer, or Clerk shall be personally accountable or liable to the Payment of the same, unless such Action or Suit shall arise in consequence of his or their own wilful Neglect or Default, or have been brought or commenced without the Order or Direction of the said Commissioners.

In Actions it shall not be necessary to prove Appointments.

XX. And be it further enacted, That it shall not be necessary in any Action or Suit to be brought or commenced by or against any of the said Commissioners, or their Treasurer or Clerk, to prove the Appointment of such Commissioner, Treasurer, or Clerk.

Commissioners may purchase Lands.

XXI. And be it further enacted, That it shall and may be lawful to and for the Commissioners for the Execution of this Act, and they are hereby authorized and empowered, for the Purposes in this Act mentioned, or any of them, to purchase, pursuant to the Provisions herein-after contained, any Lands, Grounds, Messuages, Tenements, or Hereditaments whatever which the said Commissioners shall deem it expedient to purchase or make use of for or towards any of the Purposes in this Act mentioned.

Maps, &c. deposited at the Office of

XXII. And whereas Maps or Plans, respectively describing the Lines of the said Bridge and Roads heretofore directed to be made, and

and the Lands through which such Bridge and Roads are to be carried, together with Books of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerks of the Peace for the said County of *Cork* and County of *Waterford;* be it therefore enacted, That the said Map or Plans and Books of Reference shall remain in the Custody of the Clerks of the Peace for the said County of *Cork* and County of *Waterford,* to the end that all Persons may at all reasonable Times have liberty to inspect and peruse the same, and take Copies and Extracts therefrom at their Will and Pleasure, paying to such Clerks of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts; and the Commissioners in making such Roads shall not deviate more than One hundred Yards from the respective Lines described in the said Maps or Plans, without the Consent in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands, Grounds, or Premises such Roads shall be made.

the Clerks of the Peace, to remain there for Inspection.

Commissioners not to deviate from Plan.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners to set out and make the said Roads into, across, or over the several Lands and Hereditaments of any Person or Persons, Body or Bodies, who is or are or may be Owner or Owners, Occupier or Occupiers of Lands and Hereditaments over which the same is or are set out and described in the said Map or Plan as aforesaid, although such Lands or Hereditaments, or the Name or Names of such Person or Persons, Body or Bodies, may happen to be erroneously described, omitted, or mis-stated in the Map, Plan, or Lists respectively, in case it shall appear to any Two or more Justices of the Peace for the County (in which the same respectively are situated), and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Roads may be made according to the Plan, notwithstanding Misnomers.

XXIV. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Commissioners in making the said Roads to pull or take down, injure or damage any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, except such as are comprised and described in the Schedule to this Act annexed.

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

XXV. And be it further enacted, That in case the Commissioners shall not purchase such Houses and other Premises within the Space of Five Years from the passing of this Act, then and in each Case it shall not be lawful for the said Commissioners to purchase any of the said Houses or other Premises so remaining unpurchased, without the Consent in Writing of the Owners thereof first had and obtained.

Commissioners not to purchase Buildings, &c. after Five Years.

XXVI. And be it further enacted, That it shall be lawful for any Owner or Proprietor, and for all Bodies Politic, Corporate, or Collegiate,

All Persons and Bodies Politic, &c.

empowered to convey Lands.

giate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whosoever, or any other Person or Persons, not only for or on behalf of themselves, but also for or on behalf of any Infants, Femes Covert, Cestuique Trusts, and for all and every other Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments, either for their own Use or Benefit, or for the Use of or in Trust for such Person or Persons as aforesaid, to contract and agree with the Commissioners for the Execution of this Act to sell and convey or to demise to them all or any such Lands and Hereditaments, or any Part or Parts thereof, which may be required for the Purposes of this Act, and to contract and agree for the Recompence and Satisfaction to be made for any Damage or Loss that may be sustained by any such Persons or Corporations respectively by the building of the said Bridge, or the making, opening, or widening such Roads and Approaches thereto, as Occasion shall be and require; and all Contracts, Sales, and Conveyances which shall be so made shall be valid and effectual in the same to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Value of the Ferry to be assessed.

XXVII. And whereas the Corporation of *Youghal* are in Possession of and claim to be entitled to the Ferry and Passage Boat plying across the said River *Blackwater* at the said Town of *Youghal*, and the Erection of the said Bridge may prove detrimental and injurious to the Tolls thereof; but the said Corporation, being desirous of promoting and forwarding the building of the said Bridge, have agreed to sell the said Ferry and the Tolls arising therefrom to the said Commissioners at a Valuation to be settled and ascertained under the Powers and in the Manner by this Act provided; be it therefore enacted, That before the said Commissioners proceed to build the said Bridge, they shall assess the Value of the said Ferry, either by Agreement or by a Jury, under the Powers and according to the Provisions herein provided, and such Valuation shall be paid by the said Commissioners to the said Corporation at such Times and in such Manner as shall be mutually agreed upon, or as the said Jury shall award, on having a good Title made thereto: Provided also, that it shall be lawful for the said Commissioners and the said Corporation, if they shall so agree, to pay and accept, in lieu of a Compensation in Money, a Rent-charge equivalent thereto, to be secured on the Tolls of the said Bridge, in such Manner and under such Regulations as shall be mutually agreed upon, with Power to the said Commissioners to redeem such Rent-charge on Payment of the Principal Sum to be fixed as such Compensation.

Rent-charge may be accepted in lieu of Compensation.

XXVIII. Pro-

Corporation of Youghal indemnified.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, prejudice, derogate from, abridge, alter, defeat, or destroy all or any of the Rights, Interests, Privileges, Franchises, Jurisdictions, Liberties, or Authorities of the Mayor, Bailiffs, Burgesses, and Commonalty of the said Town of *Youghal*, other than and except the building of the said Bridge hereby authorized to be made and constructed within the said Port of *Youghal*, according to the several Provisions of this Act, and also making and facilitating the Accesses or Approaches to the said Bridge, and taking or levying Tolls for passing the same, and to do and effect every other Matter or Thing which shall or may be necessary to be done and effected for the erecting, maintaining, and supporting the said Bridge, as is provided for by this Act: Provided also, that the said Mayor, Bailiffs, Burgesses, and Commonalty shall not be subject or liable to be sued or impleaded, or in any Manner to be injured or damnified, by any Action or Suit at Law or in Equity, for or by reason or in consequence of the Erection or building of the said Bridge, or any Matter or Thing connected therewith or relating thereto, or to repair or compensate any Person or Persons, Party or Parties whomsoever, for any Loss or Damage which shall or may at any Time or Times hereafter arise or be occasioned by or in consequence of the Erection of the said Bridge or the Execution of any of the Works hereby authorized.

If Parties cannot agree, a Jury to be called to value the Premises.

XXIX. And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, or Trustees, or any other Person or Persons, interested in any of the Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments mentioned and specified in the Schedule annexed to this Act, upon Notice to him, her, or them given in Writing, or left at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments so to be used, or taken, or damaged for the Purposes of this Act, shall, by the Space of Six 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 hindered from treating, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, authorized, and directed, from Time to Time to issue a Warrant or Warrants or Precept or Precepts to the Sheriffs of the County of *Cork* or County of *Waterford*; if either of the said Sheriffs shall be interested in the Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments then intended to be purchased, or any of them, or any Part thereof, then to the other of the said Sheriffs; or if both the said Sheriffs shall be so interested, then to any other Person or Persons, not being a Commissioner or Commissioners or interested as aforesaid; who are hereby authorized, directed, and required accordingly to summon, return, and impannel respectively a competent

Number of substantial Persons to serve on Juries, not less than Thirty-six or more than Sixty, out of which Persons so qualified, summoned, returned, and impannelled, a Jury of Twenty-four Persons shall be drawn by some Persons to be by the said Commissioners appointed, in such Manner as Juries for the Trial of Issues joined in His Majesty's Four Courts in *Dublin*, by an Act made in *Ireland* in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better regulating of Juries in* Ireland, are directed to be drawn; which Persons, so summoned and returned and impannelled as aforesaid, are hereby required to come and appear before the said Commissioners at such Time, and in such Place within the County of *Cork* or *Waterford* (as the Case may require), as in such Warrant or Warrants or Precept or Precepts shall be directed and appointed, and to attend the said Commissioners from Day to Day and Hour to Hour, and Place to Place within the said County of *Cork* or *Waterford* (as the Case may require), until discharged by them; and all Persons concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not be at liberty to challenge the Array.

In case of a Deficiency of Jurors, others to be impannelled.

XXX. And be it further enacted, That in all Cases of Trials by Jurors before the said Commissioners, or where after the Appearance of a full Jury it shall so happen, either by means of Challenge or otherwise, that there shall be a Default of Twelve Jurors for such Trial, it shall and may be lawful to and for the said Commissioners to issue their Precept as aforesaid, commanding the Person or Persons to whom the same shall be directed as aforesaid to impannel from Time to Time so many other Persons as shall make up a full Jury of Twelve, which Persons so be impannelled shall be added to the former Pannel; and all Parties interested in such Trials shall have their Challenges to the Juror so added to the former Pannel as if they had been originally summoned; and the said Commissioners are hereby authorized, empowered, and directed, by Summons or Summonses, from Time to Time, as Occasion may require, to call before them all and every Person and Persons whatsoever who shall be thought proper and necessary as Witness or Witnesses, and to examine them on their Oath or Oaths touching or concerning the Premises, which Oath any One of the said Commissioners is hereby authorized, empowered, and directed to administer; and the said Commissioners, if they shall think fit, shall and may authorize and require the said Jury, or any Six or more of them, to view the Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments then intended to be valued, or any Part or Parts thereof; and the said Commissioners shall have Power to adjourn such Meeting from Day to Day and Place to Place as Occasion shall require, and to command such Juries and Witnesses and Parties to attend until the Business for which they shall be summoned by virtue of this Act shall be concluded; and the said Jury shall upon their Oaths fairly, truly, and impartially inquire of the Value of such Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments, and of the respective Estates, Right, Title, Term, and Interest of every Person or Persons seised or possessed thereof or interested therein, or of or on any Part thereof, or of any Estates, Rights, Titles, Terms, and Interests therein, or what Loss or Damages will

Commissioners may summon Witnesses.

Duty of Jury.

or may be sustained by, and what Recompence or Satisfaction ought to be made to, any Owner, Proprietor, or Occupiers of or other Person or Persons interested in any Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments for the Purposes of this Act, and shall assess or award the Sum or Sums to be paid to every such Person or Persons for the Purchase of such their respective Estates, Rights, Titles, Terms, and Interests therein, or as a Recompence for any such Loss or Damage; and if it shall not be made appear to the said Jurors what Person or Persons is or are entitled to the respective Estates, Rights, Titles, and Interests which may be subsisting therein respectively, then it shall and may be lawful to and for the said Jury to inquire and ascertain and find the Value of such Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments, or any of them, as of an Estate in Fee Simple, without specifying the Person or Persons entitled to the same, or ascertain and find the Value of any Estate or Interest therein, or the Amount of Recompence or Satisfaction for Damages which shall be claimed or shall appear to the said Commissioners, without specifying the Person or Persons entitled to the same respectively; and every such Judgment respectively of such Commissioners shall be fairly written on Parchment, and signed by Seven of the Commissioners at the least, and shall be entered on the Rolls in His Majesty's High Court of Chancery in *Ireland*; and such Entries respectively, or true Copies thereof, shall be deemed and taken in all Courts of Law and Equity to be good, full, and sufficient Evidence of the several Matters therein set forth, and also of the due Performance of all previous Matters necessary under this Act to the Validity thereof, and shall in all Cases, whether in or out of Court, be taken and received as such Evidence accordingly; and after the said Jury shall have inquired of, ascertained, and settled the Value of such Lands, Ferries, and Premises, or the Amount of such Damage and Recompence, the said Commissioners shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to such Owners, Occupiers, or Proprietors of or other Persons interested in the said Lands, Ferries, or Hereditaments, according to such Verdict or Inquisition of the said Jury; and such Verdict or Inquisition, and Judgment, Order, and Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, or Remainder, in Fee or in Tail, General or Special, or for Life or Lives, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all Persons whomsoever.

Judgment be enrolled in the Court of Chancery.

XXXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to impose any reasonable Fine, not exceeding Ten Pounds, upon the Sheriffs, their Deputy or Deputies, Bailiffs, or Agents respectively, and on all Persons to whom any Precept shall be directed as aforesaid who shall make Default in the Premises, and on any Person or Persons summoned and returned upon such Jury as aforesaid who shall not appear, or who appearing shall refuse to be sworn or to give his or their

Fines may be imposed on Sheriffs, Jurors, and Witnesses.

their Verdict, or who shall in any other Manner wilfully neglect his or their Duty, contrary to the true Intent and Meaning of this Act, having no reasonable Excuse, to be allowed by the said Commissioners, and also on any Witness or Witnesses who shall not attend, being duly summoned to give Evidence as aforesaid, or who shall appear and refuse to give Evidence; and from Time to Time to levy such Fine or Fines, by virtue of any Warrant under the Seal of the said Commissioners, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him or them the Overplus after such Penalty, and Costs and Charges of such Distress and Sale, shall have been deducted; and all such Fines so recovered shall be applied towards the Purposes of this Act.

Commissioners may discharge Juries.

XXXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to discharge such Juries as shall be returned to try any Matters before them aforesaid, and from Time to Time to issue a new Warrant or Precept for the Return of a new Jury or new Juries, in manner herein before directed; and all and singular the Regulations in this Act contained shall be applied to the Proceedings under such further or other Warrant or Precept, as fully and effectually as the same are applicable to the Warrant or Precept first issued by the said Commissioners.

Persons swearing falsely may be indicted for Perjury.

XXXIII. And be it further enacted, That all Persons who shall, in any Examination to be taken upon Oath by virtue of this Act, wilfully and corruptly give false Evidence, or otherwise forswear themselves respectively before such Jury or any Justice of the Peace acting as such in the Execution of this Act, shall be deemed guilty of Perjury, and shall upon Conviction thereof be subject to the same Pains and Penalties as Persons guilty of Perjury are or shall from Time to Time be by the Laws subject and liable to.

How Expences of Juries shall be paid.

XXXIV. And be it further enacted, That in any Case in which any Jury shall give or deliver a Verdict for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments, or for any Loss or Damage to be by him or them sustained, than what shall have been offered by the Commissioners for the Execution of this Act, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any Right, Interest, Property, Loss, or Damage as aforesaid, then and in such Case the Costs and Expences of summoning the said Jury, and summoning and maintaining Witnesses, shall be borne and paid by the Treasurer to the said Commissioners out of any Money to arise by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Six Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Commissioners, or of any of the Goods or Chattels of the said Commissioners in Possession of the Treasurer to the said Commissioners, under a Warrant to be issued for that Purpose by the Mayor

Mayor of *Youghal*, or by any Justice of the Peace for the County of *Cork* or for the County of *Waterford* (as the Case may require), which Warrant any such Mayor or Justice is hereby authorized and empowered to issue, under his Hand and Seal, on Application made to him for that Purpose by the Party or Persons entitled to receive such Costs and Expences; but if such Jury shall give in and deliver a Verdict of Assessment for no more or for less Money than shall have been offered by or on behalf of the said Commissioners as aforesaid, before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, then the full Costs and Expences of summoning the said Jury, and summoning and maintaining the said Witnesses, and all Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by the Mayor of *Youghal*, or by some Justice of the Peace for the County of *Cork* or for the County of *Waterford* (as the Case may require), not personally interested in the Matter in question, who is hereby required to examine and settle the same at a Time and Place to be by him appointed for the Parties interested therein to attend him for that Purpose, 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 Money shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so adjudged and assessed; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the Treasurer to the Commissioners by such Ways and Means as are herein-after provided for the Recovery of the Penalties and Forfeitures imposed by virtue of this Act: Provided always, that in all Cases where any Valuation shall have been had or made as aforesaid, by reason of the said Commissioners not knowing or not being able to find the Person or Persons entitled to any such Premises, then and in such Case all such Expences shall be borne and paid by the said Commissioners out of the Money to be raised or received under and by virtue of this Act.

On Payment of Money agreed for or assessed, Property to vest in the Commissioners.

XXXV. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Juries in manner aforesaid, for the Purchase of any such Houses, Buildings, Lands, Tenements, Ferries, or other Hereditaments, or as a Compensation for Damages as herein mentioned, to the Proprietor or Proprietors of such Houses, Buildings, Lands, Tenements, Ferries, or other Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, within One Calendar Month next after the same shall be so agreed for or assessed, or upon Payment of the said Sum or Sums of Money, within the said One Calendar Month, into the Bank of *Ireland* as herein-after directed and required, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Commis-

Commissioners, and their Agents, Workmen, and Servants, to enter upon such Houses, Buildings, Lands, Tenements, Ferries, and other Hereditaments respectively, and then and thereupon such Houses, Buildings, Lands, Tenements, Ferries, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Commissioners, as Freehold of Inheritance, to and for the Purposes of this Act for ever; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder of his or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that in case any Person or Persons shall enter upon any such Premises for any of the Purposes of this Act before such Payment or Deposit into the Bank of *Ireland* as aforesaid shall have been made, every Person or Persons so offending shall forfeit and pay the Sum of Ten Pounds for every Day he, she, or they shall remain on the said Premises.

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

XXXVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments, or for any other Matter, Right, or Interests, of what Nature or Kind soever, purchased, taken, or used by virtue of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity as hereinbefore mentioned, 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, to be placed to his Account *ex parte* the *Youghal Bridge* Commissioners, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, if the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments, shall so desire, in or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages, Lands, Tenements, Ferries, Grounds, Hereditaments, or Premises, or affecting other Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such

Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Government Stock; and in the meantime, and until the said Stock shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof 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 Messuages, Lands, Tenements, Ferries, Grounds, Hereditaments, or Premises so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where such Compensation is less than 200*l.* and exceeding 20*l.*

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

Where less than 20*l.*

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

XXXIX. And

In case of Refusal, or of not making out good Titles, Money shall be paid into the Bank of Ireland.

XXXIX. And be it further enacted, That in case the Person or Persons to whom any such Sum or Sums of Money shall be so ordered to be paid as aforesaid, for the Purchase of any Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments, or for any Recompence or Compensation for Damages, under and by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments, be not known or discovered, or if by reason of Disputes or Differences, or for Defect of Evidence, it shall not appear to the said Commissioners or Jury what Person or Persons is or are entitled to the Premises in question, then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums so awarded to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, upon the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds in *Ireland*, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Titles or Interests of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Ireland* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of disputed Title, the Persons in Possession to be deemed lawfully entitled until the contrary is shewn.

XL. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person or Persons to any Money paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments to be purchased in pursuance of this Act, or to any Government Stock to be purchased with any such Money, or to the Dividends or Interest of such Stock, the Person or Persons who shall have been in Possession of such Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands,

Grounds,

Grounds, Messuages, Tenements, Ferries, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Stock to be purchased with such Money, and also the Capital of such Stock, 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, Grounds, Messuages, Tenements, Ferries, or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by Commissioners.

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

XLII. And be it further enacted, That all Sales, Conveyances, and Assurances of all Lands, Grounds, Messuages, Tenements, Ferries, or Hereditaments to be made to the said Commissioners and their Successors, shall be made in the Form or to the Effect following; (that is to say,)

Form of Conveyance.

'I [*or* We, *as the Case may be*,] of in consideration of the Sum of to me [*or* us] paid by the *Youghall Bridge* Commissioners, do hereby grant and release [*or* assign, *as the Case may be*,] to the said Commissioners, all [*here describe the Premises to be conveyed*] and all my [*or* our] Right, Title, and Interest in and to the same and every Part thereof, to hold to the said Commissioners for ever [*or as the Case may be*], during all the Remainder of my [*or* our] Term, Estate, and Interest in the said Premises. In witness whereof I [*or* we] have hereunto set my Hand and Seal [*or* our Hands and Seals], this Day of in the Year of our Lord .'

And every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual, to all Intents and Purposes whatsoever, as to and against the Person and Persons making the same, and his, her, or their Cestuique Trusts, and all other Persons claiming or to claim by, from, under, or in Trust for him, her, or them respectively, or in Remainder, Reversion, or Expectancy as aforesaid, and the same shall be deemed and construed to bar the Dower and Dowers of the Wife or Wives of such Person and Persons, and all Estate Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and

and the Issue and Issues of such Person and Persons claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law; any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding.

Commissioners may contract for Execution of the Works.

XLIII. And be it further enacted, That it shall be lawful to and for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to contract with any Person or Persons for doing and performing all or any of the Works hereby authorized or directed to be done or performed, in such Manner and under such Penalties for the due Performance of such Contracts as the said Commissioners shall think fit; and every such Contract shall be good, valid, and binding as well upon the said Commissioners as upon the other Party or Parties; and in case any Person or Persons who shall enter into any Contract or Contracts with the said Commissioners shall at any Time be guilty of any Breach or Non-performance thereof, or of any Stipulations or Agreements therein, it shall and may be lawful to and for the said Commissioners, in case they shall deem it proper and expedient, to declare such Contract or Contracts to be null and void accordingly; or it shall and may be lawful to and for the said Commissioners to compound for such Sum or Sums of Money with the Person or Persons who shall have so entered into such Contract and Contracts, and for all Costs, Charges, and Expences which shall be occasioned thereby, as to them the said Commissioners shall appear proper and expedient; and it shall and may be lawful to and for the said Commissioners to sue for and recover the full Penalty and Penalties contained and expressed in such Contract or Contracts, or in any Bond or Bonds given and executed for the due Performance of such Contract or Contracts, by Action of Debt in any of His Majesty's superior Courts of Record in *Dublin*, in which Action no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

3 G. 4. c. 112.

XLIV. And whereas by an Act made in the Third Year of the Reign of His present Majesty, intituled *An Act to authorize the further Advance of Money out of the Consolidated Fund for the Completion of Works of a public Nature, and for the Encouragement of the Fisheries in* Ireland, it is among other Things enacted, that it shall and may be lawful for the Commissioners for the Execution of the said Act and the Acts therein recited, by and with the Consent and Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to direct any Advance of Money to be made under the said Acts in aid of any public Works whatsoever in *Ireland*, or for the Purpose of commencing, carrying on, or completing of any public Roads, Railways, Bridges, Canals, Navigations, Embankments, Drainages, Harbours, or Churches, or any public Works whatever, in *Ireland*, or for the making or executing of any Work whatever, whether of a public or private Nature, in *Ireland*, either upon such Real or Personal Securities as in the said Acts are mentioned, or upon Mortgage or Assignment of any Rates, Rents, Tolls, or Profits, or of any expected Rates, Rents, Tolls, or Profits of any such public or private Works, in all Cases in which it shall appear to the Lord

Lieutenant or other Chief Governor or Governors of *Ireland*, that any such Rates, Rents, Tolls, or Profits, or any expected Rates, Rents, Tolls, or Profits, shall or may be sufficient to pay Interest on such Advance, and the Principal Money so advanced, at or within any such Time or Times and by any such Instalments as the Commissioners for the Execution of the said Acts, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, may think proper in any Case to direct and appoint, and as shall be specified in the Security to be given, or in the Mortgage or Assignment to be made of such Rates, Rents, Tolls, or Profits, or expected Rates, Rents, Tolls, or Profits, and although the Whole or any Part of the estimated Expences of any such public Works shall not be subscribed for or deposited or vested in any public Fund; be it enacted, That at any Time after the passing of this Act it shall and may be lawful for the said Commissioners for the Time being to apply to the Commissioners for the Execution of the said Act and the several Acts therein recited for the Advance of any Sum or Sums of Money upon the Security of the Tolls, Rates, and Duties expected to arise and be payable, or which shall arise and be payable, under this Act; and in case the Commissioners for the Execution of the said recited Acts shall think fit to direct any Sum or Sums to be advanced for the Purposes of this Act, under the Regulations and Conditions of the said recited Act, it shall be lawful for the said Commissioners to mortgage or assign all or any of the Rates, Tolls, or Duties expected to arise and be payable, or which shall arise or be payable, under this Act, to the Commissioners for the Execution of the said recited Acts, as a Security for the Payment of the Interest and Principal of any Sum or Sums so to be advanced, at or within any such Time or Times, and by such Instalments as the Commissioners for the Execution of the said recited Acts, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall think proper to direct and appoint, and as shall be specified in such Mortgage or Assignment, pursuant to the Regulations contained in the said recited Act; and every such Mortgage or Assignment, and the Sums payable under and by virtue of the same, shall in all Cases have Preference and Priority over any other Mortgage or Assignment of any of the said Tolls, Rates, or Duties, or any Grant of any Annuity payable out of the said Tolls, Rates, and Duties, made to any other Person or Persons under this Act; and the Interest of all such Sums so advanced shall be fully paid and satisfied before the Payment of any Interest or Annuities under any other Security granted under the Authority of this Act; and the Principal Sums secured by such Mortgage or Assignment to the Commissioners for the Execution of the said recited Acts shall be paid and satisfied at such Time or Times and by such Instalments as shall be specified in the Mortgage or Assignment given for the Security of the same, in Preference and Priority to all other Payments under the Authority of this Act.

Commissioners under this Act may apply for Advances under recited Act, and mortgage or assign the Rates, &c. for securing Payment of the Principal and Interest.

Such Mortgages and Assignments to have the Preference over any other Mortgages, &c. under this Act.

XLV. And be it further enacted, That it shall be lawful for the said Commissioners for the Execution of this Act from Time to Time to borrow and take up at Interest such other Sum or Sums of Money, not exceeding in the whole, together with the Sums which may be advanced under the said recited Act of the Third Year of His present Majesty,

Commissioners may borrow other Sums of Money at Interest.

Majesty, the Sum of Thirty thousand Pounds, for the Purposes of this Act, upon the Credit of the Tolls to be levied, collected, and raised, and to be payable to the said Commissioners by virtue of this Act, and to assign all or any Part of said Tolls to such Person or Persons as shall lend and advance any Money thereon, or to his or their Trustee or Trustees, as a Security for the Principal Money to be advanced, and Interest for the same; or they may borrow Money on Debentures of One hundred Pounds each, repayable with Interest at the Rate of Ten Pounds *per Centum per Annum*; but the Interest on all Mortgages and Annuities shall have Priority; and the Costs of every such Assignment shall be defrayed by the said Commissioners out of the Monies to be so borrowed; and every such Assignment shall be in the Words or to the Effect following:

Form of Assignment.

'WE, the Commissioners for building *Youghal Bridge*, appointed by an Act of Parliament made in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], in consideration of the Sum of advanced and lent by of upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said or to his said Trustee or Trustees (*as the Case may be*), his Executors, Administrators, and Assigns, such Proportion of the Tolls payable to us by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed or become due or owing or be charged upon the Credit of the said Act, to be holden from this Day of until the said Sum of with Interest, at the Rate of *per Centum per Annum* for the same, shall be repaid and satisfied: Provided always, that the Grant and Assignment, and the Payment of the Interest and Principal thereon, shall be subject and liable to the Priority and Preference given by the said recited Act in favour of any Mortgage or Assignment of the said Tolls made or to be made to the Commissioners for the Execution of an Act made in the Third Year of His said Majesty's Reign, for authorizing the Advance of Money out of the Consolidated Fund. In witness thereof we the said Commissioners have hereunto affixed our Names, the Day of in the Year .'

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 thereof, and to all Profits and Advantages thereon, according to the true Intent and Meaning of this Act, and as so expressed in such Security.

Monies may be raised by Annuities.

XLVI. And be it further enacted, That in case the said Commissioners shall think it advisable or advantageous to raise all or any Part of the Money to be borrowed under this Act by granting Annuities for Lives instead of by Assignment as aforesaid, it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands

Hands of the said Commissioners any Sum or Sums of Money, as to the said Commissioners shall seem right and proper, for the absolute Purchase of any Annuity or Annuities, to be paid and payable during the natural Life or Lives of such Person or Persons as shall be nominated at the Time of Payment of such Contribution or Purchase Money; and the Expence of every such Grant shall be defrayed by the said Commissioners; and the Grant of every such Annuity shall be in the Words or to the Effect following:

Form of Grant of Annuity.

'WE, the Commissioners for building *Youghal Bridge*, appointed by an Act of Parliament made in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], in consideration of the Sum of paid by of for the Purposes of the said Act, do hereby grant unto the said one Annuity or yearly Sum of out of the Tolls payable to the Commissioners by virtue of the said Act, which Annuity or yearly Sum of shall be paid to the said his Executors, Administrators, or Assigns, during the natural Life of by equal half-yearly Payments upon the Day of and the Day of in every Year, during the natural Life of the said the first Payment thereof to be made on the Day of next ensuing the Date hereof: Provided always, that this Grant and the Payment of the said Annuity shall be subject and liable to the Priority and Preference given by the said recited Act in favour of any Mortgage or Assignment of the said Tolls made or to be made to the Commissioners for the Execution of an Act made in the Third Year of His said Majesty's Reign, for authorizing the Advance of Money out of the Consolidated Fund. In witness whereof we the said Commissioners have hereunto affixed our Names this Day of in the Year .'

For preventing improvident Grants of Annuities.

XLVII. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and according to the Rate prescribed by Three several Acts, one made in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*; one other in the Forty-ninth Year of His said late Majesty, intituled *An Act to amend an Act passed in the last Session of Parliament, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*; and the other made in the Fifty-second Year of His said Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities.*

48 G. 3. c. 142.

49 G. 3. c. 64.

52 G. 3. c. 129.

Securities may be transferred.

XLVIII. And be it further enacted, That it shall and may be lawful to and for the Person and Persons entitled to any of the Securities

Securities or Annuities aforesaid, and their respective Executors, Administrators, and Assigns (as the Case may be), at any Time by Writing under their Hands and Seals to transfer such Securities or Annuities respectively to any Person or Persons whomsoever; which Transfer may be in the Words or to the Effect following:

Form of Transfer.

'I , being entitled to the Sum of or to an Annuity of secured to his Executors, Administrators, and Assigns, by virtue of an Assignment or Grant bearing Date the Day of from the Commissioners for building *Youghal Bridge*, appointed by an Act made in the Ninth Year of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], upon the Credit of the Tolls payable to the said Commissioners under the said Act, do hereby transfer all my Right, Title, and Benefit in and to the said Sum or Annuity, and all Interest or other Money now due and owing thereon, unto his Executors, Administrators, and Assigns. Dated this Day of .'

And every such Assignment shall be good, valid, and effectual in the Law to all Intents and Purposes.

Power to erect Turnpike Gates and to take Tolls.

XLIX. And be it further enacted, That the said Commissioners for the Execution of this Act shall and may, as soon as conveniently may be after a Passage shall be made over the said intended Bridge, cause to be erected and set up a Turnpike Gate or Gates, or Toll Gate or Gates, at or upon the said Bridge, or at or upon some or one of the said Roads or Avenues leading thereto, belonging to the said Commissioners, or any Part or Parts thereof, and from Time to Time shall and may remove the same Turnpike or Toll Gate, or Turnpikes or Toll Gates, and erect or set up another Turnpike or Toll Gate or other Turnpikes or Toll Gates in lieu thereof, at any Place upon any Part of the said Bridge or Roads; and shall and may from Time to Time erect, provide, and maintain such Toll Houses and other Conveniences near or adjoining to the said Turnpike or Toll Gate, as the said Commissioners shall think proper; and the respective Tolls following shall be demanded and taken at the Turnpike or Toll Gate, Turnpikes or Toll Gates, to be erected as aforesaid, by such Person or Persons as the said Commissioners shall from Time to Time appoint as aforesaid, before any Foot Passenger, or any Horse, Mule, Ass, or other Beast, or any Coach, Waggon, Cart, or other Carriage, shall be permitted to pass or return over the said Bridge, or through the same; (that is to say,)

Tolls.

For Six or more Horses or Beasts of Draught drawing any Coach, Berlin, Chariot, Calash, Chaise, Chair, Landau, Curricle, Caravan, Hearse, Litter, or other such Carriage, the Sum of Three Shillings and Sixpence:

For Three, Four, or Five Horses or Beasts of Draught drawing any such Carriage, the Sum of Two Shillings and Sixpence:

For Two Horses or other Beasts of Draught drawing any such Carriage, the Sum of One Shilling:

For

For One Horse or other Beast of Draught drawing any such Carriage with Four Wheels, the Sum of Nine-pence; if but with Two Wheels, the Sum of Sixpence:

For Four or more Horses or Beasts of Draught drawing any Waggon, Wain, Cart, or other Carriage of Burthen with Four Wheels, the Sum of One Shilling:

For Three or fewer Horses or Beasts of Draught drawing any such Carriage, the Sum of Nine-pence:

For Two Horses or Beasts of Draught drawing any such Carriage with Two Wheels, the Sum of Sixpence:

For One Horse or Beast of Draught drawing any such Carriage with Two Wheels, and laden, the Sum of Sixpence; if not laden, the Sum of Three-pence:

For every Steam Carriage, the Sum of Two Shillings and Sixpence:

For every Sledge, Slide, or other Carriage without Wheels, or any Carriage whatever, drawn in any Manner not enumerated, the Sum of One Shilling:

For every Sedan Chair, the Sum of Four-pence:

For every Horse, Ass, or Beast of Draught, laden and not drawing, the Sum of Three-pence; if not laden, the Sum of Two-pence:

For every Oxen, Bull, Cow, or Neat Cattle, the Sum of Two-pence:

For every Hog, Pig, Calf, Sheep, Lamb, Hound, Greyhound, Spaniel, or other sporting Dog, the Sum of One Penny:

For every Drove of Fowl *per* Dozen, the Sum of Three-pence; and so in proportion for any greater or lesser Number:

For every Person carrying or conveying a Wheelbarrow, Kish, Basket, Sack, Load, or Pack of any Kind, the Sum of One Penny:

For every Foot Passenger passing over the said Bridge, the Sum of One Penny:

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of or as a Pontage Toll or Duty; and the Money so to be raised as aforesaid is and shall be hereby vested in the said Commissioners, and the same and every Part thereof shall be applied and disposed of and be assigned to and for the several Uses, Intents, and Purposes, and in such Manner as herein is mentioned and directed. Which shall be vested in the Commissioners.

L. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to reduce or lessen any of the Tolls granted and made payable by this Act from Time to Time as they shall see fit, and also from Time to Time to advance and raise such Tolls, Rates, and Duties as to the said Commissioners shall seem fit and proper; and in such Case a new Table or Tables shall be from Time to Time made and posted; provided always, that such Tolls shall not at any Time exceed the Tolls hereby authorized as aforesaid respectively. Commissioners may alter or vary Tolls.

LI. And be it further enacted, That it shall be lawful for the said Commissioners, at any General Meeting to be held under or by virtue of this Act, to lease or demise all or any of the said Tolls for any Term of Years not exceeding Three Years at any one Time, for such Rate, payable at such Times and under such Covenants, as they shall think fit, the said Commissioners taking such sufficient Security from the Power to farm Tolls.

the Person or Persons to whom such Tolls shall be leased or demised for Payment of such Rent and Performance of such Covenants, as they shall think fit, which Rent shall be applied for the Purposes of this Act.

Commissioners to put up a Table of Tolls.

LII. And be it further enacted, That within One Month after any Toll Gate shall be erected by virtue of this Act, the said Commissioners shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every such Toll Gate, 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 Tables of Tolls shall be affixed; and in case there shall at any Time or Times be more than One Gate, the said Commissioners shall also provide 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 Name of the several Gates freed by such Ticket, one of which Tickets shall be 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 additional Toll.

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

Tolls not to be taken but when Board remains affixed.

LIII. Provided always, and be it enacted, That it shall not be lawful for the said Commissioners to demand or take, or cause to be demanded or taken, any Tolls, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate.

Persons may be stopped on refusing to pay Toll.

LIV. And be it further enacted, That if any Person or Persons subject to the Payment of any of the said Tolls hereby authorized to be taken shall, after Demand thereof made by any Collector or Collectors or other Person or Persons to be appointed to receive the same, neglect or refuse to pay the same, it shall be lawful for such Collector or Collectors, Person or Persons, by himself or themselves, or taking such Assistance as he or they shall think necessary, to stop and prevent the Passage of the Person or Persons refusing, or of the Horse, Beast, Cattle, or Carriage for or in respect of which such Tolls ought to be paid, until full Payment thereof, or to seize and distrain any Horse or Horses or other Cattle, together with their Bridles, Saddles, Gears, Harness, or Accoutrements (except the Bridle or Reins of every Horse or other Beast separate from the Horse or Beast), or any Carriage in respect of the Horses or Cattle drawing the Carriage upon which any Toll is by this Act imposed; and if such Tolls and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Three Days after such Seizure and Distress made, the Collector or Collectors, Person or Persons seizing and

and distressing shall or may sell the Horse or Horses, Cattle, Carriages, or Things so seized and distrained, or any Part or Parts thereof, returning the Overplus (if any), and which shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted; and that all Monies to be collected or levied shall be and are hereby vested in the said Commissioners and their Successors, and shall be applied for the Purposes of this Act: Provided always, that it shall be lawful for all and every Person and Persons, with or without a Horse, Beast, or other Cattle or Thing chargeable with any of the Tolls or Duties hereby granted, to pass Once for the same Toll over the said Bridge and through all and every the Toll Gates and Toll Bars (if more than One) to be erected by virtue of this Act, without being liable to pay a Toll at each Turnpike, Toll Gate, or Toll Bar; any thing herein contained to the contrary thereof notwithstanding.

Penalty on evading Toll.

LV. And be it further enacted, That if any Person shall take off or cause to be taken off any Horse or other Beast from any Carriage at or near to any Turnpike or Toll Gate to be erected by virtue of this Act, and afterwards put on or add the same after having passed the said Turnpike or Toll Gate, and shall thereby evade or endeavour to evade the Payment of any Part of the said Tolls, or shall forge, counterfeit, or alter, or deliver to or receive from any other Person or Persons, any Note or Ticket, with Intent to evade the Payment of any Part of the said Tolls, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; and it shall be lawful for any Collector or Collectors to stop and prevent the Passage of every such Person till such Person shall have paid the said Sum forfeited.

For settling Disputes concerning Tolls.

LVI. 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 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, 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 or Hands and Seals 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 Payment of such Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been distrained and sold.

Not to take Toll at more than One Gate.

LVII. Provided always, and be it further enacted, That in case the said Commissioners shall erect more than One Toll Gate or Toll Gates on or near to the said Bridge, it shall not be lawful for any Collector to demand and take any of the Tolls aforesaid at any more than One Gate.

For preventing Toll Collectors from taking undue Tolls or behaving improperly.

LVIII. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Toll from any Persons than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Commissioners made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer or shall in anywise hinder any Person or Persons from reading the Inscriptions on the Boards to be affixed and placed as aforesaid, or either of them, or shall refuse to tell his 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 to denote the Payment of the Toll when demanded, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

All the Tolls to form one joint Fund for the Purposes of this Act.

LIX. And be it further enacted, That all the Tolls payable to the Commissioners for the Execution of this Act, as well such Tolls as shall be payable on the said Bridge or otherwise, and which shall at any Time be imposed and made payable by virtue of this Act, shall constitute and form one joint Fund for the Purposes of this Act, and the Produce thereof, and all other Sum and Sums of Money to be received by the said Commissioners by virtue of this Act, shall be applied in Payment of the Purchase Money of such Ground or Premises as by the said Commissioners shall be judged necessary for the Purposes of this Act, and of the Expences of building the said Bridge, and forming and making Roads and Approaches thereto, and repairing and maintaining the same, and other Works and Buildings necessary for the Purposes of this Act, and in Payment of the Principal and Interest of all Sums of Money advanced to or borrowed by the said Commissioners under the Authority of this Act, and of the Salaries of

the Treasurer, Clerks, Officers, and Servants employed in the Execution of this Act, and of all other Expences incidental to and which shall from Time to Time attend the carrying this Act into Execution and Effect, according to the true Intent and Meaning of this Act, and in such Manner as the said Commissioners shall from Time to Time direct, pursuant to this Act, and to no other Use or Purpose whatsoever.

Manner of applying the Tolls for the Repair of the Bridge, Roads, &c. and paying off the different Securities.

LX. And be it further enacted, That the Tolls payable by virtue of this Act shall be applied in the first place to the keeping up the said Bridge, Roads, Avenues, and Approaches in proper Order and Repair, and of watching, lighting, and paying all other necessary Expences attending the same, as herein-before mentioned; and in the next place in paying to the Mortgagees and Annuitants the Interest and Annuities to which they shall be respectively entitled in manner herein-before provided, and afterwards in paying to the Holders of Debentures the Interest thereon; and that the Excess thereof shall from Time to Time be laid out, in the Names and to the Account of Five Persons to be appointed at any Meeting of the said Commissioners, in some of the Public Stocks or Funds transferrable at the Bank of *Ireland*, and the Income arising therefrom shall be accumulated in the Nature of Compound Interest, until such Excess and Accumulation shall be sufficient for the paying off the then subsisting Mortgages, which Sum shall be applied accordingly; and after such Application, such Tolls, subject as aforesaid, shall be accumulated, in manner herein-before mentioned, until a further Sum shall be raised, sufficient by the Dividends or Interest thereof to pay the Annuities that may be then subsisting, and which shall be applied accordingly; and after such Application, such Tolls, subject as aforesaid, shall be accumulated, in manner herein-before mentioned, until a further Sum shall be raised sufficient to pay off the several other Sums of Money subscribed, or which may be subscribed on Debentures for the Purpose of completing the said Bridge, Roads, and Avenues, with Interest thereon at the Rate of Ten Pounds *per Centum per Annum*, and which shall be applied accordingly; and after such last-mentioned Application such Tolls shall be reduced to such an Amount that none of such Tolls shall exceed One Half of the Sums respectively authorized to be levied by this Act, and the Amount of such reduced Tolls shall be applied to the Maintenance, Renewal, repairing, lighting, watching, Salaries of Officers, and all other Expences relating to the said Bridge and its Approaches, as authorized by this Act.

For getting Materials to repair the Road.

LXI. And be it further enacted, That it shall and may be lawful for the said Commissioners, 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 Bridge or Roads, or for other the Purposes 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 Bridge or Roads 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

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 also that such Surveyor or other Person as aforesaid may, by the Order of the said Commissioners, (such Order to be made at some Meeting of the said Commissioners 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 Commissioners,) search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Person or Persons, where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, walled-in Orchard, Yard, Park, Paddock, or Field inclosed 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 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 Bridge or Road shall be carried, according to their respective Rights and Interests in the said Grounds, as the said Commissioners shall judge reasonable; and in case of any Difference between the said Commissioners, 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 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 Two 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 inclosed Lands before Materials are to be taken.

LXII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take or carry away any Materials for making or repairing the said Bridge or Road out of or from any inclosed Lands or Grounds, until Ten 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 Commissioners, or any Two or more Justices of the Peace acting for the County or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case the said Commissioners 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 Commissioners or Justices shall seem proper; and if such Occupier shall neglect or refuse

refuse to appear without sufficient Excuse, by himself or his Agent, pursuant to such Notice, the said Commissioners 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.

LXIII. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners 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 making, building, and repairing of the said Bridge or Roads, 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 provided for the Bridge or Roads.

LXIV. And be it further enacted, That if any Person or Persons whomsoever shall remove or take away any Stones or Gravel, or other Materials laid upon the said Bridge or Roads, for the making, building, or repairing thereof, without the Order of the said Commissioners, or their Surveyor or Surveyors, Contractor or Contractors, for that Purpose, or if any Person or Persons whosoever shall take away any Stones or Gravel or other Materials which shall have been dug or gathered by or by the Order of the said Commissioners, or their Surveyor or Surveyors, in any Lands, Fields, Grounds, Rivers, or Brooks, for the Purpose of making, altering, or amending the said Bridge or Roads, 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 making, building, repairing, altering, or amending the said Bridge or Roads, 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 Bridge or Road, or by the Treasurer or Treasurers, Clerk or Clerks of the said Commissioners, by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures.

Repositories for Materials to be provided.

LXV. And be it further enacted, That it shall and may be lawful for the said Commissioners 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 Bridge or Road, as Repositories for Stone, Gravel, and other Materials for making, building, and repairing the same; and in case any Difference shall arise between the Commissioners 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 Counties of *Cork* or *Waterford*, assembled in Petty Sessions, according as the said Ground shall be situated, in manner herein before directed with respect to the getting Materials for the making, building, repairing, altering, or amending the said Bridge or Roads.

Surveyor to make Drains, &c.

LXVI. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Bridge or Roads, and to and for any Person or Persons whom he or they shall appoint, by Order of the said Commissioners, to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Bridge or Roads, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending and keeping in repair any Part of the said Bridge or Roads, 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 Bridge or Roads, (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 Bridge or Roads are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively through and into which any such Drain shall be cut, or on or over which any such temporary Passage or Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Commissioners; and in case any Difference shall happen between such Owners or Occupiers and such Commissioners, 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 Counties of *Cork* or *Waterford*, according as 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.

For preventing wilful Damage to the Bridge.

LXVII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously damage the said Bridge, or any Part thereof, or any Gate, Turnpike, or Toll House belonging thereto, or shall wilfully or maliciously, and without Authority from the said Commissioners, remove or take away any Works thereunto belonging, or in any Way direct or procure the same to be done, or shall be aiding or assisting thereon, whereby the said Bridge or the Works thereof may be damaged, any Person so offending shall be judged guilty of Felony; and every such Person so offending, and being thereof lawfully convicted, shall be subject to the like Punishments and Penalties as in Cases of Felony; and the Court by or before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in mitigation of such Punishments such Court may award such Sentence as the Law directs in Cases of Petit Larceny.

LXVIII. And

Owners of Vessels liable for Damage done to the Bridge, &c.

LXVIII. And be it further enacted, That in case any Damages or Mischief shall be done to the Bridge or any of the said Works by any Ship, Lighter, Barge, Boat, Float, Raft, or Vessel, through the Mismanagement or Negligence of any Person having the Command of any such Ship, Lighter, Barge, Boat, or other Vessel, or any of the Mariners or Persons employed therein, then and in every such Case the Owner or Owners of such Ship, Lighter, Barge, Boat, or other Vessel, shall be and is hereby made answerable to the Commissioners for the Amount or Value of any such Damage or Mischief; and the same, provided it shall not exceed the Sum of One hundred Pounds, if not forthwith paid and satisfied, shall and may be recovered in such Manner as the Penalties and Forfeitures hereby imposed are in and by this Act directed to be recovered.

Masters to recover from their Servants any Sum paid for their Defaults.

LXIX. And be it further enacted, That in case the Owner or Owners of any such Ship, Lighter, Barge, Boat, or other Vessel, shall be compelled to pay any Penalty, or to make Satisfaction for any Damages, by reason of any Neglect or Default done or committed by his, her, or their Servants and Mariners, or any of them, such Servants or Mariners, and each and every of them, shall be liable to repay such Penalty or Damages (with the Costs thereof) to such Owner or Owners; and in case of Nonpayment upon Demand thereof, and Oath made by such Owner or Owners of the Payment made by him, her, or them of such Penalty, Satisfaction, or Damages, and that the same and the Costs thereof have not been repaid to him, her, or them by such Servants or Mariners or any of them, although demanded, (such Oath to be made before any One or more Justice or Justices of the Peace of the County or Place where such Penalty or Satisfaction shall have been recovered,) the Amount thereof, provided the same shall not exceed the Sum of One hundred Pounds, shall be recovered in the same Manner as any Penalty is hereby directed to be recovered.

Power to appoint Watchmen.

LXX. And be it further enacted, That the said Commissioners are hereby empowered from Time to Time, if they see Occasion, to appoint such a Number of fit and able-bodied Men as they shall think proper, to be armed and clothed in such Manner as the said Commissioners shall direct, to be employed as Watchmen, Guards, or Patrols, either on Foot or on Horseback, upon the said Bridge or any of the said Roads before mentioned, and to appoint any Person or Persons to be Superintendant or Superintendants thereof, and from Time to Time to remove any of the said Superintendants, Watchmen, Guards, or Patrols, and to appoint others in their Room; and from Time to Time to make such Rules, Orders, and Regulations for the better governing the Superintendants, Watchmen, Guards, or Patrols, and for the watching and guarding the said Bridge and Roads, and keeping the Peace thereon, and on every of them, as the said Commissioners shall think proper, and to provide proper Watch-houses, Watchboxes, and Places for the Reception of such Watchmen.

Duty of Patrols and Watchmen.

LXXI. And be it further enacted, That the Superintendants, Watchmen, Guards, and Patrols to be appointed by the said Commissioners

missioners shall use their best Endeavours to prevent Murders, Burglaries, Robberies, Disturbances, Breaches of the Peace, and all Outrages, Misdemeanors, and Disorders on the said Bridge and Roads, and other Places near or adjoining thereto, and to that end are hereby jointly and severally empowered and required, without further Warrant, to arrest, apprehend, and detain in the Watch-house of the Parish or Place wherein the Offence shall be committed, or in any other Watch-house or convenient Place, all Malefactors, Rogues, Vagabonds, and other disorderly and suspicious Persons who shall be found committing any Disorder or Offence, or loitering, wandering, or misbehaving themselves, or whom the said Superintendants, Watchmen, Guards, or Patrols shall have just Cause or Reason to suspect of any evil Design, and the Person or Persons so apprehended to convey, as soon as conveniently may be, before One or more of His Majesty's Justices of the Peace acting in and for the County or Place wherein such Arrest, Apprehension, or Detention shall take place, to be examined and dealt with according to Law.

Watchmen invested with the Powers of Constables.

LXXII. And be it further enacted, That all Watchmen and Patrolmen shall be sworn in as Constables before some Justice or Justices of the Peace for the County of *Cork* or County of *Waterford*, or one of them, who is and are hereby required to swear them in accordingly; and such Watchmen and Patrolmen shall act as such whilst in the Execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, as any Constable or Constables is or are invested with by Law.

Penalty on assaulting Collectors, &c.

LXXIII. And be it further enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Person or Persons employed in the due Execution of this Act, or shall assault any Surveyor, Engineer, or Agents, or any Collector or Collectors of Tolls, in the Execution of his or their Office or Offices, or shall forcibly pass over the said Bridge or through the Toll Gates or Bars to be erected by virtue of this Act, without having paid the said Tolls, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

Penalty on Persons damaging Milestones, Watch-houses, &c.

LXXIV. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, deface, or damage any of the Milestones, or Measuring-stones, or Posts, or any of the Toll Tables, Watch-houses, Boxes, Benches, or other Requisites to be provided by virtue of this Act, he, she, or they shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, and shall also make Satisfaction to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, for the Damage so by him, her, or them done as aforesaid, which Satisfaction shall be recovered as Part of and in the same Way as the said Penalty is by this Act authorized to be recovered.

LXXV. And

For preventing Obstructions and Nuisances on the Bridge and Roads.

LXXV. And be it further enacted, That if any Person or Persons having the Care of any Float, Raft, Boat, Barge, or other Vessel which shall be navigated in and upon the said River *Blackwater*, or any other Person or Persons, shall pass a Line over the said Bridge, to the Annoyance or Hindrance of Passengers, Carriages, or Cattle, or shall wilfully pull up, break, injure, or damage any Gate or Gates, or any of the Posts, Boards, or Table of Tolls of the said Bridge, or wilfully or designedly deface or obliterate any Milestones, or the Inscriptions, Letters, Figures, or Marks thereon, or shall wilfully break, throw down, or otherwise damage any Lamp Post or Lamp Irons set up or affixed at or near to any of the said Gates or any other Parts of the said Bridge or Roads, or shall cause and procure the same to be done; or if any Person or Persons shall wilfully pull down, remove, break, injure, or damage any Wall, Posts, Rail, or Fence, at any Time hereafter to be placed or put by the Side or Sides of the said Bridge or Roads, or shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Bridge or Roads, any Tree or Piece of Timber, Stone, or other Thing, or shall suffer any Tree or Piece of Timber, Stone, or other Thing, which shall be conveyed upon a Wheel Carriage, to drag upon any Part of the said Bridge or Roads, to the Injury thereof; or if any Person or Persons shall, without being thereto authorized by the said Commissioners, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, and other Materials, scraping Slush, Dirt, Mud, Mire, Drift, or Soil, from off the said Bridge or Roads, or any Part thereof; or if any Person or Persons shall ride upon any Footway or Footways, Causeway or Causeways, or any other Way or Ways to be made upon the said Bridge or Roads for the Use of Foot Passengers, or in any Manner wilfully obstruct or prevent the free Passage of any of the Footways, or shall wilfully lead or drive any Horse or Horses, Carriage or Carriages, Cattle or Swine, upon, along, or against any such Footway or Causeway, or shall draw, carry, or wheel any Hurry, Truck, or Wheel across upon any such Footway or Footways, Causeway or Causeways, or shall cause any Injury or Damage to be done to the same, or to any Fences, Breast Walls, Docks, Chains, Rails, or Paling set up or along the Side of or upon any such Footway or Causeway; or if any Person or Persons shall turn loose or suffer to be turned loose, or to wander and stray, on the said Bridge or any Part thereof, any Horse, Ass, Beast, or Swine; or if any Person or Persons, driving any Swine on the said Bridge or Roads, shall suffer such Swine to root up and damage the said Bridge or Roads, or any Part thereof, or the Fence on either Side thereof; or if any Person or Persons on Horseback, or driving any Carriage, Waggon, Wain, or Cart, in or upon the said Bridge or Roads, and meeting another Carriage, Waggon, Wain, or Cart, shall not keep his, her, or their Carriage, Waggon, Wain, or Cart, upon his, her, or their Left or Near Side of the Road on the said Bridge or Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage, Waggon, Wain, or Cart under his or her Care, upon the said Road, or shall hew, saw, or cut, or cause to be hewn, sawn, or cut, any Stone, Wood, or Timber, or make, bind, or repair any Wheel or Carriage, on any Parts of the said Bridge or Roads, or shall slack, mix, or wet any Lime or Mortar, or shall shoe or farry any Horse, Mule,

Mule, or Ass (except in Cases of Accidents), upon any Part of the said Bridge or Roads; or if any Person 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 whatever, upon the said Bridge or Roads, to the Annoyance of Persons passing thereon, or play at Football, Long Bowls, or any other Game, upon any Part or Parts of the said Bridge or Roads, to the Annoyance of any Passenger or Passengers, or bait any Bear or Bull thereon; or if any Hawker, Higgler, Gipsey, or other Person or Persons travelling with any Machine or Machines, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent, Booth, Stall, or Stand, or encamp upon or by the Sides of any Part of the said Bridge and Roads, or any of the Works belonging thereto; or if any Blacksmith or other Person occupying a Blacksmith's Shop situate near the said Bridge and Roads, and having a Window or Windows fronting the same or any Part thereof, shall not by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Bridge and Roads; or if any Person shall leave any Waggon, Wain, Cart, or other such Carriage, longer than may be necessary for loading or unloading the same, (except in case of Accident,) in, upon, or on any Part of the said Bridge or Roads, or on the Side or Sides thereof, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall not place the same, during the Time of such loading or unloading thereof, as near to the Side of the said Road on the said Bridge or Roads, as conveniently may be; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart, or other Carriage in going across the said Bridge or Roads, leave or suffer to be or remain the Stone or other Thing with which any such Waggon, Wain, Cart, or other Carriage shall have been blocked or stopped, or if any Person or Persons shall lay, place, or leave, or cause or procure to be laid, placed, or left, any Timber, Bricks, Tiles, Stones, Hay, Straw, Dung, Goods, or Things, or shall throw, cast, place, or empty, or cause or procure to be thrown, cast, placed, or emptied, any Manure, Soil, Ashes, Filth, Rubbish, Dirt, Dust, Earth, Water, Gravel, or other Nuisances or Annoyance, on any Part of the said Bridge or Roads, or on the Side or Sides thereof, or shall set, place, or expose to Sale any Goods, Wares, or Merchandizes in or upon the Footpaths or Causeways adjoining to such Bridge or Roads, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; or if any Person driving any Horse or other Beast on the said Bridge or Roads, conveying Iron in Bars or Rods, or any other Matters or Thing, shall place such Bars or Rods, or other Matter or Thing, so that the Ends thereof shall project more than Twenty-four Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Bridge or Roads; or if the respective Surveyor or Surveyors of the said Bridge or Roads, or any Undertaker or Undertakers for the Repairs of the said Bridge or Roads or any Part thereof, or any Person or Persons acting by or under their Authority, shall lay or cause to be laid upon any Part of the said Bridge or Roads, or the Sides thereof, any Heaps of Stones or other Materials for repairing

the said Bridge or Roads, or any Part thereof, and shall permit or suffer the same to remain in Heaps longer than shall be necessary for spreading or laying such Stones and Materials over or upon the said Bridge or Roads; every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and every such Offender shall also pay to the said Commissioners or their Treasurer or Treasurers, or one of them, such Sum of Money as shall be a full Satisfaction for the Damage so done, which Damage 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 such Satisfaction or Damages shall and may be levied and recovered in like Manner as any Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied as directed by this Act.

Power to remove Annoyances.

LXXVI. And be it further enacted, That it shall be lawful for the said Commissioners for the Time being, or for their Surveyor or Surveyors, or for such Person or Persons as the said Commissioners, or their Surveyor or Surveyors, or any of them, shall appoint for that Purpose, to remove and prevent all Annoyances on any Part of the said Bridge and Roads, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourse, Sinks, or Drains running into, along, or out of the said Roads, to the Prejudice thereof, and to open, scour, and cleanse any Watercourses or Ditches adjoining to the said Roads, and make the same as deep and as large as he or they shall think proper and necessary, and the same to be made and done at the Expence of the said Commissioners.

Ditches, &c. by whom to be cleansed, &c.

LXXVII. Provided always, and be it further enacted, That after any such Watercourse or Watercourses, Ditch or Ditches, shall have been made, opened, scoured, or cleaned by the said Commissioners, the same shall be thenceforth repaired, maintained, opened, cleansed, and scoured by the Owner or Owners, Occupier or Occupiers of the Premises; and in case the Owner or Occupiers of the Premises shall neglect to repair, maintain, open, scour, or cleanse such Watercourses or Ditches, or any of them, or remove such other Annoyances, for the Space of Three Days next after Notice in Writing given for that Purpose by the said Commissioners, or their Surveyor or Surveyors for the Time being, the Charges thereof (to be settled by any Justice of the Peace for the County of *Cork* or *Waterford*, as the Case may require), and which Charges the said Justice is hereby authorized and required to settle accordingly, shall be reimbursed to the said Commissioners by such Owners or Occupiers; the same to be recovered in such Manner as Penalties and Forfeitures are herein directed to be recovered; and if, after the Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Gates to open inwards.

LXXVIII. And be it further enacted, That no Door or Gate of any Building, Park, Paddock, Field, Ground, or Inclosure whatsoever, shall be made to open into or towards any Part of the Roads hereby authorized to be made, or of any Footpath or Causeway belonging thereto, or be suffered to continue so to open, except the hanging Part thereof

thereof shall be fixed or placed so far from the Centre of any Part of the said Roads as that no Parts of such Door or Gate shall when open project over any Part of such Roads, or any Footpaths or Causeways belonging thereto; and every Occupier of any Building, Park, Paddock, Field, Ground, or Inclosure, having any Door or Gate opening outwards contrary to the Meaning of this Act, shall, within Three Days after Notice to him, her, or them given, either personally or in Writing from the Commissioners or Surveyor of the said Road, cause every such Doors or Gate to be hung so that no Part of the same when open shall project over any Part of the said Roads, or any Footpath or Causeway belonging thereto; and in default thereof the said Commissioners or Surveyor of the said Roads is hereby authorized to cause every such Door or Gate to be hung according to the Intention and Meaning of this Act; and every Person guilty of such Neglect or Default shall, over and above such Sum as any Justice of the Peace for the County where the same shall be situated shall direct to defray the Expences of making the Alteration and hanging every such Door or Gate, forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect therein.

Hedges, &c. to be cut.

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

Sum of Two-pence for every Tree, Bush, or Shrub which shall be so directed to be cut down, pruned, or trimmed; and the said Commissioners or their Surveyor, in case of such Default made by the Occupier, shall, are, and is hereby required to cut, prune, and trim such Hedges, and to cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs, in the Manner directed by such Order; and such Occupier shall be charged with and pay, over and above the said Penalties, the Charges and Expences of doing the same: Provided always, that no Person or Persons shall be compelled, nor any Surveyor permitted, by virtue of this Act, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*.

Cattle found straying on the Roads or Bridge 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 wandering, straying, or lying on the said Bridge or Roads, or by the Sides thereof, it shall be lawful for the Surveyor of the said Commissioners, 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 Hundred, Parish, Township, Tithing, or Place where the same shall be, or in such other Place as the said Commissioners shall appoint, and the same there to detain until the Owner or Owners thereof shall, for every and each Horse, Ass, Sheep, Swine, or other Beasts or Cattle so impounded, pay the Sum of One Shilling to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Four Days next after such impounding, it shall be lawful for the Commissioners to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beasts or Cattle, and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid, on Demand, to the Person whose Property the same shall appear to have been.

Penalty for Persons guilty of PoundBreach or Rescue.

LXXXI. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other live Stock 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, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, 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 or more of His Majesty's Justices of the Peace for the County 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 credible Witness, and which Oath the said Justice is hereby authorized to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of

the said County where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

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

LXXXII. 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 Commissioners, 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 Commissioners to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made by the Clerk of such Justices to the said Commissioners 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 Commissioners, 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 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 also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners, 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.

Damages and Charges, in Cases of Dispute, to be settled by Justices.

LXXXIII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid 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.

For Recovery and Application of Penalties.

LXXXIV. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule or Order made in pursuance thereof, (the Manner of levying

and recovering whereof, and the Appropriation whereof is not hereby particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Justice or Justices of the Peace for the County or Place where the Offence or Offences shall have been committed, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witnesses upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties not herein directed to be otherwise applied shall be paid to the Churchwardens or Overseers of the Parish or Place within which such Offence shall be committed; and it shall and may be lawful for the said 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, her, or their Appearance before the said Justice or Justices 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 Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to any Common Gaol or House of Correction of the County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law: Provided always, that in all Cases where the Penalty imposed by this Act shall exceed the Sum of Five Pounds, no Proceedings before Justices shall be had and taken for the Recovery thereof before a less Number than Two such Justices.

LXXXV. And

Justices may proceed by Summons in the Recovery of Penalties.

LXXXV. 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.

Informers may have Part of Penalties.

LXXXVI. Provided nevertheless, and be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, if he or they shall see Cause, to cause Part of any Penalties, Forfeitures, or Fines to be paid to and for the Use of any Informer or Informers, or any Person or Persons, not being a Witness or Witnesses, taking or seizing the Person or Persons convicted, or assisting therein, or any of them.

Collectors not incompetent to give Evidence.

LXXXVII. And be it further enacted, That in case of any Information, Complaint, Dispute, Suit, or Litigation touching or in anywise relating to the said Tolls, or any Offence committed against this Act, the Person or Persons appointed to collect such Tolls, or other Person or Persons acting under the Authority of the said Commissioners, shall not be incompetent to give Evidence therein.

For compelling the Attendance of Witnesses.

LXXXVIII. And be it further enacted, That if any Person who shall be summoned as a Witness to give Evidence before any Justice or Justices of the Peace, respecting any Matter of Fact relating to any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall, after a reasonable Sum for his or her Costs and Charges shall have been tendered or paid to him or her, refuse or neglect to appear at the Place and Time by such Summons appointed, without any reasonable Excuse for such Neglect or Refusal, such Person or Persons shall forfeit for every such Neglect or Refusal any Sum not exceeding Five Pounds.

For securing transient Offenders.

LXXXIX. And be it further enacted, That it shall be lawful for any Collector, Agent, or any other Officer of the said Commissioners, and such Person or Persons as he shall call to his Assistance, (and which all Bye-standers and other Persons, on Demand, are hereby required to give,) without any Warrant or other Authority than this Act, to seize and detain any Person or Persons to him unknown, who shall refuse to pay the Toll payable by him, her, or them, or who shall be seen by such Collector, Agent, or other Officer to commit any other Offence against this Act, and forthwith to take him, her, or them, or any of them, before One or more Justice or Justices of the Peace of the County or Place where such Refusal or Offence shall take place

or

or be committed, or where such Offender or Offenders shall be; and such Justice or Justices are hereby required to act with respect to such Offender or Offenders according to the Provisions of this Act.

Conviction of Offenders.

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 said County, for [*here specify the Offence, and when and*
' *where committed,*] contrary to an Act passed in the Ninth Year of
' the Reign of King *George* the Fourth, intituled *An Act* [*here insert*
' *the Title of this Act*], for which Offence I [*or* we] adjudged the
' said *A. B.* to have forfeited the Sum of [*or* shall be
' committed to for the Space of].
' Given under my Hand and Seal, [*or* our Hands and Seals,] the
' Day and Year first above written.'

Distress not unlawful for Want of Form.

XCI. And be it further enacted, That when any Distress shall be made by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons or Conviction or Warrant of Distress, in the Appointment of the Officer or Officers, or any Proceeding relating thereto, nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed in making the Distress.

Appeal.

XCII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule or Order of the said Commissioners, or by any Order, Judgment, or Determination of any Justice or Justices relating to this Act, or any Matter or Thing herein contained, such Person or Persons may appeal to the Justices of the Peace at the first or next General or Quarter Sessions to be holden for the County or Place wherein the Cause of Appeal shall have arisen, unless the same shall arise within Twenty-one Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall have arisen; and the said Justices are hereby authorized and required to take Cognizance thereof, and hear and determine such Complaint or Complaints at such General or Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be holden for such County or Place, and shall and may, if they see Cause, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties or Forfeitures laid upon

or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and to levy, by their Order or Warrant, such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for Want of sufficient Distress to commit such Person or Persons to the Common Gaol for the County or Place where the Cause of Appeal shall arise, for any Time not exceeding Three Calendar Months, or until Payment of such Costs: Provided always, that the Person or Persons so appealing as aforesaid shall, and he, she, and they are hereby required to give Notice in Writing of such his, her, or their Intention of bringing or prosecuting such Appeal Fourteen Days before the said Quarter Sessions, and shall before the said Quarter Sessions, and before such Notice given, enter into a Recognizance before One or more Justice or Justices of the Peace where the Cause of Appeal shall have arisen in the Sum of Twenty Pounds, with Two sufficient Sureties in the Sum of Ten Pounds each, with Condition to prosecute such Appeal, and to pay all Costs in case such Appeal shall be determined against the Party or Parties so appealing.

Proceedings not to be quashed for Want of Form.

XCIII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Dublin* (except as herein-before mentioned), any Law or Statute to the contrary notwithstanding.

Plaintiff not to recover after Tender of Amends.

XCIV. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing, signed by his, her, or their Attorney (specifying the Cause of Action), shall have been given to the Defendant or Defendants, or left at his or their last or usual Place or Places of Abode, at least Twenty-one Days before the same shall have been commenced; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have 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, nor if such Tender of Amends shall be made after the said Action brought, and before the Trial thereof, together with Costs of Suit to the Time of such last-mentioned Tender; but on Proof of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgment as in Cases of Nonsuit, with Double Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; and if no such Tender of Amends shall have been made, it shall be lawful for the Defendant or Defendants (by Leave of the Court), at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Orders, and Judgments shall be made

and given in and by such Court as in other Actions when Defendants are allowed to pay Money into Court.

Limitation of Actions.

XCV. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for any thing done in pursuance of this Act, after Three Calendar Months next after the Cause of Action shall arise; and every such Action or Actions shall be laid and brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit may, at their, his, or her Option, either plead specially or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or that such Action or Suit was brought without Ten Days Notice thereof having been given as aforesaid, or after sufficient Amends tendered as aforesaid, or after the Time limited for bringing the same, or to be brought in any other County or Place than as aforesaid, then and in any such Case the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance of 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, Defendant or Defendants, then the Plaintiff or Plaintiffs, Defendant or Defendants, shall and may recover Treble Costs, and shall have the like Remedy for the same as any Plaintiff or Plaintiffs, Defendant or Defendants, hath or have for the Costs of Suit in other Cases of Law.

Declaring what shall be good Service of Notices on the Commissioners.

XCVI. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices upon the said Commissioners, or any Writ or Writs, or other legal Proceedings, the Service thereof upon the Clerk or Treasurer of the said Commissioners for the Time being, or at the Office of such Clerk or Treasurer, or left at his usual Place of Abode, shall be deemed a good and sufficient Service of the same respectively on the said Commissioners.

Costs of Act.

XCVII. And be it further enacted, That all the Costs, Charges, and Expences of preparing, drawing, soliciting, obtaining, and passing this Act, in the first place shall be paid and discharged by the said Commissioners by and out of the first Monies hereby authorized to be raised by them, and in the next place in paying and discharging the Expence of surveying the River, and preparing Plans of the Bridge, and all other Expences incident thereto, together with legal Interest for the same from the Time of advancing the same until the same shall be paid.

Public Act.

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

The

The SCHEDULE to which this Act refers.

PARISH.	Description of Premises.	Owners or reputed Owners.	Occupiers.
	County of Cork.		
St. Mary's Youghal -	An old Dwelling House	His Grace the Duke of Devonshire -	William Ward.
——	Dwelling House - -	——	James Gillispie.
——	Yard or Garden - -	——	Francis Browne.
——	Yard - - -	——	Samuel Brien.
——	Waste Ground or Slab.		
——	Pasture Ground - -	Jeremiah Murphy, Esq.	John Hodnett.
	County of Waterford.		
Kinsalebeg or Clashmore	Arable and Pasture -	Henry V. Stuart, Esq.	H. V. Stuart, Esq.
——	——	——	Edward Hines and Edward Noonan.
——	——	——	John Hines and Edward Noonan.
——	——	——	John Hines.
——	——	——	Mr. Robert Ronayne.
——	——	——	John Hines and Edward Noonan.
——	——	——	Edward Noonan and James Hines.
——	Meadow - -	——	Richard Bayly, Esq.
——	Arable and Pasture -	——	James and Lawrence Kennedy.
——	——	——	Mathew and Mary Keane.
——	——	——	John Bryan.
——	——	——	Richard Noonan.
——	——	——	John Brien.
——	——	——	Michael Curreen.
——	——	——	Patrick Lynch.
——	——	Charles Edward Kennedy, Esq. - -	Maurice Conry and Declan Tracy.
——	Arable Ground - -	——	Thomas Neagle.
——	——	——	Ellen Ahern.
——	——	——	Thomas Ahern.
——	Arable and Pasture -	——	Declan Tracy.
Clashmore - -	——	Thomas Barry, Esq. or Thomas Fudge	Thomas Troy.
——	——	——	Patrick Troy.
			Richard Power.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.