



ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. cxxxix.

An Act for making and maintaining a Railway or Tramroad from the City of *Limerick* to the Town of *Carrick* in the County of *Tipperary*, with several Branches therefrom in the County of *Tipperary* aforesaid and in the County of the City of *Waterford*. [31st May 1826.]

WHEREAS the making and maintaining of a Railway or Railways, Tramroad or Tramroads, together with the Three several Branches therefrom herein-after mentioned, with proper Works and Conveniences adjoining thereto or connected therewith, for the Passage of Waggon, Carts, and other Carriages properly constructed, commencing at or near to the End of the Canal Lock in *Clare Street* in the Parish of *Saint Patrick* in the City of *Limerick*, and passing from thence, through the several Parishes or Places herein-after mentioned, to and terminating at or near to a certain Place called or known by the Name of the *Osier Beds* at the Town of *Carrick* in the Parish of *Saint Nicholas* in the Barony of *Iffa and Offa East* in the County of *Tipperary* aforesaid, would be of great Advantage to the Inhabitants of the said Counties, Towns, or Places, by forming a direct Communication between the Rivers *Suir* and *Shannon*, and by opening an expeditious and cheap Communication between the agricultural and mineral Counties of *Limerick*, *Tipperary*, *Kilkenny*, and *Waterford*, and the great commercial Cities of *Limerick* and *Waterford*, and the other large and populous Towns on the Line of such

[Local.]

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Railway

Company in-
corporated.

Railway or Tramroad, and by affording an additional Mode of Transit for Merchandize and other Articles between those Places, and also to and from the neighbouring Country, would be of great public Utility: And whereas the several Persons herein-after named are willing and desirous, at their own Expence, to make and maintain the said Railways or Tramroads and collateral Branches; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable the Earl of *Belfast*, *Thomas Haviland Burke*, *Henry Houldsworth Hunt*, *John Easthope*, *James Hubbersly*, *Richard Davis*, *Henry Sarjent*, *J. Flather*, *James Charles Michell*, *Robert Walters*, *Henry Egerton*, *John William Bannister*, *John Crafts*, *John Fraser*, *Michael Colesworthby*, *John Moss*, *Charles Williams Allen*, *Gordon*, *Cuerton*, *Forster*, *King*, and all and every other Person and Persons, Body and Bodies Politic and Corporate, who shall hereafter become Subscribers to the Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making, completing, and maintaining the said Railway or Railways, or Tramroad or Tramroads, and Branches, and other Works by this Act authorized to be made and executed, according to the Rules, Orders, and Directions herein-after mentioned, and for that Purpose shall be one Body Corporate, by the Name and Style of "The *Limerick and Waterford Railway Company*," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and the said Company shall have Power and Authority, from and after the passing of this Act, and at all Times thereafter, to purchase and hold Lands and Hereditaments to them and their Successors and Assigns, for the Use of the said Undertaking and Works, and also to sell and dispose of the said Lands and Hereditaments again in manner by this Act directed, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

Power to
make Rail-
way, Docks,
Basins,
Wharfs, &c.

II. And be it further enacted, That the said Company of Proprietors shall be and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Railway or Railways, or Tramroad or Tramroads, with proper Works and Conveniences adjoining thereto, or connected therewith, for the Passage of Waggons and other Carriages properly constructed from the Canal Lock in *Clare Street* in the Parish of *Saint Patrick* in the City of *Limerick*, and passing from thence through the several Parishes, Townlands, or Places of *Moonamuck*, *Pennywell*, and *Singland*, in the Parish of *Saint Patrick*; *Toloughton*, *Newcastle* otherwise *Kilbaha*, *Ballysimon*, *Peafield*, *Milltown*, *Killowen* or *Killonan*, and *Kyledroman*, in the Parish of *Kilmurry* in the County of the City of *Limerick*; *Kyledroman*, *Cloughadromin*, *Sandylane*, *Grainge*, *Ballyart*, and *Castleerkin*, in the Parish of *Cabirconlish* or *Kilmurry*; *Droumbane*, *Mount Sion*, and *Corlish*, in the Parish of *Grean* in the Barony of *Glanwilliam* in the County of *Limerick* aforesaid; *Linfield*, *Ballyvoneen*, *Coolnacuppegue*, *Bunary*, *Lisheen Nicker*, *Gurrane*, and *Drumlara*, in the Parish of *Grean*; *Kilduff* and *Ballyludda*, in the Parish of *Ballynaclogh*; *Brackyle*, *Cross*, *Garryfask*, *Garryvinn*, *Cluggan*, *Kylemacodia*, *Garryduff*, *Castle Lloyd*, *Oolagh* or *Ulla*, *Scarteen*,
5 *Shannaclough*,

Shannaclough, and Gurtahora, in the Parish of Oolagh or Ulla in the Barony of Coonagh in the County of Limerick aforesaid; Ballybryan, Lower Monard, Upper Monard, Gurtgarr, and Acroby, in the Parish of Solahidmore or Solihidmore; Ballykisteen, Carron, Bohercrow, Ballinilard, and Bohercrow, in the Parish of Tipperary; Scalabeen, Abbey Lands, Cordangan, Founagoun, and Lackeen, in the Parish of Cordangan; Killshane, Spring-house, Drumlyon, and Knocknacurra, in the Parish of Killshane; Clunane, Scart, Bansa, Barnalaha, and Tankardstown, in the Parish of Templeaniry; Cappagh, Tourneen, and Ballydrehid, in the Parish of Killadriffe in the Barony of Clanwilliam in the County of Tipperary; Cahir, Eugaan, Ballymacadam, Killeenbutler, and Garnavilla, in the Parish of Cahir; Kilmalogue, Lismackey, Danagrath, and Nicholstown, in the Parish of Darragrath in the Barony of Iffa and Offa West in the County of Tipperary aforesaid; Carrigcuneen, Rathkeerane, Barn Demesne, Grove Ryan, and Patrick's Well, in the Parish of Abbey; Ballingere, Larch Grove, and Part of the Corporation Lands of Clonmell, in the Parish of Kiltegan; the Burgary Lands or Corporation Lands of Clonmell in the Parish of Saint Mary's, Powerstown; Etonville and Honorville in the Parish of Powerstown or Killagrath; Newtown FarranJordan, Killeluon, and Killeforney, in the Parish of Killeluon; Priorstown, Cloughacarrigeen, Kilsheelin, Stang, Poulakerry, Ballanaragha, and Part of Burnchurch, in the Parish of Kilsheelin; Burnchurch, Ballydine, Ballynoran, and Duff Hill, in the Parish of Kilmurry; Ballandery, the Deer Park, the Cottage, the Bogs, the Townfields of Carrick, the Town of Carrick, the Fair Green, the Ash Park, and Castlefields, in the Parish of Saint Nicholas in the Barony of Iffa and Offa East in the County of Tipperary aforesaid; and terminating at or near to a certain Place called or known by the Name of the Ozier Beds in the Town of Carrick in the Parish of Saint Nicholas aforesaid; together with Three Branches to lead from and out of such Railway or Railways or Tramroad or Tramroads; that is to say, One such Branch commencing at or near a certain Place called or known by the Name of Prior's Town aforesaid, in the said Parish of Kilsheelin, and passing from thence through the several Parishes, Townlands, and Places of Cloughacarrigeen, Kilsheelin, and Sheskin, in the said Parish of Kilsheelin; Kilcash in the Parish of Kilcash; Manganstown in the said Parish of Kilsheelin; Kilnaracy or Killonaracy in the said Parish of Kilcash; Butlerstown, Clashmakie, Ballynamona, Ballyneal, and Figlash, in the Parish of Kilmurry; Mainstown and Cregg in the Parish of Newtown in the said Barony of Iffa and Offa East in the County of Tipperary aforesaid; Whitechurch, Graigue, Ballabenabry, and Springfield, in the Parish of Owing and Whitechurch; Beline, Brenagh Sandpits, Brickfields, Ballyglassoon, Gurtrush, Dowling, and Tubbernabrone, in the Parish of Tiddown; Cashel, Killinespig, and Tubbrid, in the Parish of Clonmore; Nicholstown, Clogga, and Cloneen, in the Parish of Polrone; Ardry in the Parish of Rathkeeran; Ullid, Ballinanerla, Kilmacow, Tinklough, and Granny, in the Parish of Kilmacow in the Barony of Iverk in the County of Kilkenny; Gracedieu, Green Bank, Rock View, and Bilberry Rock, in the Parish of Trinity Without in the County of the City of Waterford, and terminating at or near to a certain Place called or known by the Name of Strangmans Stores in the Parish of Trinity Without in the City of Waterford; One other of such Branches commencing at or near to a certain Place called or known by the Name of Cappagh aforesaid, in the Townland of Cappagh in the Parish of Kiladriffe, in the said Barony of Clanwilliam in the County of Tipperary aforesaid, and passing from
thence

thence through the several Parishes, Townlands, and Places of *Barnalaha* in the Parish of *Templeaniry*; *Curraghane*, *Raheen*, *Lissgibbon*, and *Ballycarron*, in the Parish of *Clonbullog*; *Suirville*, *Cloughleigh*, *Sargints Lott*, and *Knockrua*, in the Parish of *Relimurry* in the said Barony of *Clanwilliam* in the County of *Tipperary* aforesaid; *Hoare Abbey*, *Gurtmoor*, *Farracroheen*, the Corporation Lands of *Cashel*, *Palmer's Hill*, *Danes Grove*, *Thurles Beg*, and *Gortnakellis*, in the Parish of *Cashell* or *Saint Patrick's Rock*, *Ballysheehan* in the Parish of *Ballysheehan*, *Graigie* in the Parish of *Erry*, *Ballytrasna* or *Ballytarsny* and *Aghnacummane*, in the Parish of *Ballysheehan* in the Barony of *Middlethird* in the County of *Tipperary* aforesaid; *Coolkip*, *Forgestown Graigie*, *Mackarky*, *Clogmartin*, *Graigie-makarky*, *Ballybuddy*, *Knockroe*, and *Turtolla*, in the Parish of *Makarky* or *Maycarky*; *Moonakeeba*, Part of *Thurles* Lands and Townfields, in the Parish of *Thurles* in the Barony of *Eliogarty* in the County of *Tipperary* aforesaid, and terminating at or near a certain Place called or known by the Name of *Thomas Dwyer's Lot*, in the Townfields of *Thurles* in the Parish of *Thurles* in the Barony of *Eliogarty* in the County of *Tipperary* aforesaid; and another of such Branches from and out of the said last-mentioned Branch, to commence at or near the Turnpike of *Graigie* in the said Parish of *Erry*, and passing from thence through the several Parishes, Townlands, and Places of *Graigie*, *Erry*, and *Ballyfoberum*, in the said Parish of *Erry* in the said Barony of *Eliogarty*; *Cooleagh*, *Ballynure*, *Lurraga*, *Pierstown*, *Derrykinnew*, *Ballintober* or *Borbeen*, in the Parish of *Graystown*, *Clearagh*, *Curragh*, *Kilbrenie*, and *Ballinnouly*, in the Parish of *Killenaule*, and *Coolquit* in the Parish of *Ballingarry* in the Barony of *Slievardagh* in the County of *Tipperary* aforesaid, and terminating at or near the Collieries in the said Townland of *Coolquit* in the Parish of *Ballingarry* in the Barony of *Slievardagh* in the County of *Tipperary* aforesaid; and also to make and maintain Inclined Planes on such Parts of the said Railway or Tramroad as may appear to the said Company to be necessary; also to make, form, build, erect, and set up One or more Dock or Docks, Basin or Basins, Quay or Quays, Wharf or Wharfs, contiguous to the said Grand Canal, at the Terminations of the said Line at *Carrick*, *Clonmell*, and the City of *Waterford* aforesaid, or any of them, contiguous to the River *Suir*, for the shipping and landing of Ores, Iron, Coals, Goods, Wares, and Merchandizes; and to make, erect, build, and set up on the said Quays or Wharfs, and on such Parts of the said Main Line and Branches as may be deemed expedient, such Houses, Warehouses, Buildings, Erections, Cranes, Machinery, and other Works, as may be necessary or proper for shipping, loading, landing, receiving, and warehousing the Ores, Iron, Coals, Goods, Wares, Merchandize, Commodities, and other Things which may be shipped, loaded, landed, received, warehoused, and forwarded at and from the said Quays, Wharfs, Receiving Houses or Warehouses, or any of them.

Power to take Lands, &c. for the Purposes of this Act.

III. And be it further enacted, That for the Purposes of this Act the said Company, their Deputies, Servants, Agents, Surveyors, and Workmen, shall be and they are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Body Politic, Corporate, or Collegiate whatsoever, according to the Provisions of this Act, and to survey and take Levels of the same or any Part thereof, and to set out, ascertain, and appropriate for the Purposes herein mentioned, such Parts thereof as they are by this Act empowered to take or make

use

use of for making and using the said Railway or Tramroad, and all such other Works, Matters, and Conveniences as are hereby authorized to be made, and there to bore, dig out, trench, embank, and sough, and also to remove, take, carry away, lay, and use any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, and any other Materials or Things which may be dug, raised, or gotten in making the said Railway or Tramroad, and other Works, out of the Lands or Grounds of any Person or Body Politic, Corporate, or Collegiate, adjoining or contiguous to such Railway or Tramroad, which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railway or Tramroad and other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, or maintaining the same respectively, according to the Intent and Meaning of this Act; and also to make, build, erect, bank, excavate, cut, and set up, in, under, or upon the said Railway or Tramroad or other Works, or upon the Lands adjoining the same, such and so many Embankments, Bridges, Piers, Arches, Deep Cuttings, and Tunnels, for passing any Streets, Houses, or other Buildings or Erections, and also for passing any Hills, Vallies, Roads, Rivers, Canals, Brooks, and Streams or other Waters, and to alter the Course of such Water for such Time as may be necessary for completing Bridges or Passages over the same, and such and so many Houses, Warehouses, Toll Houses, Watch-houses, Landing Places, Weighing Beams, Cranes, Fire Engines, Steam Engines, and other Engines, and other Machines and other Works, and Ways, Roads, and Conveniences as the said Company shall think necessary and convenient for the Purposes of the said Undertaking; and also from Time to Time to alter, repair, and amend or discontinue the same; and also to place, lay, work, and manufacture the Materials necessary for the making, erecting, or maintaining and repairing the said Railway and Tramroad, and other Works, on the Lands or Grounds adjoining to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Railway or Tramroad; and also to make, set out, and appoint such Roads and Ways convenient for hauling or drawing of Waggon and other Carriages passing upon the said Railway or Tramroad, proper Places for such Waggon and other Carriages to turn, remain, stand, lie, or pass each other, and also such Ways and Roads to communicate with the said Railway or Tramroad, and other Conveniences, as the said Company shall think convenient; and to construct, erect, and keep in repair any Embankments, Bridges, Piers, Arches, Cuttings, Tunnels, and other Works, in, upon, under, and across any Streets, Houses, other Buildings or Erections, or any Hills, Vallies, Roads, Rivers, Canals, Brooks, and Streams or other Waters, for the making, preserving, improving, using, maintaining, and repairing of the said Railway or Tramroad and other Works, and to make Drains or Conduits into, through, or under any Lands or Grounds adjoining the said Railway or Tramroad, for the Purpose of conveying Water from or to the said Railway or Tramroad or any Part thereof, and to construct, make, and do all other Matters and Things fit or necessary for the making, altering, preserving, improving, completing, and using the said Railway or Tramroad, and other Works to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act; they the said Company, their Deputies, Agents, Servants, and Workmen, doing as little

Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction, in manner herein-after mentioned, to the Owners or Proprietors of, and to all Persons interested in any Lands or other Hereditaments which shall be taken, used, removed, diverted, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Servants, Agents, and Workmen and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoos and Restrictions as are herein-after mentioned and contained.

For making good Deficiencies in the Land Tax.

IV. And whereas by reason of taking down Houses and Buildings, and making Alterations in pursuance of this Act, there may be Deficiencies in the Assessments for Land Tax within the several and respective Parishes or Townships herein described; be it therefore enacted, That for preventing the same the said Company shall, from and after the said Company shall become seised and possessed of the Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax (unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax), be subject and liable from Time to Time to pay and make good to or in aid of the said Parish or Parishes, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish or Parishes, Township or Townships, by reason or means of taking down or using, for the Purposes of this Act, any Houses Buildings, and Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of passing this Act, and the Treasurer, Collector, or Receiver to be appointed under this Act, shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Assessments.

Steam Engines to consume their own Smoke.

V. And be it further enacted, That every Steam Engine which shall be erected by the said Company in pursuance of this Act shall be constructed upon the best and most approved Principle of consuming the Smoke arising therefrom.

Crossings.

VI. Provided always, and be it further enacted, That where the said Railway or Tramroad shall cross any Turnpike Road or public Highway, the Ledge or Flanch of such Railway or Tramroad, for the Purpose of guiding the Wheels of the Carriages, shall not rise above the Level of such Road, nor sink below the Level of such Road more than One Inch.

Regulating Construction of Bridges for carrying Roads over the Railway.

VII. Provided always, and be it further enacted, That where any Bridge shall be erected or made by the said Company for the Purpose of carrying the said Railway or Tramroad over or across any Turnpike Road or public Highway, the Space of the Arch of any such Bridge shall be formed, and shall at all Times be and be continued of such Width as to leave a clear and open Space under every such Arch of not less than Fifteen Feet, and of a Height from the Surface of such Turnpike Road or public Highway,

Highway, to the Centre of such Arch, of not less than Sixteen Feet, and the Descent under any such Bridge shall not exceed One Foot in Thirteen Feet.

VIII. Provided always, and be it further enacted, That in all Places where it may be necessary to erect or build any Bridge, for carrying any public Carriage Road over the said Railway or Tramroad, the Ascent of every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen Feet, and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Regulating
Ascent of
Bridges, and
Height of
Fences to the
same.

IX. And whereas Maps or Plans, describing the Line of the said Railway or Tramroad, and the Lands and Grounds in, through, over, and upon which the said Railway or Tramroad is to be carried or made, together with Books of Reference thereto, containing Lists of the Names of the Owners and Occupiers, or reputed Owners and Occupiers, of such Lands and Grounds, have been deposited with the Clerks of the Peace for the Counties of *Limerick*, *Tipperary*, and *Kilkenny*, and with the Town Clerks of the Cities of *Limerick* and *Waterford*; be it therefore further enacted, That the said Maps or Plans and Books of Reference so deposited shall remain with and be kept by the said Clerks of the Peace, and the Town Clerks respectively, and all Persons interested in any Manner in such Lands or Grounds shall have liberty to inspect and peruse and make Extracts from and Copies of the same at all seasonable Times, paying to the said respective Clerks for every such Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Books of Reference after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans and Books of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Plan and
Book of Re-
ference.

X. And be it further enacted, That the said Company in making the said intended Railway or Tramroad shall not deviate more than One hundred Yards from the Course or Direction delineated in the said Maps or Plans; and such Deviation or Extension shall not enter the Lands or Grounds of any Person not mentioned in the said Book of Reference.

Not to devi-
ate more than
One hundred
Yards from
Plan.

XI. Provided always, and be it further enacted, That if it shall be made appear to any of His Majesty's Justices of the Peace acting in and for the said Counties of *Limerick*, *Tipperary*, or *Kilkenny*, or the Cities of *Limerick* or *Waterford* aforesaid, within their respective Jurisdictions, and be by them certified accordingly by Writing under their Hands, that the Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments mentioned and described in the said Book of Reference, or in the Schedule to this Act annexed, or any Part of the same respectively, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, or that any other Person or Party interested therein, or in any Part thereof, is or shall have been by Mistake or otherwise misnamed, or incorrectly or insufficiently described, or that the Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments

Omissions in
Book of Re-
ference not
to obstruct
the making
of the Rail-
way, &c.

Hereditaments which by this Act may be taken and used for the Purposes thereof, or any Part thereof, or the Owners or Proprietors thereof, or other Persons interested in any Manner therein, or any of them, are or shall have been omitted or left out of the said Books of Reference, or any of them, and scheduled or misnamed, or not otherwise noticed or described, such Mistake, Misnomer, incorrect Description, Omission, or Defect, shall not prevent, hinder, or retard the Execution of this Act, or otherwise prevent or impede the Purchase of any and every Part of the said Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments under the Provisions of this Act; but the same shall and may be valued, sold, purchased, conveyed, disposed of, and applied in the same Manner, and under the same and the like Powers, as are given by this Act in other Cases, as fully and effectually to all Intents and Purposes as if the same were inserted and properly and accurately named in the said Books of Reference, and in the said Schedule to this Act annexed.

Houses and Gardens not to be used without Consent, except those specified in the Schedule.

XII. Provided also, and be it further enacted, That nothing herein contained shall extend to authorize the said Company, or any other Person acting by or under their Authority, to take, use, injure or damage, for the Purposes of the said Railway or Tramroad or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected or built on or before the Thirtieth Day of *November* One thousand eight hundred and twenty-five, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein respectively, other than and except such as are specified in the Schedule to this Act annexed.

In case of Injury to Roads.

XIII. Provided also, and be it further enacted, That in all Cases when in exercise of the Powers hereby granted any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through, raised, sunk, taken, or so much injured as to be impassable or inconvenient for Travellers, Passengers, or Carriages, or to the Persons entitled to the Use thereof, the said Company shall, at their own Expence, before any such Road shall be cut through, raised, sunk, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Travellers, Passengers, and Carriages as the Road so to be cut through, raised, sunk, taken, or injured as aforesaid, or as near thereto as may be, and shall cause the same to be put into good and substantial Order and Condition, where the former Road cannot be more easily restored; and where the Road cut through, raised, sunk, or passed over shall be a Turnpike Road, the temporary Road shall be so made, and the principal Road restored, within Six Calendar Months after the Commencement of the Operation; and the Railway or Tramroad, where it shall cross such Turnpike Road, shall be made and kept in repair so as to prevent Inconvenience or Obstruction to the Passage along such Turnpike Road.

XIV. And be it further enacted, That the Lands or Grounds to be taken or used for the Purposes of this Act shall not exceed Twenty-two Yards in Breadth, except in those Places where it shall be judged necessary for Waggons or other Carriages to turn, remain, stand, or lie, or pass each other, or for raising Embankments for crossing the Vallies or Low Grounds or in Cuttings, or where any Warehouses or other Buildings, or Cranes or Weighbeams, may be erected, or where any Places may be set out or appropriated for the forming of Wharfs, Yards, or Conveniences, or for the Reception or Delivery of Goods, Wares, and Merchandize which shall be conveyed on the said Railway or Tramroad, and not above One hundred and fifty Yards in Breadth in any Place, except at or near to the Termination of the said Line within the City of *Limerick* and the Town of *Carrick* respectively, and except at or near the Commencement and Termination of the several Branches thereto at *Prior's Town*, and in the City of *Waterford* aforesaid, at *Cuppagh* and *Dwyer's Lot* aforesaid, and at *Grainge* in the Parish of *Erry* and *Slievardagh* aforesaid, where Places, not exceeding Two hundred Yards in Length by One hundred and fifty Yards in Breadth, are to be set out and appropriated for Wharfs, Warehouses, and Buildings, Yards and Conveniences, and also except on Commons, Downs, or Waste Lands, without the Consent of the Owners of the Lands or Hereditaments adjoining to the said Railway or Tramroad.

Breadth of
Land to be
taken for
Railway.

XV. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall have been set out and ascertained for making the said Railway or Tramroad, or any Part thereof respectively, and for providing and constructing the Works and Conveniences hereby authorized to be made, or any of them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and in behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in the same, and for all and every other Person and Persons whomsoever who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company; and all such Contracts, Agreements, Sales, Conveyances and Assurances, shall be made at the Expence of the said Company, and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; (namely),

Bodies Politic, &c.
empowered
to sell and
convey
Lands.

‘ I of the Sum of of in consideration
‘ of Proprietors established and incorporated by virtue of an Act of
‘ Parliament passed in the Seventh Year of the Reign of His Majesty
[Local.] 45 H King

Form of Conveyance to
the Company.

‘ King George the Fourth, intituled [*here insert the Title of this Act*] do
 ‘ hereby grant and release unto the said Company of Proprietors all
 ‘ [*here insert the proper Description of the Lands or Hereditaments in-*
 ‘ *tended to be conveyed*], together with all Ways, Rights, and Appurtenances
 ‘ thereunto belonging, and all my Estate, Right, Title, and Interest in the
 ‘ same and every Part thereof, to hold to the said Company of Proprie-
 ‘ tors and their Successors for ever, according to the true Intent and
 ‘ Meaning of the said Act. In witness whereof I have hereunto set my
 ‘ Hand and Seal, the Day of
 ‘ in the Year of our Lord

And all such Conveyances and Assurances as aforesaid shall be good,
 valid, and effectual in the Law to all Intents and Purposes, and shall
 operate and be as a Merger of all outstanding Terms of Years, and
 be a complete and effectual Bar of all Estates Tail and other Estates,
 Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests
 whatever.

Waste Lands
 to be con-
 veyed by
 Lords of Ma-
 nors.

XVI. And be it further enacted, That in all Cases where, in making
 the said Railway or Tramroad or other Works hereby authorized, there
 shall be occasion to cut through, take, or use any Part of any Common or
 Waste Grounds, or other Lands, Tenements, or Hereditaments which
 shall be charged with or subject or liable to the Exercise of any Right
 or Privilege of Common thereupon, whether of Pasture, Turbary, Estover,
 Piscary, or Easement; and whether such Common or Commonable Rights
 be appendant, appurtenant, or in gross, and whether the same be created
 or be then subsisting by Grant, Prescription, Custom, or otherwise
 howsoever, the Conveyance of such Common or Waste Grounds, or
 other Lands, Tenements, or Hereditaments as aforesaid, by any Body
 Politic, Corporate, or Collegiate, or other Person having such Estate or
 Interest in the Manor wherein such Common or Waste Grounds shall be
 situate, or if the same shall not be the Waste of any Manor, then having
 such Estate or Interest in the Soil of the said Lands, Tenements, or
 Hereditaments, as the Body or Bodies Politic, Corporate, or Collegiate,
 or Persons who are herein-before enabled to sell other Lands, Tenements,
 and Hereditaments, have in such Lands, Tenements, or Hereditaments,
 shall be a good and sufficient Conveyance to the said Company of Pro-
 prietors for the Purpose of vesting in them the Fee Simple and Inheri-
 tance of such Common or Waste Grounds, or other Lands, Tenements,
 or Hereditaments, as fully and effectually as if every Person having such
 Right or Rights of Common upon such Common or Waste Grounds, or
 other Lands, Tenements, or Hereditaments, were seised thereof in Fee
 Simple in Possession, and had joined in and executed such Conveyance;
 and the Compensation to be paid for the Extinguishment of any Right
 of Common upon any such Common or Waste Grounds as aforesaid
 shall be paid by the said Company to the Churchwardens or Parish Offi-
 cers for the Time being of the Parish wherein such Common or Waste
 Grounds shall be situated, and shall be by such Churchwardens or Parish
 Officers received and applied for such general or public Purposes within
 the said Parish, as a Vestry thereof, to be convened by such Church-
 wardens or Parish Officers for that Purpose, shall direct; and in all Cases
 where any such Commonable or other Rights shall extend over and be
 exercised and enjoyed out of or upon any other Lands, Tenements, or
 Here-

Hereditaments than such Common or Waste Grounds, the Compensation for the Relinquishment thereof shall be paid to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, having such Estate or Interest as aforesaid in the said Commonable or other Rights, or in any Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or deposited in the Bank of *Ireland* in the Manner by this Act directed (as the Case may be); provided that in all Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Grounds is situated, the Conveyance by Four at least of the Freeholders whose Estates have Common Right in or over such Common or Waste Grounds, shall also in like Manner be a good and sufficient Conveyance to the said Company, for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Lands.

XVII. And be it further enacted, That if in making the said Railway or Tramroad any Pieces or Parcels of Ground, except such Parcels of Land as lie within the Cities of *Limerick* or *Waterford*, or the Counties of the Cities of *Limerick* and *Waterford*, or in the Towns of *Tipperary*, *Cahir*, *Carrick*, *Clonmell*, and *Cashell*, shall be cut through and divided, so that what shall be left on each or either Side of the said Railway or Tramroad shall be less than One Statute Acre in Quantity, if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining to that which shall be left on each or either Side of the said Railway or Tramroad, then and in every such Case, if the Owner or Owners or Person or Persons entitled to the Possession or to the Rents and Profits of the same shall so require, but not otherwise, the said Company shall also take, and purchase the Piece or Parcel or Pieces or Parcels of Ground so left on each or either Side of the said Railway or Tramroad, being less than One Statute Acre in Quantity as aforesaid, the Value thereof to be ascertained in the same Manner as is directed concerning any Land or Ground to be taken and used for the Purposes of this Act; or in case the said Owner or Owners, or Person or Persons entitled to the Possession or to the Rents and Profits of such small Parcels of Land, shall have any other Land or Ground adjoining to that which shall be so left, he, she, or they may require the said Company, at the Expence of such Company, to throw the same into the adjoining Land of such Owner or Owners, or Person or Persons entitled as aforesaid, by grubbing up and removing the Fences and levelling the Sites thereof, and soiling the same in a sufficient and workmanlike Manner.

XVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to the said Company any Mines of Minerals or of Coals, or any Stone or Slate, under any Land taken or purchased by the said Company under the Provisions of this Act, except only so much and such Parts of such Minerals, Coals, Stone, or Slate, as may be necessary to be dug or gotten and carried away or used for the Purposes of this Act; but all such Mines, Minerals, Coals, Stone, or Slate, shall be deemed to be excepted out of such Purchase, and may be worked by the Owners or Lessees thereof, under the

Where small
Parcels of
Land are in-
tersected,
Company
compellable
to purchase
the whole.

Company
not to claim
Mines, &c.
under Land
purchased.

the said Lands, or any Railway or other Works of the Company, as if this Act had not passed, but so as nevertheless not to prejudice or to injure such Railway or other Works hereby authorized or directed to be made.

No Shaft to be sunk.

XIX. And be it further enacted, That from and after the passing of this Act no Shaft, Pit, or Quarry shall be dug, sunk, or made, and no Adit, Drift, or Cut shall be made under the said Railway or Tramroad, or the collateral Branches thereof, or under any Banks, Bridges, or Works upon which any Part of the said Railway or Tramroad, or collateral Branches thereof, shall be laid down, nor any Whins, Ropes, Chains, Connection Rods, or any other Ropes, Chains, Rods, or other Matters, be fixed over, under, or across, near or by any Part of the said Railway or Tramroad, or the collateral Branches thereof, so as to injure the said Railway or Tramroad, or the collateral Branches thereof, or to interrupt in any Manner the free Passage of Carriages with their Lading.

Satisfaction to be made for Lands taken for the Railway.

XX. And be it further enacted, That all Bodies Politic, Corporate, or Collegiate, Trustees, or other Persons herein-before capacitated or enabled to sell and convey Lands, Tenements, and Hereditaments, and the Owner and Owners and Occupier and Occupiers of any Lands, Tenements, or Hereditaments through, in, or upon which the said Railway or Tramroad, or other Works hereby authorized or intended to be made, or any of them, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Hereditaments, and also Compensation for the Damages to be sustained in making or completing the said Works herein-before directed to be made, and also of or by reason of the severing or dividing the same Lands, Tenements, and Hereditaments, and for and on account of the Detriment, Loss, Inconvenience, or Prejudice which may be sustained by such Bodies, Trustees, or other Persons, in such gross Sums as shall be agreed upon between the said Owners or Occupiers respectively, or any of them, and the said Company of Proprietors; and in case the said Company and the several Parties interested in any such Lands, Tenements, and Hereditaments, cannot or do not agree as to the Amount or Value of such Satisfaction and Compensation, the same shall be ascertained and settled by the Verdict of a Jury, as herein-after directed.

In case the Parties refuse to treat, or are incapable of treating, the Value to be settled by a Jury.

XXI. And for settling all Differences which may arise between the said Company and the several Owners of and Persons interested in any Lands and Grounds, Messuages, Buildings, Tenements, Hereditaments, Streams, Brooks, Canals, Waters, or Watercourses, which shall or may be taken, used, damaged, stopped up, affected, or prejudiced by the Execution of any of the Powers hereby granted, be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee, or any other Person so interested, entitled, or capacitated to sell as aforesaid, for and on behalf of himself or herself, or for or on behalf of his or her Cestuique Trusts, or of the Person or Persons entitled in Remainder or Reversion after him or her as aforesaid, or of any other incapacitated Person as aforesaid, shall differ or shall not agree with the said Company as to the Amount of such Purchase Money, Recompence, or other Compensation, and such Amount cannot be adjusted, settled, and agreed for by and between such Parties and the said Company; or if any such Party shall

refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Company within Twenty-one Days next after such Offer shall have been made, and the Party or Parties giving such Notice shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, Trustee, or other Person interested, entitled, or capacitated to sell as aforesaid, shall, for the Space of Twenty-one Days next after Notice in Writing shall have been given to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Person respectively, or left at the last or usual Place or Places of his or her Abode; or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments required for the Purposes of this Act, neglect or refuse to treat, or shall not agree with the said Company for the Sale and Conveyance of their respective Estates and Interests therein, or shall by reason of Absence be prevented from treating, or shall by reason of Nonage, or any other Impediment or Disability not provided for by this Act, be incapable of treating or making such Agreement as shall be expedient for enabling the said Company to proceed in making the said Railway or Tramroad, and other the Works aforesaid, or shall not produce and fully disclose the State of the Title to the Premises they may be in Possession of, or to the Interest they shall claim therein; then and in every such Case the said Company may and shall, and they are hereby empowered and required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the County in which the Lands and Hereditaments in question shall be situate, or the Matter in question or dispute shall arise, or in case such Sheriff or his Under Sheriff shall be One of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in any ways interested in the Matters in question, then to any of the Coroners of such County not interested as aforesaid, or if all the Coroners shall be so interested, then to the Person then in being who last filled the Office of Sheriff or Coroner of the said County, not interested as aforesaid, commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impanel, summon, and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts in *Dublin*; and the Persons to be summoned, returned, and impanelled, are hereby required to appear before the Justice of the Peace for the County in which the said Lands, Tenements, or Hereditaments shall be, or the Matter in question or dispute shall arise, at some Court of General or Quarter Sessions of the Peace to be holden in or for the same County, or at some Adjournment thereof, as in such Warrant shall be directed or appointed, and to attend such General or Quarter Sessions from Day to Day until discharged by the said Court; and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the Clerk of the Peace for the County wherein such Jury shall be returned, or his Deputy, in such Manner as Juries for Trials or Issues joined in His Majesty's Four Courts in *Dublin*, by an Act passed in *Ireland* in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better regulating Juries in Ireland*, are directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such

The Jury
to be sum-
moned by
the Sheriff,

or Coroner,

or Person
who shall
last have filled
the Office of
Sheriff, and
not interested
therein.

[*Local.*]

45 I.

Clerk

Attendance
of Jurymen
and Wit-
nesses.

Jury may
view the Place
or Matter in
question.

Verdict and
Judgment
therein to be
conclusive.

Notice of the
Time and
Place of a
Meeting to
be given.

Value of
Land and
Damages to
be ascertain-
ed separately.

Clerk of the Peace, or his Deputy, shall return other honest and indifferent Men of the Standers-by, (or of others that can be speedily procured to attend that Service,) being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against of the said Jurymen, but shall not challenge the Array; and the said Clerk of the Peace, or his Deputy, is hereby empowered and required to summon before the said Justices all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question or dispute, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matter or Matters in controversy; and such Jury shall upon their Oaths, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmation, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations of such Person or Persons as shall be called upon to give Evidence, the said Justices are hereby empowered and required to administer,) inquire of, assess, and ascertain, and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Messuages, Buildings, Tenements, and Hereditaments, and also the separate and distinct Sum or Sums of Money to be paid by way of Recompence or Compensation, either for the Damages which shall or may before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only removed by the said Company, and which cannot or will not be further obviated, remedied, or repaired by them; and the said Justices shall accordingly give Judgment for such Purchase Money, Recompence, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes, upon all Bodies Politic, Corporate, or Collegiate, and all other Persons whatsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Clerk or Agent or Head Officer of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which any such Question shall arise.

XXII. Provided also, and be it further enacted, That in ascertaining the Sum or Sums of Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments be taken or made use of for the Purpose of this Act, the Jury shall also ascertain and assess the Compensation and Satisfaction to be made by the said Company for any Damages which shall or may at any Time hereafter be sustained by any Body Politic, Corporate, or Collegiate, or by any Person, being Owner or Owners of or interested in such Lands, Tenements, or other Hereditaments, for or by reason of the severing or dividing the same from other Lands, Tenements, or Hereditaments belonging to such Body Politic, Corporate, or Collegiate, or to any such Person as aforesaid, and for or on account of the Detriment, Injury, Loss, and Damage or Prejudice which shall or may accrue, or to be sustained by such Body Politic, Corporate, or Collegiate, Owner, or other Person interested in such Lands, Tenements, or other Hereditaments,

by reason of the making, using, repairing, or maintaining the said Railway or Tramroad, and other Works and Conveniences belonging thereto, or by reason or means of the Execution of any of the Powers given to the said Company, such Damages and Compensation to be settled and ascertained separately and distinctly from the Value of the Lands, Tenements, and Hereditaments so to be taken and used as aforesaid.

XXIII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be assessed as aforesaid, shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, for such his or her Interest therein.

Compensation Money may be apportioned.

XXIV. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the Clerk of the Peace or his Deputy, present at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the County in which the Matter of dispute shall have arisen, among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have liberty to inspect the same, paying for such Inspection the Sum of One Shilling and no more, and also to take and make Copies thereof, paying for every Copy after the Rate of Sixpence for every Hundred Words.

Verdicts to be recorded.

XXV. And be it further enacted, That if such Sheriff, or his Deputy, or Coroner, or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear, without having sufficient Excuse for such Non-appearance, or appearing shall refuse to be sworn, or, being of the Society of Persons called *Quakers*, to make his solemn Affirmation, or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so to be summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, examined, or give Evidence; then and in every such Case every such Person so offending, having no reasonable Excuse (to be allowed by the said Justices), shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus of the Money thereby produced, after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Penalty upon Sheriffs, Jurors, and Witnesses making Default.

XXVI. And be it further enacted, That every such Jury and Jurymen as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Jurymen had been returned for the

Jurors to be under the same Regula-

Trial

tions as those
of the Courts
of Dublin.

Persons
giving false
Evidence
subject to the
Penalty of
Perjury.

Expences of
Jury how to
be paid.

Trial of any Issue joined in any of His Majesty's Courts of Record at *Dublin*; and all and every Person and Persons who in any Examination to be taken by virtue of this Act upon Oath, or, being of the Society of Persons called *Quakers*, upon solemn Affirmation, shall wilfully and corruptly give false Evidence before any Justice of the Peace, acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall and may be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

XXVII. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered or tendered by the said Company, for the Purchase of any Lands, Grounds, Messuages, Tenements, or Hereditaments, to be used or taken by them for the Purposes of this Act, or as Compensation for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expence of Witnesses, shall be defrayed by the said Company; and such Costs and Expences shall be settled and determined by some Justice of the Peace for the County within which such Premises shall lie, not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Five Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Company, or of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall not be given for a greater Sum than shall have been previously offered or tendered by or on behalf of the said Company, then and in every such Case one Moiety of the Costs and Expences shall be defrayed by the Person or Persons with whom the said Company shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Company; and all such Costs and Expences, having been ascertained and settled by some Justice of the Peace of the said County in manner herein-before described, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in all Cases where by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the Company.

XXVIII. And

XXVIII. And be it further enacted, That all Persons with whom the said Company shall have any such Controversy or Dispute shall, before the said Company shall be obliged to issue out their Warrant or Warrants for the summoning of such Jury, enter into a Bond with Two sufficient Securities to the Treasurer of the said Company, in the Penalty of One hundred Pounds, to prosecute their Complaint, and to bear and pay their Proportion of the Costs and Expences of summoning and returning such Jury and taking such Verdict, and of the summoning and of the Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon them to be paid, according to the true Intent and Meaning of this Act.

Persons requesting Juries to enter into Bonds to prosecute their Complaint, and pay Expences.

XXIX. And be it further enacted, That the said Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed to receive or take notice of any Complaint to be made by any Person for any Injury or Damage by him or her sustained or supposed to be sustained by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, stating the Particulars of such Injury or Damage, and the Amount of the Compensation claimed in respect thereof, shall have been given by or on behalf of such Person to the said Company within the Space of Six Calendar Months after the Time of such supposed Injury or Damage having been sustained, or the doing or committing thereof shall have ceased.

No Complaint to be taken notice of, unless Notice given to the Company within Six Months.

XXX. 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 any Jury in manner aforesaid, for the Purchase of such Lands, Tenements, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of such Lands, Tenements, 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 Two Calendar Months after the same shall be so agreed for, determined, or assessed, or if the Person or Persons so entitled or interested as aforesaid, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then, upon Payment of the said Sum or Sums of Money 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 Company and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and other Hereditaments respectively, and then and thereupon such Lands and Grounds, Tenements, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person therein, shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act; and such Payment or Tender and Investiture shall not only bar all the Right, Title, Interest, Claim, and Demand of such Person or Persons as aforesaid, and operate as a Merger of all outstanding Terms of Years, but also

Power to enter Lands upon Payment or Tender of Purchase Money.

[Local.]

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shall

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 or otherwise, of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *Ireland* as aforesaid, it shall not be lawful for the said Company, or any Person acting under their Authority, to dig or cut into such Lands or Grounds, and Tenements or Hereditaments, for the Purpose of making the said Railway or Tramroad, or other Works hereby authorized to be made, without the Leave of the respective Owners or Occupiers thereof in Writing made under their respective Hands.

Tenants at Will, or for Years, to quit Lands, &c. after Notice.

XXXI. And be it further enacted, That every Tenant at Will, Lessee for a Year, and other Person in Possession of any Lands, Tenements, and Hereditaments, through, in, or upon which the said Railway or Tramroad, and other Works hereby authorized to be made or used, is intended to pass or be made, and who shall have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year or from Year to Year, shall deliver up the Possession of such Premises to the said Company, or to such Person or Persons as they shall appoint to take Possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Company to such Tenant or Lessee, or Person in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time or Times of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, at such other Time after the Expiration of Six Calendar Months as he, she, or they shall be required; and in case any such Tenant or Lessee, or Person so in Possession as aforesaid, shall refuse to give such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriff of the County in which the said Premises shall be situate, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Interest of such Tenant may be settled by a Jury.

XXXII. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up the Possession of any Premises so occupied by him to the said Company, or to any Person authorized by them to take Possession thereof as aforesaid, before the Expiration of the Term or Interest of such Tenant or Lessee as aforesaid in the said Premises, the said Company shall and they are hereby directed to make or tender unto such Tenant or Lessee, before they shall issue their Precept or Precepts to the Sheriff to give Possession of the Lands and Premises in the Occupation of such Tenant or Lessee, as herein-before mentioned, Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Premises; which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in the same Manner as any other Satisfaction or Compensation for any Lands, Tenements, or Hereditaments taken or made use of by the said Company

is in and by this Act provided for, and directed to be made and assessed.

XXXIII. Provided always, and be it further enacted, That in all Cases where any Person shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest in any Lands, Tenements, or Hereditaments through, in, or upon which the said Railway or Tram, road, and other Works hereby authorized to be made, are intended to pass or be made, under or by virtue of any Demise, Lease, or other Grant, the said Company shall and they are hereby authorized to require such Person to produce or show the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made, and if such Lease, Demise, or Grant shall not be produced or shown, the Person or Persons claiming under the same shall be considered as holding only from Year to Year.

Tenants required to shew Title when Compensation demanded.

XXXIV. And be it further enacted, That all and every Person and Persons having any Mortgage or any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, (not being in Possession thereof by virtue of such Mortgage,) shall, on Tender of the Principal Money and Interest due thereon, together with the Amount of Three Calendar Months Interest on the said Principal Money, by the said Company, immediately convey, assign, and transfer such Mortgage to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee shall have Notice in Writing from the said Company, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage at the End or Expiration of Three Calendar Months (to be computed from the Day of giving such Notice), then and at the End of such Three Calendar Months, on Payment of the Principal Money and Interest so due, such Mortgagee shall convey, assign, and transfer his or her Interest in the Premises to the said Company; and in case such Mortgagee shall refuse to convey and assign as aforesaid on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage shall amount to more than the real Value of the Premises to be taken and made use of for the Purposes of this Act (and which shall be ascertained in manner herein-before directed), then the said Company shall not be liable to pay to the said Mortgagee more than the real Value of such Premises so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment thereout to any Lessee or Tenant as herein-before directed: Provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any such Mortgage as aforesaid into the Bank of *Ireland*, at the End of Three Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee, the Cashier or Cashiers of the said Bank shall give a Receipt or Receipts for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee, and of all and every Person and Persons in trust for him or her, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Premises comprized in such Mortgage, to all Intents and Purposes whatsoever: Provided

Mortgages to be conveyed to the Company after Tender.

vided also, that if such Mortgage shall comprize any other Lands, Tenements, or Hereditaments than those which shall be so taken by the said Company, such Mortgagee shall, upon Payment of the Sum so ascertained to be the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his or her Interest in such Lands, Tenements, and Hereditaments to the said Company; and in default of such Conveyance, Assignment, or Transfer, and on Payment of such Money into the Bank of *Ireland*, for the Use of such Mortgagee, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee, and of all and every Person and Persons in trust for him or her, in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee by virtue of such Mortgage.

Directing in what Manner Disputes between Company and certain Mortgagees of Land shall be settled.

XXXV. And be it further enacted, That in all Cases where a Part only of any Lands, Tenements, or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Lands, Tenements, or Hereditaments to be a sufficient Security for the Money secured thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, then and in every such Case the Price or Value of such Part of the said Lands, Tenements, or Hereditaments as shall be so required for the Purposes aforesaid, and the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee or Mortgagees, and the Person or Persons entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments, on the one Part, and the said Company of the other Part; and in case of any Difference or Disagreement between them, then such Price or Value and Compensation shall be ascertained or assessed by the Verdict of a Jury, in the same Manner as in other Cases of Difference or Disagreement; and the Amount of such Price or Value and Compensation, being so settled and agreed upon or ascertained and assessed as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his or their Claim, so far as the same will extend, or in case of his or their neglecting or refusing to release, convey, or assign, as hereinbefore directed, then into the Bank of *Ireland*, as by this Act is provided; and such Payment to the Mortgagee or Mortgagees, or into the Bank as last aforesaid, shall be and be accepted and taken in satisfaction of the Claim of such Mortgagee or Mortgagees, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Lands as shall be so taken and used, from all Principal and Interest, and other Money due or secured thereon: Provided nevertheless, that notwithstanding anything hereinbefore contained, such Mortgagee or Mortgagees shall have, retain, and be entitled to such and the same Powers, Remedies, and Means for Recovery or compelling Payment of his, her, or their Mortgage Money, or the Residue thereof, as the Case may be, and the Interest respectively, upon and out of the Residue of the mortgaged
Lands,

Lands, Tenements, or Hereditaments not required for the Purposes aforesaid, as he, she, or they would otherwise have had or been entitled to for Recovery or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprized in such Mortgage or Mortgages.

XXXVI. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole; Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Company of Proprietors of the *Limerick and Waterford* Railway Company, without Fee or Reward; and shall, when so paid in there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied in or towards the Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, 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 or capable of taking effect; and in the meantime and until such Order can be made, the said Money may, by Order of the said Court 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 Government Stock shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the same shall from Time to Time be paid, by the 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 such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Application of Compensation Money when amounting to 200*l*.

XXXVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and

[*Local.*]

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belonging

Application of Compensation Money when less than 200*l*.

and not less than 20%.

belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing under their Common Seal, be paid into the said Bank of *Ireland*, in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the same Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased and settled, such Nomination so to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *Ireland*, in the Name of the Accountant General of the High Court of Chancery, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Application of Compensation Money when less than 20%.

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

In case of not making out Titles, or Persons interested not being found.

XXXIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the

said Court; which said Court, on the Application of any Person 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, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereto, 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 therein for what and for whose Use the same is or are received, to such Person or Persons as shall have paid any Sum or Sums of Money into the Bank of *Ireland* as aforesaid.

XL. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the said Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditament to be purchased in pursuance of this Act, for the Purposes aforesaid, or to any Government Stock to be purchased with any such Money, or to the Dividends or Interest of any such Government Stock, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court, and the Dividends or Interest of the Government Stock to be purchased with such Money, and also the Capital of such Government Stock, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Persons in Possession presumptively entitled.

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, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *Ireland*, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of 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 Company out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XLII. And

Enabling the Company of Proprietors to sell Lands not wanted.

Lands intended to be resold to be first offered to Owners of adjoining Lands.

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Treasurer upon Payment of Money to give Receipts.

XLII. And whereas by means of the Purchases which the said Company are empowered and required to make by virtue of this Act, they may happen to be seised of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful for the said Company to sell and dispose of any Piece of such Land or Ground, either together or in Parcels, by public Auction or private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary notwithstanding: Provided always, that the said Company, before they shall sell and dispose of any such Piece of Land or Ground, shall first offer to sell the same to the Person or Persons whose Land or Premises shall immediately adjoin the Lands or Grounds so proposed to be sold as aforesaid; and such Person or Persons, in case he, she, or they shall be desirous of purchasing the same, shall signify such his, her, or their Desire and Intention in that Behalf to the said Company within Fifteen Days after such Offer of Sale shall have been made; and in case such Person or Persons shall refuse or decline to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire and Intention to purchase such Messuages, Lands, Tenements, and Hereditaments, for the Space of Fifteen Days, then and in every such Case an Affidavit made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said Counties of *Limerick*, *Tipperary*, or *Kilkenny*, or of the Cities of *Limerick* or *Waterford*, or either of them, by some Person or Persons not interested in the same Messuages, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on the Behalf of the said Company, and that such Offer was refused or declined, or was not accepted or agreed to by the Person or Persons to whom the same was made, within the Space of Fifteen Days from the Day or Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or declined, or was not accepted and agreed to within the Time aforesaid, by the Person or Persons to whom such Offer was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Company shall differ or not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury, in the Manner by this Act directed with respect to the disputed Value of Premises to be purchased by the said Company in pursuance thereof; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in and by this Act is directed with respect to Purchases made by the said Company, *mutatis mutandis*; and the Money produced by the Sale or Sales which may be made by the said Company of such Messuages, Lands, Tenements, and Hereditaments as aforesaid, shall be applied to the Purposes of this Act:

XLIII. Provided always, and be it further enacted, That upon Payment of the Money which shall arise from the Sale or Sales of such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company to sign and give Receipts for the Money for which the same

same shall be sold, which Receipts shall be sufficient Discharges to any Person for the Purchase Money for such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received, and such Person shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

XLIV. And whereas it may tend to the public Advantage and Accommodation, if the said Company were empowered to purchase an additional Quantity of Land, not exceeding Fifty Statute Acres, and also to purchase any Messuages or other Buildings for the Purpose of making, erecting, forming, and providing any Coal or other Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences for the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, to contract with any Person, Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, who shall be willing to sell the same, for the Purchase of any Parcel of Land, Messuages, Buildings, or Hereditaments, (not exceeding in the whole Fifty Statute Acres), in such Place or Places as shall be deemed eligible or convenient, for the Purpose of making, erecting, forming, and providing any Coal or other Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences, for the Purpose of receiving, lodging, depositing, or keeping any Goods, Merchandizes, or other Things carried or conveyed, or intended to be carried or conveyed, upon the said Railway or Tramroad, or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever connected with the said Railway or Tramroad, which the said Company shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company and their Successors any Parcel of Land, Messuages, Buildings, and Hereditaments whatsoever, for the Purposes last aforesaid or any of them, in the same Manner as is herein-before directed concerning Lands, Messuages, Buildings, and Hereditaments to be taken or used for the Purpose of forming, making, and maintaining the said Railway or Tramroad.

Empowering
the Company
to purchase
Fifty Acres of
Land.

XLV. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, from Time to Time and at any Time hereafter, to sell and dispose of such additional Lands, Tenements, and Hereditaments, as they are hereby authorized and empowered to purchase, and shall have actually purchased for the Purposes of this Act, or so much and such Part or Parts of the same Messuages, Lands, Tenements, and Hereditaments as the said Company shall think proper, and either together or in Parcels, by public Auction or private Contract, as shall be thought advisable or expedient, to any Person who shall be willing to become the Purchaser thereof, and again from Time to Time to contract for the Purchase of any other Messuages, Lands, Tenements, and Hereditaments more eligible or convenient for the Purposes aforesaid, or any of them, and afterwards to sell and dispose of the same as aforesaid, so that the total Number or Quantity

Power for the
Company to
sell Lands
not required
for the Pur-
poses of the
Act, and
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to purchase
and sell again
within the
Limit and
Quantity pre-
scribed.

of Acres to be purchased by the said Company for any of the Purposes herein-before mentioned, shall not exceed at any one Time the Quantity or Number of Acres by this Act specified or allowed for the same respective Purposes.

Restraining
the Company
from pur-
chasing more
than Fifty
Acres of Land
from incapa-
citated Per-
sons, &c.

XLVI. And whereas the said Company are enabled to purchase Fifty Acres of Land by virtue of this Act for the Purposes thereof, in addition to the Land hereby authorized to be purchased, used, or taken for the making and completing the said Railway or Tramroad, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, and again purchasing other Lands from the same or any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Femes Covert, Cestuique Trusts, Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, in lieu or stead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, more than such Fifty Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Fifty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same or any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, nor for the same or any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, to sell to the said Company

Company any other Lands in lieu or instead of those Fifty Statute Acres or any Part thereof so sold or disposed of by the said Company.

XLVII. And be it further enacted, That in all Conveyances to be made by the said Company under or by virtue or in pursuance of the several Powers and Authorities to them hereby given, the Word "Grant" shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantees or other Purchasers, his, her, or their Heirs, Executors, Administrators, or Assigns, from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises thereby granted of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, that the Purchaser or Purchasers thereof, his or their Heirs and Assigns, shall quietly enjoy the same against the same Company, their Successors and Assigns, and all claiming under them, and be indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by the said Company, and also for further Assurance of such Hereditaments and Premises by the said Company, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances or any of them; and such Purchasers or Grantees, and his, her, and their several Heirs, Executors, Administrators, and Assigns respectively, shall and may, in any Action or Actions to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances.

The Word "Grant" in Conveyances from the Company to amount to certain Covenants.

XLVIII. And whereas the Expence of making the said Railway or Tramroad and other Works herein mentioned is estimated at Three hundred and twenty-four thousand two hundred and twenty-five Pounds Ten Shillings: And whereas it is by this Act enacted that the said Expences shall be defrayed by the Commissioners for executing the several Acts for advancing Money for the Completion of Works of a public Nature in *Ireland*, to be repaid by the Rates on the said Railway or Tramroad, and by the Money subscribed towards that Purpose by individuals; be it therefore enacted, That the said Company shall and may, and they are hereby empowered to proceed in the Execution of this Act immediately after the passing thereof.

Works may be commenced immediately.

XLIX. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves a Sum of Money for making and completing the said Railway or Tramroad, and the Inclined Planes, Ways, Yards, Quays, Wharfs, Bridges, Piers, Arches, Embankments, Cuttings, Tunnels, and other Works belonging or requisite thereto, and for erecting, purchasing, and providing Houses, Warehouses, Toll Houses, and other Buildings, Landing Places, Weighing Beams, Cranes, Fire Engines, Steam Engines, and other Engines and Machines, and other Works and Conveniences, not exceeding in the whole the Sum of Three hundred and fifty thousand Pounds (except as herein-before mentioned), and the same shall be divided into Shares of

Proprietors to raise Money amongst themselves, not exceeding 350,000*l.* to be divided into Shares of 50*l.* each.

Fifty

Fifty Pounds each, and such Shares shall be numbered, beginning with Number One, in regular or arithmetical Progression, ascending, whereof the common Excess or Difference shall always be One, and every such Share shall always be distinguished by the Number to be applied to the same, and the said Shares shall be and are hereby vested in the several Persons so raising and contributing to the same, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, and other the Purposes of the said Subscription, shall be entitled to and receive, at such Time and Times as the said Company or their Directors shall, at a General or Special Meeting to be convened for that Purpose, as Meetings on other Occasions are directed to be convened, direct and appoint, an equal proportionable Part, according to the Money so by them respectively paid, of the net Profits and Advantages which shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company, as and when the same shall be divided by the Authority of this Act; and every Body Politic, Corporate, or Collegiate, Person and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportional Sum towards carrying on the same, in manner herein directed and appointed.

Shares to be Personal Property.

L. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Persons, of and in the same Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

To compel Payment of Subscriptions.

LI. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe to advance any Money for or towards making or maintaining the said Railway or Tramroad and other Works hereby authorized to be made, and for other the Purposes of this Act, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company, or by the Directors of the said Company, named and appointed as herein-after mentioned, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company or by the said Directors; and in case any Person shall refuse or neglect to pay the same at the Time and in the Manner required for that Purpose, it shall be lawful for the said Company to sue for and recover the same in any Court of Law or Equity.

Directing how Subscribers shall vote.

LII. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed for, or shall become entitled to any Share in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall have a Vote for and in respect of every Five Shares which

he or they shall have subscribed for in the stated and Special General Meetings to be held as herein-after appointed for carrying on the said Undertaking, and such Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy, duly constituted under the Common Seal of such Body Politic, Corporate, or Collegiate, or under the Hands of the Proprietor appointing such Proxy (every such Proxy being a Proprietor in the said Undertaking), and every such Vote by Proxy shall be as good and valid to all Intents and Purposes as if such Principal had voted in Person; and the Appointment of every such Proxy may be made according to the Form or to the Effect following; that is to say,

‘ I A. B. of One of the Proprietors Form of
 ‘ of the *Limerick and Waterford* Railway Company, do hereby nominate, Proxy.
 ‘ constitute, and appoint C. D. of to be my Proxy, in my
 ‘ Name and in my Absence to vote and give my Assent to or Dissent
 ‘ from any Business, Matter, or Thing relating to the said Undertaking
 ‘ which shall be mentioned or proposed at any Meeting of the Company,
 ‘ in such Manner as the said C. D. shall think proper, according to his
 ‘ Opinion and Judgment, for the Benefit of the said Undertaking or any
 ‘ thing appertaining thereto. In witness whereof I have hereunto set my
 ‘ Hand [or Seal] the Day of
 ‘ in the Year of our Lord

LIII. Provided always, and be it further enacted, That no Body Politic, Corporate, or Collegiate, or other Person who shall by virtue of this Act have subscribed for, or shall become entitled to and be possessed of Shares in the said Undertaking, shall be entitled to more than Sixty Votes, notwithstanding he or they may be possessed of a greater Number than Three hundred Shares; and every Election of Directors of the said Company, and every Question, Matter, and Thing whatsoever which shall be proposed, discussed, or considered in any General or Special Meeting of the said Company to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present; and at every such Meeting the Chairman shall not only be entitled to vote as a Proprietor, but in case of any Equality of Votes, shall also have the casting Vote.

No Person to have more than 60 Votes.
 All Questions to be decided by a Majority of Votes.

LIV. And for the better securing to the several Proprietors of the said Undertaking their respective Shares therein, be it further enacted, That the said Company shall, and they are hereby required, at their First or some subsequent General Meeting, to cause the Names and proper Additions of the several Persons who shall then be entitled to Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, and the Amount of the Subscriptions paid thereon, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk of the said Company, and after such Entry made, to cause their Common Seal to be affixed thereto, and also to cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk to the said Company One Shilling and no more for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *prima facie* Evidence of the

Names of Proprietors to be entered, and Certificates of their Shares to be given to them.

Title of such Subscriber, his or her Executors, Administrators, or Assigns, to the Share or Shares therein specified; but the Want of such Certificate or Ticket shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; which said Certificate or Ticket may be in the Words or to the Effect following; *videlicet*,

Form of Certificate.

‘ The *Limerick and Waterford Railway Company*.
 ‘ Number
 ‘ THESE are to certify, That
 ‘ of is a Proprietor of the Share, Number
 ‘ of the *Hibernian Railway*, subject to the Rules,
 ‘ Regulations, and Orders of the said Company; and that the said
 ‘ his [*or her*] Executors, Administrators
 ‘ [*or Successors*], and Assigns, is and are entitled to the Profits and Ad-
 ‘ vantages of such Share. Given under the Common Seal of the said
 ‘ Company, the Day of
 ‘ in the Year of our Lord .’

For granting new Certificates when old ones destroyed or worn out.

LV. And be it further enacted, That if any such Certificates or Tickets as aforesaid shall be worn out or damaged, then, upon the same being brought and shewn at some Meeting of the Directors of the said Company, such Certificates or Tickets may be cancelled and destroyed, and other similar Certificates or Tickets given under the Common Seal of the said Company to the Person or Persons in whom the Property of such Certificates or Tickets, and the Shares therein mentioned, shall be at that Time vested; or in case such Certificates or Tickets shall be lost, or burnt or totally destroyed, then, upon Proof thereof, like or similar Certificates or Tickets shall be given to the Person or Persons who was or were the Owner or Owners of or entitled to such Certificates or Tickets so lost, burnt, or destroyed; and a due Entry of the Transfer of such Certificates or Tickets (if any such have been made) shall be entered by the Clerk of the said Company in manner herein directed, the said Clerk receiving for every such Certificate or Ticket which shall be so given or exchanged, the Sum of One Shilling and no more.

Company may apply for Advances to Commissioners acting under 3G.3. c.112. and mortgage the Rates, &c. for securing Payment of Principal and Interest.

LVI. And whereas by an Act made in the Third Year of the Reign of His present Majesty King *George the Fourth*, 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 was amongst other things enacted, that it shall and may be lawful for the Commissioners for the Execution of the said Act and 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 whatever 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,

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 *Limerick and Waterford* Railway Company to apply to the Commissioners for the Execution of the said Act of the Third Year of the Reign of His present Majesty, 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 Purpose of this Act, under the Regulations and Conditions of the said recited Act, it shall be lawful for the said Company to mortgage or assign all or any of the Rates, Tolls, or Duties expected to arise and be payable, or which shall arise and be payable under this Act, to the 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 any 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 of the Third Year of the Reign of His present Majesty; and every such Mortgage or Assignment, and the Sums payable under or by virtue of the same, shall in all Cases have Preference and Priority over any other Mortgage or Assignment, or of any of the said Tolls, Rates, or Duties, or of 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 Security of the same, in preference and priority to all other Payments under the Authority of this Act.

Such Mortgage to have Preference to all others.

LVII. And be it further enacted, That it shall be lawful for the said *Limerick and Waterford* Railway Company 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 the Reign of His present Majesty, the Sum of Two hundred and fifty thousand Pounds, for the Purposes of

Company may borrow Money at Interest.

of this Act, upon the Credit of the Tolls, Rates, and Duties to be levied, collected, and raised, and be payable to the said Company by virtue of this Act, and to assign all or any Part of the said Tolls and Duties 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; and the Costs of every such Assignment shall be defrayed by the said Company 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 *Limerick and Waterford* Railway Company, by virtue of
 ‘ an Act of Parliament made in the Seventh 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 of and for the Purposes of this Act, do hereby grant
 ‘ and assign unto the said _____, or to his said
 ‘ Trustee or Trustees [*as the Case may be*], his Executors, Administra-
 ‘ tors, or Assigns, such Proportion of the Tolls and Duties 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 bor-
 ‘ rowed, 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 autho-
 ‘ rizing the Advance of Money out of the Consolidated Fund. In witness
 ‘ whereof the said Company have hereunto caused our Common Seal
 ‘ to be affixed, the _____ Day of
 ‘ in the Year _____ .

And every 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.

Money may be raised by Annuities.

LVIII. And be it further enacted, That in case the said Company 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 Company, 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 of the said Company any Sum or Sums of Money as to the said Company 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, or shall be nominated at the Time of Payment of such Contribution or Purchase

Purchase Money; and the Expence of every such Grant shall be defrayed by the said Company; and the Grant of every such Annuity shall be in the Words or to the Effect following:

WE, the *Limerick and Waterford* Railway Company, by virtue of the Provisions of an Act of Parliament made in the Seventh 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 and Duties payable to the Company 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 _____ next ensuing the Date hereof: Provided always, that this Grant and 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 Company have hereunto caused our Common Seal to be set, this _____ Day of _____ in the Year _____

Form of Grant of Annuity.

LIX. 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* Bank Annuities at the Time of granting the same, in the Manner and according to the Rate prescribed by Two several Acts, one passed 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*, and the other passed in the Fifty-second Year of the Reign of His said late 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*: And all and every the Person or Persons to whom such Mortgage or Assignment, Grant or Annuity, shall be made, shall be equally entitled one with the other to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such Mortgages or Assignments, Grant or Annuity, mentioned to be advanced or secured, without any Preference by reason of the Priority of Date of any such Mortgage or Assignment, or on any Account whatsoever, save and except the Priority or Preference so reserved in favour of any Mortgage or Assignment of the said Tolls to the Commissioners for the Execution of the said recited Act; and an Entry or Memorial of every such Mortgage or Assignment, Grant or Annuity, containing the Number and Date thereof, and the Name or Names of the Person or Persons, with their _____

Restrictions as to Grant of Annuities.

Mortgagees and Annuity-tants to be equally entitled.

Mortgages and Annuities to be registered.

[Local.]

45 O

proper

proper Additions, to whom the same shall have been made, and of the Sum borrowed or paid, together with the Rate of Interest to be paid thereon, and Annuity secured thereby, shall, within Fourteen Days next after the Date thereof, be entered in a Book or Books to be kept by the Clerk of the said Company of Proprietors, which said Book or Books shall and may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, Grant or Grants, Annuity or Annuities, shall have been made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right and Interest therein to any Person or Persons whomsoever; which Transfer shall and may be in the Words or to the Effect following; (that is to say),

‘ I [or We] of in consideration of
 ‘ the Sum of paid by of
 ‘ do hereby transfer a certain
 ‘ No. made by the Company of Proprietors of the
 ‘ *Limerick and Waterford* Railway to bearing Date the
 ‘ Day of for securing the Sum of
 ‘ or any Annuity or annual Sum of
 ‘ [as the Case may be], and Interest, and all my Right and Property
 ‘ therein, to the said his Executors, Administra-
 ‘ tors, and Assigns. Dated this Day of
 ‘ in the Year of our Lord

And every such Transfer shall, within Fourteen Days after the Date thereof, be produced to the Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as the original Mortgages or Assignments, Grants or Annuities, for which the said Clerk shall be paid such Sum as the said Company shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made, every Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Payment thereof and Payment thereon, and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Sum or Sums thereon due or thereby secured, or any Part thereof.

Interest of Money borrowed to be paid in preference to Dividends.

For Recovery of Arrears.

LX. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage, and all Annuities to be granted as aforesaid, shall be paid to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said Company or any of them, and shall from Time to Time be fully paid and discharged or provided for before the annual or other Interest or Dividends due to the said Proprietors or any of them shall be paid, made, or provided for; and in case the same or any Part thereof shall be behind and unpaid by the Space of One Calendar Month next after the same shall become due and payable as aforesaid, and the same shall not be paid within Twenty-one Days next after Demand thereof in Writing shall have been made to the Clerk or Treasurer for the Time being of the said Company, or left at his or their last known Place of Abode, or at the Office of the said Company, it shall be lawful for Two or more Justices of the

Peace acting in and for the said Counties of *Limerick*, *Tipperary*, or *Kilkenny*, or for the Cities of *Limerick* or *Waterford* or any of them, within their respective Jurisdictions, and they are hereby required, on Request made to them by or on behalf of any Mortgagee or Mortgagees, Annuitant or Annuitants, whose Interest shall be so in arrear, by an Order under their Hands to appoint One or more Persons to receive the Whole or such Part or Parts of the said Rates as are liable to pay such Interest and Annuities so due and unpaid as aforesaid; and the Money so to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of such Person or Persons to whom such Interest or Annuities shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, shall be fully satisfied and paid; and after such Interest or Annuities shall have been paid and satisfied, the Power and Authority of such Receiver and Receivers for the Purposes aforesaid shall cease and determine; or otherwise the said Interest or Annuities so due and unpaid shall be sued for and recovered, with Costs, by an Action of Debt in any of His Majesty's Courts of Record at *Westminster* or in *Dublin*.

LXI. Provided always, and be it further enacted, That no Person to whom any such Mortgage, Annuity, or Assignment shall be made, shall be deemed a Proprietor of any Share or Shares, or shall be capable of acting or voting as such at any Meeting of the said Company for or on account of his or her having lent or advanced any Sum or Sums on such Mortgage or Assignment, or by way of Purchase of any Annuity or Annuities as aforesaid.

Creditors not to vote.

LXII. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the said additional Sum of Two hundred and fifty thousand Pounds by Mortgage or Annuity as aforesaid, and shall afterwards be required or be desirous to pay off, and shall pay off all or any Part of the Principal Sum secured or intended to be secured by such Mortgages, or repurchase such Annuities, or any of them, then and in every such Case it shall and may be lawful for the said Company, and they are hereby authorized and empowered, immediately, or at any Time or Times thereafter, again to raise, in lieu of the Principal Money so paid off by them, so much and such Sum and Sums of Money as they shall from Time to Time have paid off or be required or be desirous to pay off to the Holders of the Mortgages, or any of them, or any Part or Parts thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any event borrow upon Mortgage more than the Sum of Two hundred and fifty thousand Pounds in the whole at any one Time.

In case Mortgages are paid off, the Company may raise the Amount again.

LXIII. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first Place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto, and all the Residue and Remainder of such Money shall be applied in and towards purchasing Lands and Grounds, making, completing, and maintaining the said Railway or Tramroad, Ways, Wharfs, Quays, Tunnels,

Application of Money to be raised.

Tunnels, Bridges, and other Works, and other the Purposes of this Act.

First and
other General
Meetings.

LXIV. And be it further enacted, That the said Company shall meet together at the *City of London Tavern*, or at some other convenient Place within the *City of London* aforesaid, on the Second *Monday* next after the passing of this Act, between the Hours of Twelve of the Clock at Noon and Three of the Clock in the Afternoon, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time and from Place to Place as they shall think fit; and from and after the said First General Meeting of the said Company of Proprietors, there shall be a General Meeting of the said Company held in *London* on the First *Tuesday* in the Month of *March* in each and every Year, or within the Space of Twenty-one Days next thereafter, and also such and so many Special General Meetings of the said Company as shall be called as herein-after provided, of which said General Meetings and Special General Meetings Ten Days public Notices at the least shall be given by Advertisement in some Two or more Newspapers usually circulated in the *City of London*, and in the Counties of *Limerick*, *Tipperary*, and *Kilkenny*, and in the Cities of *Limerick* and *Waterford* aforesaid, and which said Notice shall specify the Purpose for which any such Special General Meeting is called; and all such General Meetings and Special General Meetings may be adjourned from Time to Time and from Place to Place as shall be found expedient.

General
Meetings may
make Bye
Laws.

LXV. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any such General or Special Meeting as aforesaid, to fix and order what Remuneration (if any) shall be allowed to the Directors of the said Company, and to make such Rules, Orders, and Bye Laws as to them shall seem right and proper for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings of the Directors, and for the Superintendance and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Regulations, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of the Proprietors composing such Meetings shall seem meet, not exceeding the Sum of Five Pounds for any Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as are herein-after mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, and printed and published and painted on Boards, shall be hung up and affixed and continued on the Front of the several Toll Houses to be erected on the said Railway or Tramroad and Wharfs, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and such Rules, Bye Laws, and Orders shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that such Rules, Bye Laws, and Orders be not repugnant to the Laws of the United Kingdom of *Great Britain* and *Ireland*, or to any Directions in this Act contained; and all such Rules, Bye Laws, and Orders shall be subject to Appeal in manner herein-after mentioned.

LXVI. And

LXVI. And be it further enacted, That the said Company shall, at their said First General Meeting, or at some Adjournment thereof, elect and choose a Treasurer and Clerk for transacting the Business of the said Company; and it shall be lawful for the said Company, at any General or Special Meeting to be holden as herein-before directed, from Time to Time to remove and displace such Treasurer and Clerk or either of them, or any Person or Persons who shall be hereafter elected and appointed to their respective Offices, and shall also from Time to Time elect and choose, in manner aforesaid, any other Person to act as Treasurer or Clerk of the said Company, in the Room of such of the said Officers as shall happen to die or resign, or to be removed from their respective Offices; and it shall be lawful for the Company to allow such Salaries or other Emoluments to the said Officers or either of them, as they shall from Time to Time fix and determine upon: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall hereafter be appointed Treasurer of the said Company, and from the Receiver, Collector, or other Officer having the Custody or Controul of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

Treasurer
and Clerk to
be appointed.

Treasurer to
give Security.

LXVII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk, or of the Partner of such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer, or of the Partner of such Treasurer, to be the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk, or of the Partner of such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer, or of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every 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 *Westminster* or *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 Impar lance, shall be allowed.

Same Person
not to be
Clerk and
Treasurer.

LXVIII. And be it further enacted, That the Right Honourable the Earl of *Belfast*, the Right Honourable Colonel *Bagwell*, *James Hewitt Massey Dawson*, *Thomas Haviland Burke*, *Henry Houldsworth Hunt*, *John Easthope*, *James Scully*, *James Hubbersty*, *Richard Davis*, *Birnie*, and *Henry Sargint*, together with such Three other Persons as the said Company shall at their First Meeting to be held under and by virtue of this Act appoint, shall be and they are hereby constituted and appointed

Directors.

the First Directors for managing and conducting the Affairs of the said Company.

Service of
Directors.

LXIX. And be it further enacted, That at the General Meeting to be held in the Month of *March* which will be in the Year of our Lord One thousand eight hundred and twenty-seven, Three of the said Directors, to be chosen by Lot among themselves, shall go out of Office and cease to be Directors of the said Company, and Three other Persons, duly qualified, shall be elected Directors in their Place and Stead; and at the General Meeting to be held in the Month of *March* which will be in the Year of our Lord One thousand eight hundred and twenty-eight, Three other of the said Directors, to be determined by Lot among themselves, shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *March* which will be in the Year of our Lord One thousand eight hundred and twenty-nine, Three other of the said Directors shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *March* which will be in the Year One thousand eight hundred and thirty, Three other of the said Directors shall go out of Office and cease to be Directors of the said Company; and at the General Meeting to be held in the Month of *March* in the Year One thousand eight hundred and thirty-one, Three of the Directors who shall have been longest in Office shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner.

Directors
going out of
Office to be
re-eligible.

LXX. Provided always, and be it further enacted, That every Director who shall by Rotation or otherwise go out of Office on any annual Day of Election, shall be eligible to be immediately re-elected a Director of the said Company.

No Person
holding Office
to be a Di-
rector.

LXXI. Provided always, and be it further enacted, That no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract under the said Company, shall be capable of being or acting as a Director of the said Company.

For supplying
Vacancies in
Direction.

LXXII. And be it further enacted, That when and so often as any Director to be elected by virtue of this Act shall die or shall resign, or shall become disqualified or incompetent to act as a Director, or cease to be a Director from any other Cause than that of going out of Office by Rotation, it shall be lawful for the remaining Directors to elect some other Proprietor duly qualified to be a Director; and every such Proprietor so elected to fill up any such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be elected would have been entitled to have continued had he lived or remained in Office.

Chairman
and Deputy
Chairman of
Directors.

LXXIII. And be it further enacted, That the Directors present at the First Meeting of Directors which shall be holden next after the First General Meeting of the said Company, and so at the First Meeting of the Directors which shall be holden next after the annual Meeting in the Month of *March* in each and every Year, or at the First Meeting holden
next

next after the Election of the Three Directors in the Place of the like Number of Directors hereby required to go out of Office by Rotation as aforesaid, or the major Part of the Directors then present, shall choose out of the Directors of the said Company a Chairman and Deputy Chairman of the said Directors: Provided always, that when and so often as the Chairman or Deputy Chairman to be chosen by virtue of this Act shall die or resign, or become disqualified to act, it shall be lawful for the Directors in like Manner, at the Meeting to be held next after such Vacancy, to choose some other of the said Directors to be Chairman or Deputy Chairman; and every such Chairman or Deputy Chairman so to be chosen as last aforesaid to fill such Vacancy shall continue in his Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to have continued if such Death, Resignation, or Disqualification had not happened.

LXXIV. Provided always, and be it further enacted, That if any Person who shall be elected Director of the said Company, or Chairman or Deputy Chairman of the said Directors, shall at any Time subsequently to his Election accept or hold any other Office or Place of Trust or Profit under the said Company, or shall either directly or indirectly be concerned in any Contract for any Article to be used or consumed by the said Company, or shall offer to take and succeed in taking, or shall participate in any Manner in any Work to be done for the said Company, or shall at any Time cease to be a Proprietor of Five Shares in the said Undertaking, every such Person shall thereby become disqualified from voting or acting at any Meeting of such Directors, and his Office shall thereupon become vacant.

Directors,
&c. contract-
ing for Work,
&c. disquali-
fied.

LXXV. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to meet and adjourn from Time to Time, and from Place to Place, and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places of holding General or Special Meetings; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of Votes then present; and such Directors shall have full Power and Authority to direct and manage the Affairs of the said Company, as well in contracting for and purchasing Lands, Messuages, Tenements, or other Hereditaments, and Engines and Materials for the Use of the said Undertaking, as in employing, ordering, and directing the Works and Workmen, and in nominating, appointing, electing, placing or displacing all and every the Officers, Engineers, Agents, Servants, and Workmen of the said Company, (except the Treasurer and Clerk herein-before directed to be appointed by a General Meeting of the said Company,) with such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper, and upon the Death or Removal or displacing of any of the said Officers or Servants from Time to Time, another or others to appoint in his or their Place or Places, and in making all Contracts and Bargains touching the said Undertaking; and the said Directors may require such Security to be given to the said Company from any Officer or other Person for the faithful Execution of their respective Duties as they may think proper or reasonable; and no

Powers of
Directors.

Director,

Director, although he may be a Proprietor of many Shares in the said Undertaking, shall have more than One Vote at any Meeting of the said Directors, except the Chairman of such Meeting, who, in case of any equal Division, shall always have a Second or casting Vote, although he may have given One Vote before as Principal or Proxy; and every such Meeting of Directors shall keep a regular Minute and Entry of their Proceedings, and from Time to Time make Report of their Proceedings to the said stated General Meetings, and, if required, to the Special General Meeting of the said Company, and shall obey their Orders and Directions; and the said Directors shall keep or cause to be kept full and true Accounts of all Monies disbursed and Payments made by the said Directors, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on behalf of or in respect of such Undertaking from any Collector of the said Rates or other Officer, or from any other Person whomsoever employed in or having any Concern, Dealing, or Transaction with the said Undertaking, or in or with any Part thereof, and shall regularly write, insert, and enter, or cause to be written, inserted, and entered, in a Book or Books to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies, (as the Case shall require,) of every such Contract, Bargain, Receipt, and Disbursement, and of other their Orders and Proceedings, which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Directors.

Directors
may appoint
Committees,
with Power
to make Con-
tracts, &c.

LXXVI. And be it further enacted, That it shall be lawful for the said Directors to nominate and appoint, out of their own Body or otherwise, a Committee or Committees, who shall have full Power and Authority to enter into and make any Contracts or Agreements on behalf of the said Company, and to hire and employ any Agents, Workmen, or Servants in or about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in or about the said Undertaking, which the said Directors themselves are herein-before authorized to do, or such of them as the said Directors shall think proper to entrust to the Care and Management of any such Committee (save and except, nevertheless, the making of Calls for Money upon the Proprietors of the said Undertaking); and it shall be lawful for the said Directors for the Time being to order and direct such Compensation or Recompence to be made to the Committee or Committees from Time to Time as they shall think reasonable; and it shall be lawful for the said Directors, by an Order or Resolution for that Purpose, to break up and dissolve any such Committee, or to remove and displace any Member thereof, and to appoint some other or others in their Place and Stead, when and as often as such Directors shall think proper and expedient; and such Committee shall have full Power and Authority to meet from Time to Time and adjourn from Place to Place as they shall think proper, and as Occasion shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested, or which shall by the said Directors be vested in any such Committee, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings; and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall have the casting Vote in case of an equal Division, although he may have given a Vote before.

LXXVII. And be it further enacted, That in case any Treasurer or Clerk of the said Company shall die, or be removed from or quit the Service of the said Company, it shall be lawful for the said Company, at their stated or Special General Meetings, or for the Directors of the said Company, to appoint any other fit and proper Person to execute such Office or Offices, in the Place of the Person or Places who shall so die, or be removed from or quit the Service of the said Company; and in case any such new Appointment shall be made by the said Directors, the same shall only continue until the next General Meeting of the said Company, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices as the said Company at such General Meeting shall think proper.

Directors
may appoint
temporary
Treasurer or
Clerk.

LXXVIII. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Directors or by the said Company, make out and deliver to the said Directors or Company, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing, under his or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath or have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Directors or the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Directors, or to the said Company, or to such Person or Persons as they shall respectively appoint, within Fourteen Days after being thereunto required by the said Directors or by the said Company, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case Complaint being made thereof by the said Directors or by the said Company, or by any Person on their Behalf, to any Justice of the Peace, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Directors or the said Company might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy

Officers to
account.

the said Monies; and the Charges of taking and making such Distress and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and is hereby authorized and required, by Warrant under his Hand, to commit such Officer or Person to the Common Gaol or House of Correction of the said County where such Offence shall be committed, there to remain without Bail or Mainprize until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Directors or with the said Company for such Money and Charges, and paid the Composition Money to the said Directors or to the said Company (and which Composition the said Directors and the said Company are hereby respectively empowered to make), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Directors or to the said Company: Provided always, that no Person who shall be committed for Want of sufficient Distress only, shall be detained in Prison for any longer Space of Time than Three Calendar Months.

Meetings of
Company
may be spe-
cially con-
vened.

LXXIX. And be it further enacted, That Twenty-five or more Proprietors of the said Company, holding in the Aggregate Two hundred Shares or upwards in the said Undertaking, may at any Time, by Writing under their Hands, left at the Office of the said Company, or given to any Director of the said Company, or left at his last or usual Place of Abode, require the said Directors to call a Special General Meeting, so as such Requisition fully express the Objects for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Twenty-one Days after such Notice given as aforesaid, the same may be called by such Proprietors, by giving Fourteen Days Notice thereof in some Newspaper usually circulated in the City of *London*, and in the Counties of *Limerick*, *Tipperary*, and *Kilkenny*, and also in Two or more Newspapers usually circulated within the Cities of *Limerick* and *Waterford* aforesaid respectively; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice; and all Acts of the said Company, or of the major Part of them met together at every such Special General Meeting, shall be as valid with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting at the Time herein-before appointed for holding the same.

Chairman of
General or
Special
Meetings.

LXXX. And be it further enacted, That at all General and Special General Meetings of the said Company the Chairman of the said Directors, or in his Absence the Deputy Chairman of the said Directors, or in

his Absence; any One of the Directors of the Company to be chosen at any such Meeting, or in the Absence of all the Directors, any Proprietor to be chosen at such Meeting, shall preside as Chairman.

LXXXI. Provided always, and be it further enacted, That if at any General Meeting there shall not be Twenty-five Persons present who shall be possessed of or entitled to at least Two hundred Shares in the said Undertaking, within One Hour from the Time appointed for such Meeting, no Choice of Directors, nor any Removal of a Person or Persons from any such Committee, or any Election of any Person or Persons in the Room of such of the said Directors as shall die, or declining to act, shall be made, nor shall any Bye Law or Regulation be made or altered, or any Business transacted at that Time; but in such Case there shall be another Meeting of the said Company of Proprietors at the same Place at the Expiration of Seven Days, and if a sufficient Number of Proprietors shall not then attend, the said General Meeting shall stand adjourned to the Seventh Day next following, and so from Time to Time as often as the same shall happen, until at any such General Meeting there shall be a sufficient Number of Proprietors present, when the Meeting shall proceed to Business, and not before; and the Directors for the Time being shall continue to act and have the same Powers as they had and were possessed of, until new Directors shall be appointed as aforesaid.

General Meetings for choosing Board of Directors to consist of 200 Shares.

LXXXII. And be it further enacted, That it shall be competent for every General Meeting, if the Majority of the Proprietors then present shall require it, to call for and examine the Accounts of the said Company and of the Directors, and of the Treasurer, Receivers or Collectors of the Rates, and other Officers of the said Company.

Meetings to settle Accounts.

LXXXIII. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called, and no other Business shall be transacted at any Adjourned Special or General Meeting than the Business left unfinished at the Meeting from which such Adjournment took place.

Business at Special and Adjourned General Meetings.

LXXXIV. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the General and Special General Meeting of the Company as of the Directors, shall be entered in a Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before Judges, Justices, and others.

Orders and Proceedings to be entered in a Book.

LXXXV. Provided always, and be it further enacted, That all Notices herein directed to be given of any General or Special Meeting of the said Company, or of any Adjournment thereof respectively, or to any of the Proprietors of the said Company, and not herein otherwise provided for, shall be signed by the Chairman or Deputy Chairman of the Directors of the said Company, or by the Proprietor who may be elected Chairman of any such Meeting, or by the Clerk of the said Company, and shall be given by Advertisement, to be inserted in some Newspaper printed or published in the City of London, and also in One or more Newspapers printed

Notice of Meetings how to be given.

printed and published in the Counties of *Limerick*, *Tipperary*, and *Kilkenny*, and in the Cities of *Limerick* and *Waterford* respectively, and such Notices, when so published, shall be deemed and considered the same as personal Notices.

Clerk of the Company to keep List of Proprietors.

LXXXVI. And be it further enacted, That the Clerk of the said Company shall, in a proper Book or Books, to be provided by the said Company for that Purpose, enter and keep a true Account of the Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors thereof, or be entitled to any Share therein; and every Proprietor of the said Undertaking shall and may, at all convenient Times, have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof, or any Part thereof, paying at and after the Rate of Sixpence for every Hundred Words so to be copied; and if any such Clerk shall refuse to permit any Proprietor to inspect or peruse any such Book at all convenient Times and Seasons, or refuse to make any such Copy within a reasonable Period at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking.

Power of Directors to make Calls.

LXXXVII. And be it further enacted, That the said Directors shall have Power from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find necessary for those Purposes, so that no such Call shall exceed the Sum of Five Pounds upon each Share which any Person shall or may be possessed of or entitled unto in the said Undertaking; and that no further additional Call shall be made until all the Arrears of preceding Calls shall have been collected, or some Proceeding taken either to recover the said Arrears, or to declare the Shares of the Persons in arrear forfeited, and such Call shall not be made but at the Distance of Three Calendar Months at the least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in some One or more of the Newspapers published in the City of *London*, and in the Counties of *Limerick*, *Tipperary*, and *Kilkenny*, and in the Cities of *Limerick* and *Waterford* aforesaid respectively; which Monies so called for shall be paid to such Person or Persons, and in such Manner as the said Directors shall from Time to Time direct and appoint, for the Use of the said Undertaking; and every Owner of any Share in the said Undertaking shall pay his or her rateable Proportions of the Monies to be called for as aforesaid, to such Person or Persons, and at such Time and Place as the said Directors shall from Time to Time direct and appoint; and if any Person shall neglect or refuse to pay his or her rateable or proportionable Part or Share of the said Money so called for as aforesaid, at the Time and Place to be appointed as aforesaid, it shall be lawful for the said Company, or for the said Directors, to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster* or in *Dublin*, by Action of Debt or on the Case, or by any Bill, Suit, or Information, wherein no Essoign, Wager, or Protection of Law, nor more than One Imparlance, shall be allowed; or the said Company, or the said Directors, may and they are hereby authorized to declare the Share belonging to any Person refusing or neglecting to pay any such Call in manner as aforesaid to be forfeited, in manner hereinafter

In case Persons neglect to pay Calls, Directors may sue for them, or declare the Shares to be forfeited.

after directed: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking, until Notice in Writing under the Hand of the Clerk or Treasurer of the said Company shall have been given or sent by the Post to, or left at the usual Place or Places of Abode of the Owner or Owners of such Share, nor until the Declaration of Forfeiture of the said Directors shall have been confirmed at some stated or Special General Meeting of the said Company which shall be held after the End of Three Calendar Months at the least from the Day on which such Notice of Forfeiture shall have been given; and after such Forfeiture shall be confirmed, the said Meeting shall have Power to direct the said Directors to dispose of the Shares so forfeited, and to apply the Proceeds of such Sale for the general Purposes of the Act.

No Advantage to be taken of Forfeiture of Shares without Notice.

LXXXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Company, or for the said Directors, to sue for, recover, and receive all such Sum and Sums of Money as have already been subscribed by any Person or Persons, and paid to or deposited with or in the Name or Names of any Person or Persons whomsoever, for or on account of the said Railway or Tramroad, and the Works hereby authorized to be made, or for the Purposes of this Act, in such and the same Manner as is prescribed by this Act for the Recovery of any Call or Calls to be made in pursuance thereof.

Company to sue for Monies already subscribed and deposited with or in the Name of any Person.

LXXXIX. And be it further enacted, That in any Action to be brought by the Company or by the said Directors, against any Owner of any Share in the Undertaking, to recover any Sum of Money due or payable to the said Company, or to the said Directors, for or by reason of any Call made by virtue of this Act, it shall be sufficient for the said Company or the said Directors, to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company or to the said Directors in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants, (as the Case may happen to be,) whereby an Action hath accrued to the said Company or to the said Directors by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Directors who made such Call or Calls, or any other Matter whatsoever; and the said Company and the said Directors shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded Five Pounds for every Share of Fifty Pounds, or was made within the Distance of Three Months from the last preceding Call, or without Notice given in any Newspaper as aforesaid.

Proceedings in Actions for Calls.

XC. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share as shall be forfeited by

If the Purchase Money for such

[Local.]

45 R

reason

Shares shall be more than sufficient to pay the Arrears of Calls, &c. the Surplus to be paid to the Owner on Demand.

reason of the Nonpayment of any Call, as herein authorized, shall be more than sufficient to pay all such Arrears or Calls as aforesaid, and legal Interest thereon, and the Expence attending the Sale or Sales, the Surplus of such Money shall be paid to the Person or Persons to whom such Share or Shares shall have belonged on Demand: Provided also, that the said Company or their Directors shall not, by virtue of this Act, sell or transfer, or direct to be sold and transferred, any more of such Shares of such Defaulter or Defaulters, in Payment of such Calls, than shall be sufficient as near as may be at the Time of such Call to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after Payment of all and every such Call or Calls, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

For ascertaining the Proprietorship of Shares in certain Cases.

XCI. And whereas in Cases where the original Holder or Proprietor, or Holders or Proprietors, of any Share in the said Undertaking, shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his, her, or their Right and Interest to some other Person or Persons, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain who is or are the Owner or Proprietor, or Owners or Proprietors of such Share, in order to give him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, Notice or Notices of Calls to be made on such Share, or to maintain any Action or Suit or other Proceeding against him, her, or them, or his, her, or their Executors, Administrators, or Assigns, for the Recovery of the same; be it therefore enacted, That in all the Cases aforesaid, where the Right and Property of any Share in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor thereof, to any other Person, by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner herein specified or herein otherwise provided, an Affidavit shall be made and sworn to by Two credible Persons before any of His Majesty's Justices of the Peace, stating the Manner in which such Share hath or have been passed to such other Person, his or her Executors, Administrators, Successors, or Assigns; and such Affidavit shall be delivered to and left with the Clerk of the said Company, to the Intent that he may preserve the same, and enter and register the Name or Names of every such Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors of the said Undertaking, to be kept in the Office of the said Company; and in all or any of the said Cases, after Thirty Days Notice in Writing shall have been given by the said Directors, under the Hand of the Clerk or Treasurer of the said Company, to the Person or Persons stated or claiming in such Affidavit to be the Owner or Owners of such Share or Shares, or left at his, her, or their last or usual Place of Abode, to pay his, her, or their Proportion of Money to be called for, and such Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, shall not have paid such his, her, or their Proportion as aforesaid, it shall be lawful for the said Company, at any General

ral Meeting or Special General Meeting after the Expiration of such Notice, to declare the same Share or Shares to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner as the said Company at any Meeting shall direct, or otherwise become consolidated in the general Fund of the said Company; and in case there shall be no such Affidavit made and filed as aforesaid, then and in that Case such Notice as is hereinbefore directed to be given shall be served upon or left at the last Place of Abode of the Executors or Administrators of such Subscriber so dying, or of the Assignees or Trustees of such Subscriber so becoming bankrupt or insolvent, or in the event of the Share or Shares being disposed of as aforesaid, of the last Person appearing in the Book of the said Company to have been possessed of the same; and in case the last or usual Place of Abode of such Person or Persons cannot be ascertained upon due Inquiry, such Notice shall be inserted Three Times in the *London Gazette*; and in case any Subscriber shall go out of the Kingdom, such Notice shall be inserted in the *London Gazette* as aforesaid; and in all such Cases, and after such Notices, on Default being made, the said Shares shall be forfeited in manner aforesaid; except only, in case of the Subscriber or Subscribers being abroad, the Share or Shares shall not be forfeited until the Expiration of Six Months after the Day on which such Notice shall have been left at his or her last or usual Place of Abode in *Ireland* or *England*, or inserted in the *London Gazette* as aforesaid.

XCII. Provided also, and be it further enacted, That no Proprietor in arrear for any Call shall at any Meeting be allowed to vote or give his Voice in the Agitation of any Question respecting the Concerns of the said Company, either personally or by proxy, until such Time as he shall have paid all such Arrears as may be due from him in respect of such Calls, although the Time limited for Payment thereof may not have expired.

Proprietors
in arrear not
to vote.

XCIII. And be it further enacted, That the Directors shall keep a regular Minute or Entry of their Proceedings, and from Time to Time make Reports to and be subject to the Examination and Controul of the said General and Special Meetings of the said Company as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Company, at any such General or Special Meeting, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Directors to
be under
Controul of
General
Meetings.

XCIV. And be it further enacted, That it shall be lawful for the several Proprietors of any Share in the said Undertaking, and his, her, or their respective Executors or Administrators, to sell and dispose of any Share to which he, she, or they shall be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and the Form of Conveyance of Shares may be in the following Words or to the like Effect, varying the Names and Descriptions of the contracting Parties, as the Case may require:

Shares may
be sold.

Form of Con-
veyance.

I of _____ of _____ in consideration
 paid to me by _____
 do hereby bargain, sell, assign, and transfer to the said
 Share [or Shares, as the Case may be,] numbered _____
 of and in the Undertaking called the *Limerick and Waterford Railway*,
 to hold unto the said _____, his Executors, Ad-
 ministrators, and Assigns, subject to the same Conditions as I held the
 same immediately before the Execution hereof; and I the said
 do hereby agree to accept and take the said Share or
 Shares, subject to the same Rules, Orders, Restrictions, and Conditions.
 As witness our Hands and Seals the _____ Day of _____

And in every such Sale the said Deed or Conveyance (being exe-
 cuted by the Seller or Sellers and the Purchaser or Purchasers of such
 Share or Shares) shall be kept by the said Purchaser or Purchasers, for
 his, her, or their Security, after the Clerk of the said Company shall have
 entered, in a proper Book or Books to be kept for that Purpose, a Me-
 morial of such Transfer and Sale for the Use of the said Company, and
 have testified and endorsed the Entry of such Memorial on the said
 Deed of Sale or Transfer, for which no more than Two Shillings and
 Sixpence shall be paid, and the said Clerk is hereby required to make
 such Entry or Memorial accordingly; and until such Memorial shall have
 been made and entered as above directed, such Purchaser or Purchasers
 shall have no Part or Share in the Profits of the said Undertaking, nor any
 Interest for such Share or Shares paid to him, her, or them, nor any Vote
 or Votes in respect thereof as a Proprietor or Proprietors of the said
 Undertaking.

After a Call
no Share to
be sold until
Call shall be
paid.

XCV. And be it further enacted, That no Person shall sell or transfer
 any Share which he, she, or they shall possess in the said Undertaking,
 after any Call shall have been made by the said Directors for any Sum
 of Money in respect of such Share, unless he or she, at the Time of
 such Sale or Transfer, shall have paid or discharged to the Treasurer of
 the said Company, or to such Person or Persons as the said Directors
 shall appoint to receive the same, the whole and entire Sum of Money
 which shall have been called for in respect of each Share so sold or
 transferred.

The Person
whose Name
stands first as
a Joint Pro-
prietor to be
deemed the
Owner, and
be entitled to
vote.

XCVI. And be it further enacted, That whenever Two or more Per-
 sons shall be jointly possessed of or entitled to any Share in the said
 Undertaking, the Person whose Name shall stand first in the Books of
 the Company as Proprietor of such Share shall for the Purposes of this
 Act be deemed and taken to be the Owner or Proprietor of such Share;
 and all Notices hereby required to be given to the Owner or Proprietor
 of any Share in the said Company shall and may be given or sent to the
 Person whose Name shall so stand first in the Books of the said Com-
 pany, or be left at the last or usual Place of Abode of such Person, or be
 inserted in the *London Gazette*, as herein-before mentioned (as the Case
 may require), and such Notice to such Person shall be deemed and taken
 to be a sufficient Notice to all the Owners or Proprietors of such Share
 or Shares, for all the Purposes for which such Notice is intended to be
 given;

given ; and such Owners or Proprietors shall be entitled to give their Vote or Votes in respect thereof, by the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares, and whose Vote shall, either in person or by proxy, on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share or Shares.

XCVII. And be it further enacted, That in case any Proprietor entitled to vote at such Meetings as aforesaid shall be a Lunatic or a Minor, such Lunatic shall or may vote at such Meeting or Meetings by his or her Committee or any One of such Committee, and such Minor shall and may vote by his or her Guardian or any One of such Guardians ; provided that such Committee or Guardian may also vote in right of his own Shares, as well as in the Character of Committee for any Lunatic or of Guardian of any Minor, on the same Occasion.

Lunatics and Minors to vote by Committee and Guardians.

XCVIII. And in order to ascertain the Amount of the clear Profits of the said Undertaking, be it further enacted, That the said Company or the Directors of the said Company shall and they are hereby required to cause a true, exact, and particular Account to be kept, and annually made up and balanced on the Thirty-first Day of *December* in each Year, of the Money collected and received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the Use of the said Company by virtue of this Act, and of the Charges and Expences attending the erecting, making, supporting, maintaining, and carrying on the said Works, and of all other the Receipts and Expenditure of the said Company or the said Directors ; and at the annual Meeting of the Proprietors of the said Undertaking to be from Time to Time holden as aforesaid, or at some Adjournment thereof, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such annual Meeting shall declare otherwise ; and such Dividends shall be at and after the Rate of so much *per Centum* upon the several Shares held by the Members thereof in the Joint Stock of the said Company, as such Meeting or Meetings shall think fit to appoint and determine : Provided always, that no Dividend shall be declared or paid until the annual General Meeting which shall be holden next after the Expiration of Two Years from the passing of this Act : Provided also, that no Dividend shall be made whereby the Capital of the said Company shall be in any Degree reduced or impaired, nor shall any Dividend be paid in respect of any Share after a Day appointed for Payment of any Call for Money in respect thereof, until such Call shall have been paid.

As to making up Accounts, and Divisions of Profits annually.

XCIX. And be it further enacted, That previously to any Dividend being declared out of the Net Profits of the Company, it shall be lawful for the Directors for the Time being of the said Company, and they are hereby empowered and required, to set apart One Eighth Part of such Net Profits to form a Fund for the Purposes herein-after mentioned, and the remaining Seven Eighth Parts only of such Net Profits shall be divisible among the Proprietors of the said Company, any thing herein-before contained to the contrary thereof in anywise notwithstanding : Provided always, that if at any Time such Fund shall amount to the Sum of Fifty thousand Pounds, then and in such Case the

One Eighth Part of the Profits to be set aside to form a Fund to answer Contingencies.

One Eighth of such Net Profits shall be divisible among the Proprietors of the Company.

Fund to accumulate at Compound Interest until it shall amount to 50,000*l*.

C. And be it further enacted, That it shall be lawful for the Directors for the Time being of the said Company, and they are hereby authorized and required from Time to Time to lay out and invest in the Names of Three Trustees, for and on the Behalf of the said Company, such One Eighth Part of the said Net Profits, as and when the same shall be set apart as aforesaid, in such of the Public Parliamentary Funds or Stocks of *Great Britain* as the said Directors shall in their Discretion deem expedient, and from Time to Time lay out and invest the Dividends and Interest arising from such Parliamentary Funds or Stocks in the same or in other Parliamentary Funds or Stocks, in order that the same may accumulate at Compound Interest until the Funds so formed shall amount to the Sum of Fifty thousand Pounds: Provided always, that when such Fund shall, by Accumulations or otherwise, amount to the Sum of Fifty thousand Pounds, the Interest and Dividends thereof shall no longer be invested, but shall be applied for the general Purposes of the Company.

Such Fund to be resorted to instead of making Calls.

CI. And be it further enacted, That in case of any extraordinary Claims or Demands upon the said Company, the Directors shall resort to the Fund so to be formed as aforesaid to satisfy such Claims and Demands, instead of making any Call upon the Proprietors of the said Company for the Payment of any further Instalment.

When reserved Fund reduced below 50,000*l*. Part of the Profits to be again invested.

CII. And be it further enacted, That when and as often as the Fund so to be formed as aforesaid shall, by reason of any such extraordinary Claim or Demand, or from any other Cause, have been reduced below the Sum of Fifty thousand Pounds, Part of the Net Profits of the said Company may again in like Manner be set apart and invested, and the Interest and Dividends thereof may in like Manner again accumulate at Compound Interest, until such Fund shall again amount to the Sum of Fifty thousand Pounds.

Securities may be varied.

CIII. And be it further enacted, That the Directors for the Time being of the said Company shall have full Power and Authority from Time to Time, when and as often as they shall deem it expedient or necessary so to do, to vary or transpose the Funds or Stock, or any of them, in which the said Monies or Fund, or any Part thereof, shall from Time to Time be invested, and also to sell and dispose of all or any Part or Parts of the said Fund or Stock, and convert the same into Money, for the Purpose of answering every or any extraordinary Claim or Demand which may be made upon the said Company.

Regulation as to Acquisition of Shares.

CIV. And whereas by the Marriage or Death of Proprietors of Shares in the said Undertaking it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore enacted, That every Person who shall claim any Parts of the Profits of the said Undertaking in right of Marriage, shall be entitled to receive the same, or be entitled to vote in respect of any Shares, an Affidavit (or solemn Affirmation by any Person of the Society of Quakers) in Writing, containing a Copy of the Register

of such Marriage, or other Particulars of the Celebration thereof, shall be made and sworn to, or solemnly affirmed by some credible Person, before a Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers or Sales of Shares in the said Undertaking; and before any Person who shall claim any Part of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Clerk, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator or Intestate shall be made and sworn to, or solemnly affirmed to, by the Executor or Executors of the said Will, or the Administrator or Administrators of the Intestate, before a Master or Masters Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases other than herein-before mentioned, when the Right and Property of any Share of the said Undertaking shall pass from the original Proprietor or Proprietors thereof to any other Person, by any other legal Means than by a Transfer and Conveyance thereof as herein directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn to, or solemnly affirmed to, by some credible Person, before a Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share or Shares hath or have passed to such other Person; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor in the Register Book or List of Proprietors of the said Company, and the Clerk of the said Company shall be entitled to receive for each and every of such Entries as is herein-before directed, the Sum of Two Shillings and Sixpence, and no more.

CV. And be it further enacted, That the Receipt or Receipts of the Person or of any of the Persons in whose Name or Names any Share in the said Undertaking shall stand in the Books of the said Company, shall from Time to Time be a sufficient Discharge to the Treasurer or Treasurers for the Time being of the said Company, for any Dividend or Sum of Money which shall become due and payable and be paid for or in respect of such Share, notwithstanding any Uses, Trusts, Intents, or Purposes upon or to which such Share shall be then settled, conveyed, or assigned.

Receipt of the Person in whose Name Shares stand for Dividends to be good.

CVI. And be it further enacted, That in all Cases where the Money shall be payable under the Provisions of this Act to any Proprietor in the said Undertaking who shall be a Minor, the Receipt of the Parent or Guardian for the Time being of such Minor shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Receipts for Minors.

CVII. And be it further enacted, That if the said Railway Company, or the Directors thereof for the Time being, shall deem it expedient, out of

The Company may buy of Shares.

of any Surplus of Monies or otherwise, to buy up any Share in the said Undertaking which shall be offered for Sale, then and in such Case it shall be lawful for any General Meeting of the said Company, or for the said Directors, either to direct that any such Share so bought shall merge in the said Undertaking, or that the same shall be transferred to the Clerk of the said Company in trust for the said Company, and such Shares may in such last-mentioned Case at any Time thereafter be sold for the Benefit of the said Company, and for the raising of any Sum of Money which may be wanted for or towards the erecting or repairing of any Building or Works belonging to the said Undertaking, or any other Purpose necessary for carrying on the same.

Rate of Tonnage.

CVIII. And in consideration of the great Charges and Expences which the said Company must necessarily incur and sustain in making and maintaining the said Railway or Tramroad, and other the Works hereby authorized to be made and maintained, be it enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, for the Tonnage of all Goods, Commodities, Wares, Merchandize, Articles, Matters, and Things which shall be carried or conveyed upon or along the said Railway or Tramroad, or upon or along any Part thereof respectively, the Rates, Tolls, or Duties herein-after mentioned ; (that is to say),

Tolls.

For all Rubble Stone, Limestone and Lime, Dung, Compost, Bog Stuff, and all Sorts of Manure, and Materials for the Repair of the public Roads or Highways, any Sum not exceeding One Penny Halfpenny *per Ton per Mile* :

For all Coal, Coke, Culm, Charcoal, Cinders, Turf, Firewood, Stone dressed or cut, Sand, Clay, Gravel, building, pitching, and paving Stones, Flags, Bricks, Tiles, Slates, Kelp, Rock Salt, and Iron Stone, any Sum not exceeding Two-pence *per Ton per Mile* :

For all Lead, Copper, or other Ores, Marble, White Salt, Potter's Clay, Ochre, and other Minerals, any Sum not exceeding Two-pence *per Ton per Mile* :

For all Cast Iron and Bar Iron, Copper in Sheets or Bolts, Sheet Lead and other Metals, any Sum not exceeding Three-pence *per Ton per Mile* :

For all Timber, Deals, Staves, &c. any Sum not exceeding Three-pence *per Ton per Mile* :

For Hay, Straw, Rape Cakes, Potatoes, Turnips, Roots, and other Vegetables, any Sum not exceeding Two-pence *per Ton per Mile* :

For Corn, Grain, Flour, Meal, Malt, Bran, Starch, Butter, Beef, Pork, and all Provisions, any Sum not exceeding Three-pence *per Ton per Mile* :

For all Cotton, Wool, Flax, Hides, Drugs, Dye Woods, Sugar, manufactured Goods, and all other Wares, Merchandizes, Matters, or Things, any Sum not exceeding Four-pence *per Ton per Mile*.

Tolls upon Articles carried but a short Distance.

CIX. Provided always, and be it further enacted, That in all Cases where any of the above-mentioned Articles, Matters, or Things shall be carried or conveyed along or upon the said Railway or Tramroad, for so short a Distance that the above-mentioned Tonnage Rates shall not amount to

to the Sum of One Shilling *per* Ton, the said Company shall be at liberty, and they are hereby authorized and empowered, to demand and receive the Sum of One Shilling *per* Ton thereon, any thing in this Act contained to the contrary thereof notwithstanding.

CX. And be it further enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use and Benefit of the said Company, for and in respect of Coaches, Chariots, Chaises, Cars, Gigs, Landaus, Waggon, Carts, or other Carriages which shall be used on the said Railway or Tramroad for the Conveyance of Passengers or Cattle, the several Tolls herein-after mentioned ; that is to say,

Power to take Tolls for Coaches and other Carriages going along the Railway.

For every Person passing in or upon any such Carriage, for any Distance not exceeding Ten Miles, the Sum of One Shilling and Sixpence ; for any Distance exceeding Ten Miles and not exceeding Twenty Miles, the Sum of Two Shillings and Sixpence ; and for any Distance exceeding Twenty Miles, the Sum of Four Shillings :

For every Horse, Mule, Ass, or other Beast of Draught or Burthen, and for every Ox, Cow, Bull, or Neat Cattle, carried in or upon any such Carriage, for any Distance not exceeding Fifteen Miles, the Sum of Two Shillings and Sixpence ; and for any Distance exceeding Fifteen Miles, the Sum of Four Shillings :

For every Calf, Sheep, Lamb, or Pig carried in or upon any such Carriage for any Distance, the Sum of Nine-pence.

CXI. And be it further enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, for all Articles, Matters, and Things, and for all Carriages conveying Passengers or Cattle which shall pass any of the Inclined Planes upon the said Railway or Tramroad, such Sum as the said Company shall appoint, not exceeding the Sum of One Shilling *per* Ton, for and in respect of each of the said Inclined Planes, over and above and in addition to the Rates, Tolls, and Duties by this Act authorized to be taken and received for Goods, Wares, Merchandize, and other Things, Passengers, and Cattle, which shall be carried or conveyed upon the said Railway or Tramroad.

Rate of Tonnage on passing Inclined Planes.

CXII. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton, a Proportion of the Rates shall be demanded and taken for such Fraction, according to the Number of Quarters of a Ton contained in such Fraction ; and when there shall be a Fraction of a Quarter of a Ton, such Fraction shall be deemed and considered as a Quarter of a Ton ; and in all Cases where there shall be a Fraction of a Mile in the Distance in which any Waggon, Cart, or other Carriage shall pass upon the said Railway or Tramroad, the said Rates of Tonnage which shall be demanded and taken for the Conveyance of Goods shall be after the Rate of the Number of Miles which the said Waggon, Cart, or other Carriage shall have passed, and when there shall be a Fraction of a Mile, such Fraction shall be deemed and considered as One Quarter of a Mile ; and in order to ascertain and calculate with greater Precision and Facility the Distance for which Tonnage shall be demanded and taken upon the

Regulations as to fractional Parts of a Ton or Mile.

[Local.]

45 T

said

said Railway or Tramroad, the said Company shall cause the said Railway or Tramroad to be measured, and Stones or other conspicuous Marks to be set up and for ever maintained at the Distance of One Quarter of a Mile from each other, with proper Inscriptions.

Company
may carry
Goods, &c.
and charge
for the
Carriage.

CXIII. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized to carry, over, along, and upon the said Railway or Tramroad, or any Part thereof respectively, all such Goods, Wares, and Merchandizes, Articles, Matters, and Things, as shall be offered to them for that Purpose, and to ask, demand, receive, and recover, to and for the Use and Benefit of the said Company, for such Carriage and Conveyance as aforesaid of all Goods, Wares, and Merchandizes, Articles, Matters, or Things, carried, conveyed along and upon the same, (including the several Rates herein-before authorized to be charged and received as and for Tonnage and Tolls,) any Sum of Money not exceeding the following Sums; that is to say,

For all Rubble Stone, Limestone and Lime, Dung, Compost, Bog Stuff, and all Sorts of Manure, and all Materials for the Repair of the public Roads or Highways, any Sum not exceeding Two-pence *per Ton per Mile*:

For all Coal, Coke, Culm, Charcoal, Cinders, Turf, Firewood, Stone dressed or cut, Sand, Clay, Gravel, building, pitching, and paving Stones, Flags, Bricks, Tiles, Slates, Kelp, Rock Salt, and Iron Stone, and for all Lead, Copper, or other Ores, Marble, White Salt, Potters Clay, Ochre, and other Minerals, and for all Cast Iron and Bar Iron, Copper in Sheets or Bolts, Sheet Lead, and all other Metals, any Sum not exceeding Three-pence *per Ton per Mile*:

For all Timber, Deals, Staves, &c. any Sum not exceeding Three-pence Halfpenny *per Ton per Mile*:

For Hay, Straw, Rape Cakes, Potatoes, Turnips, Roots, and other Vegetables, any Sum not exceeding Three-pence *per Ton per Mile*:

For Corn, Grain, Flour, Meal, Malt, Bran, Starch, Butter, Beef, Pork, and all Provisions, any Sum not exceeding Three-pence Halfpenny *per Ton per Mile*:

For all Cotton, Wool, Flax, Hides, Drugs, Dyewoods, Groceries, and manufactured Goods, not exceeding Four-pence *per Ton per Mile*:

For all Wines, Spirits, Vitriol, Glass, and other hazardous Goods, not exceeding Five-pence *per Ton per Mile*:

And for all Persons, and for all Cattle and other Animals, such reasonable Charges as shall from Time to Time be determined by the said Company.

Company
empowered
to regulate
and fix the
Price of
small Par-
cels.

CXIV. Provided always, and be it further enacted, That it shall be lawful for the said Company from Time to Time, at any General Meeting of the said Company to be held as is herein-before directed, to make such Bye Law or Bye Laws, for ascertaining and fixing the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five Hundred Pounds Weight) upon the said Railway or Tramroad, or upon any Part thereof respectively, and from Time to Time to repeal, alter, and vary the said Rates, as to them shall seem meet, fitting, and reasonable.

CXV. Pro-

CXV. Provided always, and be it further enacted, That the said Company shall from Time to Time cause to be painted on Boards, and affixed and stuck up, and continued, and renewed as often as the same shall be obliterated or defaced, upon every public Wharf and upon every Stopgate or Toll House on the said Railway or Tramroad, in some conspicuous Places, in large and legible Characters, an Account or List of the several Rates, Tolls, and Duties which the said Company shall from Time to Time so direct and appoint to be taken, and of the Price or Prices, Sum or Sums of Money so allowed to be taken for the Carriage of all and every such Parcel and Parcels (not exceeding Five Hundred Pounds Weight as aforesaid) upon the said Railway or Tramroad, or any Part thereof respectively; and in case any Owner or Master or other Person belonging to any Wagon or other Carriage passing upon the said Railway or Tramroad, or any Part thereof, or any Collector of the Rates, Toll, or Duties aforesaid, shall, after such Account or List shall be affixed or stuck up as aforesaid, demand or take more than the Price or Sum of Money therein specified and ascertained, such Owner, Master, Collector, or other Person as aforesaid, shall forfeit any Sum not exceeding Five Pounds.

List of Tolls to be affixed in conspicuous Places.

Penalty on demanding more than the proper Rate.

CXVI. Provided also, and be it further enacted, That it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Tolls for or in respect of any Carriage, Passenger, Horse, Mule, Ass, or other Beast, but for and during such Time as the Board on which such Rates, Tolls, and Duties shall be so painted as aforesaid shall remain affixed to every public Wharf, Stopgate, or Toll House on the said Railway or Tramroad as aforesaid.

Tolls payable only whilst Board remains.

CXVII. And be it further enacted, That if any Person shall wilfully or maliciously pull down, deface, or destroy any Board whereon any Rules, Orders, Bye Laws, Tolls, or Rates shall be painted, he or she shall on Conviction forfeit and pay to the said Company a Sum not exceeding Five Pounds, to be recovered and applied as other Penalties are by this Act directed to be levied and applied.

Penalty on Persons defacing Boards.

CXVIII. 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 on some other conspicuous Part of the Stopgate, 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 of the Time he shall be upon Duty; and if any Collector of the same Tolls, Rates, or Duties 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, Rate, or Duty from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand or take a Toll, Rate, or Duty from any Person who shall be exempted from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall not permit any Person to read, or shall in anywise hinder any Person from reading the Inscriptions on the Boards to be affixed and placed as aforesaid, or shall refuse to tell his Christian or Surname

To prevent Toll Collectors misbehaving.

Surname to any Person who shall demand the same, on having paid the said Tolls, Rates, or Duties, or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Toll, Rate, or Duty being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Engineer, or other Officer, or to any Passenger, then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Recovery of Rates.

CXIX. And be it further enacted, That the Rates of Tonnage and other Sums hereby authorized and made payable shall be paid to such Person or Persons, at such Place or Places, and upon or near the said Railway or Tramroad, in such Manner and under such Regulations as the said Company at some General or Special Meeting or Meetings, or as the said Directors shall, by Notice to be annexed to the Account or List of Tolls, Rates, and Duties, direct or appoint; and in case of Refusal or Neglect of Payment of such Rates, Tolls, or Duties, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same, by Action of Debt or upon the Case, in any of His Majesty's Courts of Record, or the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid may, and he and they is and are hereby empowered to seize the Goods or other Things for or in respect whereof any such Rates, Tolls, or Sums ought to be or to have been paid, or any Part thereof, and the Waggon or other Carriage laden therewith, and to detain the same until such Payment shall be made, together with the reasonable Charges of such Seizure and Detention; and if such Goods shall not be redeemed within Fourteen Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

Disputes about the Amount of Tolls.

CXX. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Tolls, or Duties due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress until the Amount of the Rates, Tolls, or Duties due, and the Charges of seizing, distraining, keeping, or selling such Distress, as the Case shall happen, shall be ascertained by some Justice of the Peace for the said Counties of *Limerick*, *Tipperary*, or *Kilkenny*, or the Cities of *Limerick* or *Waterford*, as the Case may be, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Rates, Tolls, or Duties due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them, as he shall think just and reasonable, and in case of Non-payment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

Power to re-enter Toll Houses, &c.

CXXI. And be it further enacted, That in case all or any of the Tolls or Duties arising by virtue of this Act shall be demised or let to farm to any Person in any Manner whatsoever, and the Lessee or Lessees,
 1. Farmer

Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Seven Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement or Contract for demising or letting the same Tolls or Duties, or in case any temporary or other Collector of the said Tolls and Duties shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself, and such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family, or other Representative of any Collector who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House, Weighing Machine, or other Building, with the Gardens and other Appurtenances thereto respectively belonging, to be erected, built, constructed, or set up by virtue of this Act, for the Space of Three Days after Demand thereof made in Writing, given or left at such Toll House, Weighing Machine, or Building, or at any of such Toll Houses, Weighing Machines, or Buildings, which shall be or have been in the Possession or Occupation of such Collector or other Person, such Demand in Writing to be signed by any Two or more of the Directors (although not assembled at a Meeting), or by the Clerk or Treasurer for the Time being of the said Company, or in case any such Lease, Agreement, or Contract shall in any other Manner become void, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the said Counties, upon Application made by the said Directors, or by the Treasurer or Clerk for the Time being of the said Company, by Warrant under their respective Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every such Toll House, Weighing Machine, or other Building, with the Gardens and all other the Appurtenances thereto belonging, and to remove and put such Lessee or Lessees, Farmer or Farmers, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, from and out of the same and the Possession thereof, and from the Collection of such Tolls and Duties, and to put the said Company, or any of them, or their new Lessee, Farmer, or Collector, Lessees, Farmers, or Collectors, into the Possession thereof; and thereupon it shall be lawful for the said Directors, if they shall see fit, to vacate and determine (the Lease, Contract, or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part,) as if such Lease, Contract, or Agreement had never been made; and it shall be lawful for the said Company or Directors in every such Case again to demise or let to farm the said Tolls and Duties to any other Person, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

CXXII. And be it further enacted, That it shall be lawful for the said Company at any of their General Meetings, by Writing under their Common Seal, at any Time to let to farm the Rates, Tolls, and Duties hereby

Company
empowered
to lease the
Rates.

[Local.]

45 U

hereby

Notice of
Intention to
let the same
to be given.

hereby made payable, or any Part thereof, upon the Whole or any Part of the said Railway or Tramroad, unto any Person, for any Term or Time which they shall think proper, not exceeding Seven Years from the Commencement of any Lease; and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates, Tolls, and Duties so let, shall, during the Continuance of any such Lease, be deemed Collectors of the Rates so let, but for the proper Use of such Lessee or Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company; provided that public Notice of the Intention to let the said Rates, Tolls, and Duties, or any Part thereof, shall be given in Writing by the said Directors or by the Clerk of the said Company, by Advertisement published in some Newspaper printed within the said respective Counties of *Limerick*, *Tipperary*, and *Kilkenny*, and the Cities of *Limerick* and *Waterford*, at least Fourteen Days prior to any General Meeting at which the said Rates, Tolls, and Duties, or any Part thereof, are proposed to be let as aforesaid.

Owners of
Waggons to
give an
Account of
Lading.

CXXIII. And for better ascertaining and more easily collecting of the said Rates, Tolls, and Duties, be it further enacted, That the Owner or Owners, or Person or Persons having the Care of every Waggon or other Carriage passing upon the said Railway or Tramroad, or upon any Part thereof respectively, shall give an exact and true Account in Writing, signed by him or them, to the Collectors of the said Rates and Tolls, at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods and other Things as aforesaid shall be in such his, her, or their Waggon or other Carriage, and with respect to such Waggon or other Carriage, from whence brought, and where the same are intended to be unloaded or left; and if the Goods or other Things contained in any such Waggon or other Carriage shall be liable to the Payment of different Rates, then such Owner or other Person or Persons shall specify the Quantities liable to each or any of the said Rates; and in case he or they shall neglect or refuse to give and deliver such Account, or to produce his or their Bill of Lading to any Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than is or are mentioned in such Account, with an Intent to avoid the Payment of the said Rates, Tolls, and Duties, or any of them, and shall be thereof convicted before any Justice of the Peace for the said Counties of *Limerick*, *Tipperary* and *Kilkenny*, and the Cities of *Limerick* and *Waterford*, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Forty Shillings for every Ton of Goods and other Things, and so in proportion for any less Quantity than a Ton which shall be in such Waggon or other Carriage of which such Account shall be so refused to be given, or of which a false Account shall have been given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the Rate, Toll, or Duty to which such Articles or Things may be liable.

Weight of
Tonnage
ascertained.

CXXIV. And for the better ascertaining the Tonnage of Goods and other Things to be charged with the Payment of such Rates as aforesaid, be it further enacted, That One hundred and twelve Pounds Weight shall,

shall, for the Purposes of this Act, be deemed, rated, or estimated as for One Hundred Weight, and that Twenty such Hundred Weight shall be deemed, rated, or estimated as for a Ton; and as for Iron or Coals, One hundred and twelve Pounds Weight shall, for the Purposes of this Act, be deemed, rated, or estimated as for One Hundred Weight, and such Twenty Hundred Weight shall, for the Purposes of this Act, be deemed, rated, or estimated as for a Ton; and as to all other Goods, Commodities, Wares, Merchandize, Articles, Matters, and Things (except Stone and Timber), One hundred and twelve Pounds Weight shall, for the Purposes of this Act, be deemed, rated, or estimated as for One Hundred Weight, and Twenty such Hundred Weight shall, for the Purposes of this Act, be deemed, rated, or estimated as for a Ton; and for ascertaining the Tonnage of Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Beech, and Ash, and Fifty Cubic Feet of all other Timber, shall, for the Purposes of this Act, be deemed, rated, or estimated as for One Ton Weight; any Usage to the contrary notwithstanding.

CXXV. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, and Duties, or any Toll Keeper, or any Officer or Servant of the said Company, and the Owner or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things, it shall be lawful for any such Collector or other Officer as aforesaid to detain any such Waggon or other Carriage, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, such Waggon or other Carriage, and all such Goods and other Things as shall be therein respectively contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what is set forth or contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging, and which Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same or of less Weight or Quantity than the same shall by such Account appear to be, then the said Company shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Owner or Person, or to the Owner or Owners of such Goods or other Things, such Damage as shall appear to any Justice of the Peace for the Counties of *Limerick*, *Tipperary*, or *Kilkenny*, or the Cities of *Limerick* or *Waterford* respectively, on the Oath of any credible Witness, to have arisen from such Detention; but in case it shall at any Time be made appear to such Justice, upon the Complaint of the said Company, and upon the like Oath, that such Detention, and weighing, measuring, or gauging, was without reasonable Ground or Belief, or that it was vexatious on the Part of such Collector or other Officer as aforesaid, then the Collector or other Person as aforesaid shall himself pay the Costs and Expences of such weighing, measuring, and gauging, and shall also pay to such Owner or Person, or to the Owner or Owners of such Goods or other Things, such Damage as shall appear to such Justice to have arisen from such Detention; and in default of immediate Payment thereof by the said Company, or by such Collector

If any Difference arise concerning Weight, Collector may weigh or measure Waggon.

or

or other Officer as aforesaid (as the Case may be), the same may be recovered by Distress and Sale of the Goods of the said Company, or of the said Collector or other Officer as aforesaid (as the Case be), by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) upon Demand, after deducting the Costs of such Distress and Sale, to the said Company, or to the said Collector or other Officer as aforesaid, as the Case may be.

Owners to
put their
Names on
the Outside
of Waggon.

CXXVI. And for the better Regulation of the Owners of Waggon and other Carriages, and others employed by and under them respectively, and for the more easy Detection of any thing by them done contrary to the Directions of this Act, be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing along the said Railway or Tramroad shall cause his, her, or their Name or Names, and Place or Places of Abode, and the Number of his, her, or their Waggon or other Carriage, to be entered with the Clerk of the said Company, and shall also cause such Name or Names, Place or Places of Abode, and Number, to be painted in large White Capital Letters and Figures on a Black Ground Two Inches high at least, and of a proportionate Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, so as to be always open to View, and shall permit and suffer every such Waggon or other Carriage to be gauged, weighed, and measured at the Expence of the said Company, whenever it shall be required by them, or by any Person by them appointed for that Purpose, and shall mark in like Manner the Weight and Gauge of every such Waggon or other Carriage on some conspicuous Part of the Outside thereof; and every Owner or other Person having the Care of any Waggon or other Carriage, or who shall conduct the same upon the said Railway or Tramroad without having such Waggon or other Carriage previously gauged, weighed, and measured, or without having such Gauge and Weight, and such Names and Figures, marked thereon respectively, as herein-before directed, or who shall alter, erase, or deface such Gauge and Weight, and Names and Figures, or any of them, or any Part thereof, or shall fix thereon any false Gauge, Weight, Name, or Figure, or who shall refuse to permit or suffer such Waggon or other Carriage to be gauged, weighed, and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Owners of
Waggon to
be account-
able for Da-
mages done
by their Ser-
vants.

CXXVII. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway or Tramroad shall be, and he, she, and they is and are hereby respectively made answerable for any Trespass, Damage, Spoil, or Mischief which may be done by his, her, or their Waggon or other Carriage, or by any of the Waggoners or Drivers, or other Persons belonging to or employed by him, her, or them in or about the same respectively, to the said Railway or Tramroad, or to any Bridges, Engines, Embankments, Cuttings, Inclined Planes, Tunnels, or other Works or Conveniences made or to be made by virtue of this Act, either by the loading or unloading of any Waggon or other Carriage, or by any Means whatsoever; and the said Owner or Owners of such Waggon or other Carriage shall for every such Damage, upon Conviction of any such Person or Persons before some Justice of the Peace, either by the Confession of the Party or Parties offending, or upon the Oath of some credible Witness, pay to the Person

injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Twenty Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Five Pounds, and all the Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of any such Waggon or Carriage, by Warrant under the Hand and Seal of such Justice, and the Overplus (if any), after such Penalty, Damages, and the Costs and Charges of such Distress and Sale have been deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; or if the Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage may be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, either on Proof made or by Default upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit.

CXXVIII. Provided always, and be it further enacted, That in case the Owner or Owners of any Waggon or other Carriage passing upon the said Railway or Tramroad shall be compelled to pay any Penalty, or to make Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his, her, or their Servant or Servants, or Waggoners or Drivers, then and in such Case every such Servant or Waggoner or Driver shall be liable to pay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Non-payment thereof on Demand, and Oath made by such Owner or Owners of the Payment by him, her, or them of such Penalty or Satisfaction, and that the same hath not been repaid to him, her, or them by such Servant or Servants, Waggoner or Driver, although demanded (such Oath to be made before some Justice of the Peace for the County or Place in which such Penalty was incurred), the same Penalty and Satisfaction shall be levied by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant or Servants, Waggoner or Driver, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, when recovered, shall be paid to such Owner or Owners in discharge of such Penalty and Satisfaction so by him, her, or them paid for the wilful Neglect or Default of such Servant or Servants, Waggoner or Driver as aforesaid; and in case no sufficient Distress can be had, such Justice shall and is hereby required to commit such Servant or Servants, Waggoner or Driver, to the County Gaol or House of Correction for the said County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Owners to recover back from their Servants any Sums paid for their Neglect, &c.

CXXIX. And be it further enacted, That if any Person shall suffer the Loading of any Waggon or other Carriage using the said Railway or Tramroad to extend more than Two Feet over and beyond the Flanch or Lip of each Wheel of such Waggon, or shall leave or place any Waggon or other Carriage, or shall permit the same to be left or remain on any Part of the said Railway or Tramroad or other Works as aforesaid, so as to obstruct the Passage of any other Waggon or other Carriage, and shall not immediately upon Notice given of such Obstruction remove the same,

Penalty on Persons obstructing the Passage of Waggons.

so as to make a free Passage for other Waggons or other Carriages passing thereon respectively, every such Owner, or other Person having the Care of such Waggon or other Carriage, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds, nor less than Forty Shillings.

Penalty on Persons obstructing the free Course of Railway.

CXXX. And be it further enacted, That if any Person shall throw any Dung or other Manure, Gravel, Stones, Dust, Ashes, or Rubbish, or any Matter or Thing, upon any Part of the said Railway or Tramroad, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, or shall do any other Act, Matter, or Thing to obstruct the free Passage of the said Railway or Tramroad, or any Part thereof respectively, every Person so offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, nor less than Five Pounds.

Penalty on destroying Works.

CXXXI. And be it further enacted, That if any Person shall wilfully or maliciously, and to the Prejudice of the said Undertaking, injure, damage, break, throw down, tear up, destroy, steal, carry, or take away any Part of the said Railway or Tramroad, or other Works to be erected and made by virtue of this Act, every Person so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be transported for the Term of Fourteen Years, or in mitigation of such Punishment such Court may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Company to regulate the Passage on the Railway.

CXXXII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Rules, Orders, and Regulations as they shall think proper, for or relating to Waggons or other Carriages, for or relating to the Power to be used for propelling the same, and also for or relating to the Speed with which they shall travel, and also for the loading thereof respectively, passing along or using the said Railway or Tramroad and the Branches thereof, or any Part thereof respectively, and other Works; and also for the Delivery of the Goods, Merchandize, and other Matters and Things which shall be carried or conveyed in or upon such Waggons or other Carriages, and generally for using and working such Railway or Tramroad and Branches; and all such Rules, Orders, and Regulations shall be binding upon and be conformed to by the Owners or Persons having the Care or Conduct of such Waggons or other Carriages, and by all Persons using or working such Railway or Tramroad, upon pain of forfeiting a Sum not exceeding Forty Shillings for every Default.

Penalty for obstructing the Passage of the Railway.

CXXXIII. And be it further enacted, That if any Waggon or other Carriage, or any Goods, Merchandize, Article, Matter, or Thing shall be placed or be suffered to remain in any Part of the said Railway or Tramroad or other Works, so as to obstruct the Passage or Working thereof, and the Person or Persons having the Care of such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, shall not immediately upon Request made remove the same, he or they shall forfeit for every such Offence any Sum not exceeding Five Pounds for every Hour every such Obstruction shall continue after the making of such Request; and it shall be lawful for any Agent or Officer of or belonging to the said

Company to cause any such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and to detain such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, or any Part thereof, until the Charges occasioned by the Removal shall be paid; and the said Company shall not, nor shall any Officer, Agent, or other Servant of or belonging to the said Company, be liable or accountable for any accidental Damage, Loss, or Injury occasioned by any such Unloading, or by any such Removal, or for any Delay occasioned thereby, nor in any other way, save and except for wilful Damage done to any Waggon or other Carriage, or to any Article so unloaded or removed, nor shall they be liable for the safe Custody of any Waggon or other Carriage, or any Article, Matter, or Thing which shall be so removed, unless the same shall be detained by the said Company, and then only for so long a Time as the same shall be so detained.

CXXXIV. And be it further enacted, That the said Company shall, at their own Expence, Costs, and Charges, after any Part of the said Railway or Tramroad or Branches shall be laid out and formed, make, erect, and set up, and from Time to Time maintain and support forthwith, such and so many convenient Gates in and upon the Railway or Tramroad or Branches, and also all such Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages over and under or by the Side of or leading to the said Railway or Tramroad, of such Dimensions and in such Manner as Two or more Justices of the Peace for the said respective Counties shall from Time to Time judge necessary and appoint (in case there shall be any Dispute) about the Time, for the Use of the Owners or Occupiers of the Lands and Grounds thereof through which such Railway or Tramroad shall be made, or for protecting the said Lands and Grounds from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from estraying or escaping thereout by reason of such Railway or Tramroad, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, so to be made as aforesaid, shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair and Condition by the said Company; and for the Purpose of enabling the said Company to form, make, erect, and set up such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, and from Time to Time to maintain and support the same, the said Company, their Deputies, Stewards, Agents, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon all Lands and Grounds adjoining the said Railway or Tramroad, and to load and carry the Materials for making or repairing such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, in Carts and other Carriages across or along such Lands or Grounds, doing as little Damage as may be to the same; and in case the said Company shall refuse or neglect to make, erect, or set up such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, or to maintain and support the same when erected, set up, and made in manner aforesaid, for the Space of Thirty Days next after the Time to be appointed for those Purposes respectively by such Justices, then and in every such Case it shall be lawful for the Owners or Occupiers of the said

Company empowered to make and erect Gates, &c. under the Direction of a Justice of the Peace.

If the Company neglect, Owners of Lands, &c. may erect Gates, and charge the Expence to the Company.

Lands

Lands or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make, erect, and set up such Gates, Bridges, Ditches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, as the said Justices shall have before directed or appointed to be made, erected, and set up as aforesaid, and to repair, maintain, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, the said Railway or Tramroad, or any Buildings and other Things hereby authorized to be made and erected by the said Company, shall not be obstructed or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said Lands and Hereditaments, who shall have so erected and made, repaired or maintained such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of the Person or Persons to whom such Costs and Charges shall have been allowed, rendering to the said Company the Overplus, (if any,) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and every or any of the said Owners or Occupiers, upon Refusal or Neglect by the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them, or any of them, for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed: Provided always, that no Bridge or Arch shall be required to be erected or made, or be erected or made, over the said Railway or Tramroad, or any Part thereof, in any Place where the same would, if made, prevent, hinder, or obstruct the working or using of the Railway or Tramroad.

Owners of
Lands may
erect Gates,
&c. on Insuf-
ficiency of
those erected
by the Com-
pany.

CXXXV. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Railway or Tramroad shall be made, do or shall at any Time apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages respectively, which the said Justices shall have so directed or appointed to be made by the said Company, are insufficient, either in their Number or Situation, for the commodious Use and Occupation of the respective Lands and Hereditaments through which the said Railway or Tramroad shall pass, then and so often and in any such Case it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the said Company, upon Request made to them, or in case of their Refusal for the Space of Thirty Days next after such Request, then with the Consent and Approbation of the said Justices, to make, fix, and erect, at their own Costs and Charges, any other Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, or Passages, of the same or like Construction or Form with those made and erected by the said

said Company, in, upon, along, or near to the said Railway or Tramroad; in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Hereditaments, and to repair and support the same at their own Costs and Charges, as Occasion shall require, so that the Passage through or along the said Railway or Tramroad be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages had been made or erected by the said Company.

CXXXVI. Provided always, and be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds through which the said Railway or Tramroad shall be made, and his and their Servants and Workmen, at all Times to pass and repass directly over and across such Part of the said Railway or Tramroad as shall be made in or upon the said Lands or Grounds respectively, and also along and upon the same, so far as their own Lands extend, not damaging or obstructing the same or the Passage thereof, without Payment of any Toll or Tonnage for the same, provided they shall not pass along or upon any other Part of the said Railway or Tramroad: Provided also, that it shall be lawful for the Occupiers of the respective Lands or Grounds through which the said Railway or Tramroad shall be made, and their Servants, to ride, lead, or drive any Horse, Mule, or Ass, Cow, or any other Neat Cattle, Sheep, Swine, or any other Beast, along and upon the said Railway or Tramroad, as far only as the Lands in their Occupation shall extend, for the Purpose of occupying the same Lands, such Persons not damaging or obstructing the said Railway or Tramroad, or the Passage thereon.

Owners and Occupiers of Lands to pass along Railway without Payment of Tolls.

CXXXVII. And be it further enacted, That all Persons shall have free Liberty to use with Carriages all Roads, Ways, and Passages, for the Purpose of conveying Goods, Wares, Merchandize, or any other Things, or Passengers or Cattle, to or from the said Railway or Tramroad and every Part thereof, and also to pass upon and use the said Railway or Tramroad with Carts, Waggon, or other Carriages properly constructed as hereinafter mentioned, upon Payment only of such Rates, Tolls, and Sums as shall be demanded by the said Company, not exceeding the respective Rates, Tolls, or Sums herein-before mentioned, and subject to the Rules and Regulations which shall from Time to Time be made by the said Company by virtue of the Powers herein granted.

Passage on Railway to be free on Payment of Tonnage.

CXXXVIII. And be it further enacted, That if any Person (save and except the said Company, and the Agents or Servants employed by them, and by them only for the Purposes of the said Railway or Tramroad) shall ride, lead, or drive, or cause to be ridden, led, or driven, upon such Railway or Tramroad, or on any Part thereof respectively, without the Licence and Consent of the said Company, any Horse, Mule, or Ass, or shall lead or drive, or cause to be led or driven thereon, any Cow or other Neat Cattle, Sheep, Swine, or any other Beast or Animal, (except only in directly crossing the same at Places to be appointed for that Purpose, and except also in passing along the same for the necessary Occupation of

Railway not to be used as a Passage for Horses or other Cattle.

the respective Lands through which the said Railway or Tramroad may be laid,) he, she, or they shall forfeit and pay to the said Company any Sum not exceeding Forty Shillings nor less Twenty Shillings.

No Waggon to pass unless constructed as described by Company.

CXXXIX. And be it further enacted, That no Person shall pass upon the said Railway or Tramroad with any Waggon or other Carriage whatsoever, unless the same shall be constructed agreeably to the Orders and Regulations, and approved of by the Engineer of the said Company, which Orders and Regulations shall be fixed on a conspicuous Part of every Toll House erected on such Railway or Tramroad for the collecting of the Rates and Tolls by this Act imposed, (except in crossing the same or passing along the same for the convenient Occupation of the respective Lands through which such Railway or Tramroad shall be laid; or in passing any public or private Carriage Road which may happen to cross the said Railway or Tramroad); and if any Person whomsoever shall pass upon any Part of the said Railway or Tramroad, with any Waggon or other Carriage not constructed in the Manner herein-before directed or referred to (except as aforesaid), he, she, or they so offending shall for every Offence forfeit to the said Company any Sum not exceeding Ten Pounds, nor less than Five Pounds.

Weights allowed to be carried.

CXL. And be it further enacted, That no Waggon or other Carriage shall carry at any One Time along or over any Part of the said Railway or Tramroad, including the Weight of such Waggon or Carriage, more than Four Tons Weight, except in any One Piece of Timber, Block, or Stone, Boiler, Cylinder, Bob, or single Piece of Machinery, or other single Article, which nevertheless shall not exceed the Weight of Eight Tons, including the Weight of the Waggon or Carriage, and for the Carriage or Tonnage of which the said Company are hereby authorized to receive and take such Rate or Rates as they may from Time to Time direct or appoint, not exceeding Ten-pence *per Ton per Mile*, and no Piece of Timber, Stone, Machinery, or other Article, exceeding the Weight of Eight Tons, including the Weight of the said Waggon or other Carriage, shall be carried upon or along the said Railway or Tramroad or any Part thereof respectively, without the special Licence of the said Company or their Agents, and for the Tonnage or Carriage of which the said Company or their Agents are hereby authorized to receive and take such Rate or Tonnage as they or he may deem reasonable and proper.

For fencing off Railways through private Land.

CXLI. Provided always, and be it further enacted, That the said Company shall and they are hereby empowered and required, at their own proper Charges, after any Land shall be taken for the Use of the said Railway or Tramroad and other Works, to divide and separate, and keep constantly divided and separated, the same from the Lands or Grounds adjoining to such Railway or Tramroad and other Works, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, in case the Owner or Owners of such Lands or Grounds adjoining to such Railway or Tramroad and other Works, or any of them respectively, shall at any Time desire the same to be fenced off, or in case the said Company shall think proper to fence off the same, instead of Gates being erected as aforesaid; and the said Company shall also make and maintain all necessary

necessary Gates and Stiles in all such Fences to be made as aforesaid, all such Gates being made to open towards such Lands and Grounds; and in every such Case the Powers, Provisions, Directions, and Regulations hereinbefore contained, with respect to the Gates and other Works as aforesaid, shall extend and apply to the making and maintaining of such Fences, as fully and effectually to all Intents and Purposes as if the said Powers, Provisions, Directions, and Regulations were here repeated and enacted with respect to such Fences.

CXLII. And be it further enacted, That all Persons opening any Gate set up across the said Railway or Tramroad shall, and he, she, and they is and are hereby required, as soon as he, she, or they, and the Waggon or other Carriage under the Care of such Person or Persons, shall have passed through the same, to shut and fasten the said Gate; and every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be levied and recovered as herein-after mentioned; and the Money arising from such Forfeiture or Forfeitures shall be applied in manner following; that is to say, One Half Part thereof shall be paid to the Informer, and the Residue thereof to the Poor of the Township or Parish wherein such Offence shall be committed.

Gates to be shut and fastened after Waggons shall have passed through them.

CXLIII. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds lying or adjoining or near to the said Railway or Tramroad, or any other Person whomsoever, to lay down, either upon their own Lands or upon the Lands of other Persons, with the Consent of such other Persons, any collateral Branch or Branches from their respective Lands or Grounds to communicate with the said Railway or Tramroad; and the said Company shall be bound to make, at the Expence of such Owners and Occupiers, such Openings in the Ledges or Flanches of the said Railway or Tramroad as may be necessary and convenient for effecting such Communication; and the said Company shall not receive any Tonnage for the passing of any Goods or other Things along such Branch or Branches so to be made by any such Owner or Occupier or Person as aforesaid.

Allowing the Owners of Land to make Branches to communicate with Railway.

CXLIV. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent the Owner or Owners of any Land or Ground lying adjoining or near to the said Railway or Tramroad, from making any Railroad, Tramroad, Common Road, or Watercourse, to, from, or across the said Railway or Tramroad hereby authorized to be made, and to use such Tramroad, Railroad, Common Road, or Watercourse for the Benefit of themselves, and of all and every other Person and Persons to whom they may from Time to Time give leave, and in such Way and for such Purposes as they may require, so that such Tramroad, Railroad, Common Road, or Watercourse do no Injury to, and do not prevent the free Passage over, upon, and along the said Railway or Tramroad hereby authorized to be made by the said Company.

Roads may be made across the Railway by Owners of adjoining Land.

CXLV. And be it further enacted, That the said Company, or such Person or Persons as they shall for that Purpose appoint, is and are hereby authorized

Company may contract for Works.

authorized to contract and agree with any Person for making the said Railway or Tramroad, or any Part or Parts thereof, or any other of the Works hereby authorized to be made or done by the said Company, in such Manner and for such Sum and Sums of Money, and under such Regulations and Restrictions as the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid, shall be binding on the said Company and all other the Parties thereto, and their respective Successors, Heirs, Executors, or Administrators; and Actions and Suits may be maintained thereon, and Damages and Costs recovered against the said Company, or any of the Parties failing in the Execution thereof.

Company to make sufficient Drains, &c. to carry Water off the Lands, and Watering Places for Cattle.

CXLVI. And be it further enacted, That the said Company shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Culverts, Drains, or other Passages, over, under, or by the Side of the said Railway or Tramroad, and the Fences on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Railway or Tramroad, without obstructing or impeding the same, to the Prejudice of any of the said Lands or Grounds, and also to make proper Watering Places for Cattle in all Places where, by means of the said Railway or Tramroad, the Cattle of any Person occupying Lands adjacent thereto shall be deprived of their ancient Watering Place, and to supply the same at all Times with Water from such Rivers, Brooks, Streams, or Springs of Water as would have supplied the Cattle of such Person if the said Railway or Tramroad had not been made, or from any other Source or Feeder which can readily be obtained for that Purpose; and it shall be lawful for the said Company, and they are hereby required from Time to Time to make such and so many Watercourses and Drains by the Side of, along, or under the said Railway or Tramroad, or in, through, over, and across any Lands or Grounds thereto adjoining, of such Dimensions, and in such Manner, and with such proper and convenient Bridges over the same respectively, as any Two or more Justices of the Peace for the said Counties of *Limerick*, *Tipperary*, or *Kilkenny*, or for the Cities of *Limerick* or *Waterford*, within their respective Jurisdictions, shall from Time to Time judge necessary and appoint (in case there shall be any Dispute about the same), for the Purposes of conveying Water from such Rivers, Brooks, or Springs, or other Sources or Feeders, to the said Watering Places respectively; and all such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages, shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company; and if at any Time after Ten Days Notice in Writing shall, by or on behalf of any Owner or Occupier of Land adjoining or lying near to the said Railway or Tramroad, be given to the said Company, that the said Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, or any of them, is or are not made, or being made is or are not cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, it shall be lawful for any Person to apply for and obtain an Order in Writing from any Two or more Justices of the Peace for the said Counties of *Limerick*, *Tipperary*, and *Kilkenny*, or the Cities of *Limerick* and *Waterford*, within their respective Jurisdictions, from Time

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to Time as often as there shall be Occasion, (and the said Justices are hereby authorized and empowered at their Discretion to make and grant such Orders as aforesaid,) enabling such Person to make or cleanse and repair such Arches, Tunnels, Culverts, Watercourses, Drains, or other Passages accordingly; and the reasonable Expences thereof, to be ascertained by such Justices, shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Five Days after Demand thereof made upon the said Company, or upon their Clerk or Treasurer, such Expences shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, in the same Manner as any other Costs and Charges may by virtue of this Act be levied and recovered from the said Company.

CXLVII. And be it further enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies of any Manor, and the Owner or Owners of any Lands or Grounds near to, through, or by which the said Railway or Tramroad, or any Part thereof, shall be made, to erect and use any Wharfs, Landing Places, Cranes, Weighbeams, or Warehouses, in or upon his, her, or their respective Wastes, Lands, or Grounds adjoining or near to the said Railway or Tramroad, or any of them, and to land any Goods or other Things upon such Wharfs or Landing Places, or upon the Banks lying between the same and the said Railway or Tramroad, or any Part thereof, and also to make and use proper and convenient Places for Waggon, Carts, and other Carriages to lie and turn in and pass each other, so that the making or using thereof do not obstruct or prejudice the Passage of the Railway or Tramroad; and all Rates or Tolls which shall be paid for the Use of such Wharfs, Landing Places, Cranes, Weighbeams, and Warehouses respectively, shall be and the are hereby accordingly vested in the Lord or Lords, or Lady or Ladies of such Manors, or the Owner or Owners of such Lands or Grounds, who shall make and erect the same as aforesaid, and his, her, or their Representatives.

Lords of Manors and Owners may erect Wharfs on their own Lands;

CXLVIII. And be it further enacted, That if such Lord, Lady, or Owner shall not, within the Space of Three Months next after Notice given in Writing to him or her, or left at his or her last or usual Place of Abode, by or on behalf of the said Company, signifying that any Part of such Wastes, Lands, or Grounds is necessary or proper to be used by them for the Purpose of erecting and making Wharfs, Landing Places, Warehouses, and Buildings, for the Use of the said Railway or Tramroad, or for making or laying out necessary and convenient Roads for Conveyance of Goods to and from the Railway or Tramroad, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs or Landing Places, Warehouses, Buildings, and Roads, for the Use of the said Railway or Tramroad, as any Two or more Justices of the Peace for the County in which such Works shall be necessary shall think necessary, on the respective Part or Parts of the Wastes, Lands, or Grounds described in such Notice, then and in every such Case the said Company shall have full Power and Authority, without any Hindrance or Restraint whatever,

but if they refuse, when required, the Company may erect the same.

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to make use of such Wastes, Lands, or Grounds, not being the Ground whereon any House or other Building stands, or a Garden, Orchard, Yard, Park, planted Walk, or an Avenue to a House, (except as herein-before is mentioned or referred to,) for erecting and building proper and sufficient Wharfs, Landing Places, Warehouses, and Buildings, and making and laying out necessary and convenient Roads to and from the said Railway or Tramroad, agreeably to such Notice to be delivered as aforesaid: Provided also, that it shall be lawful for the said Company to erect, repair, and use any Cranes or Weighing Machines upon any such Wharfs, Quays, or Landing Places last mentioned, for the more convenient loading and unloading and weighing of any Goods, Wares, Merchandize, or Commodities, in case the Proprietors of such Wharfs, Quays, or Landing Places shall refuse or neglect to make and erect the same for the Space of Three Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company, or when so erected neglect or refuse to keep the same in repair; any thing in this Act contained to the contrary thereof notwithstanding.

Compensation to be made for Lands taken for Wharfs, &c.

CXLIX. And be it further enacted, That the said Company shall make Satisfaction for the Lands or Grounds taken or used by them for the Purpose of making any such Wharfs, Landing Places, Warehouses, Buildings, and Roads as aforesaid, in such Manner as is herein directed with respect to any other Lands or Grounds which shall be taken or used by the said Company for the Purposes of this Act.

Regulations respecting Wharfs.

CL. And be it further enacted, That nothing herein contained shall authorize or empower the said Company, or any other Person, to make use of any Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, which shall be set out, erected, or made by the Lord or Lords, or Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Railway or Tramroad, for his, her, or their private Use only, or to set up, erect, or use any Cranes or Weighing Machines in or upon any such Wharfs, Quays, or Landing Places, without the Consent of such Lord or Lords, Lady or Ladies, Owner or Owners.

Wharfinger not to give Preference.

CLI. And be it further enacted, That if any Wharfinger or other Servant belonging to the said Company shall give any undue Preference, or shew any Partiality in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weighbeams, Cranes, or other Machines belonging to the said Company, every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings to the Informer.

Limiting the Rate of Wharfage.

CLII. And be it further enacted, That no more than the Sum of Two-pence *per* Ton shall be demanded or taken by the said Company, or by any such Lord, Lady, or Land Owner, who shall make, erect, or build any Wharfs or Depôts for the Wharfage of Coals, Culm, Lime, Limestone, Clay, Iron, Ironstone, Copper Ore, or any other Ores, Timber, Stone, Brick, Tiles, Slates, Gravel, or other Things; nor more than Two-pence for the warehousing of every Package not exceeding Fifty-six Pounds Weight;

Weight ; nor more than Three-pence for the warehousing of every Package exceeding Fifty-six Pounds Weight, and not exceeding One hundred and twelve Pounds Weight, nor more than Four-pence for the warehousing of every Package exceeding One hundred and twelve Pounds Weight, and not exceeding Three hundred Pounds Weight ; and not more than Sixpence for the warehousing any Package exceeding Three Hundred Weight, and not exceeding Five Hundred Weight ; and not more than after the Rate of One Shilling *per* Ton for all the Packages exceeding Five Hundred Weight, which shall be respectively placed upon any of the Wharfs or Warehouses hereby authorized to be made, and which shall be placed and remain in and upon any such Wharfs, Depots, or Warehouses, and shall not continue thereupon for a longer Space of Time than Twenty-four Hours.

CLIII. Provided always, and be it further enacted, That in case any of the said Articles shall be left and remain in and upon any such Wharfs, Depots, or Warehouses, over and over the Time hereby limited for the same respectively, then the Owner or Owners of such Articles shall pay to the Proprietors of such Wharfs, Depots, or Warehouses, the further Sum of Two-pence *per* Ton for Wharfage, and Three-pence *per* Ton for warehousing, for the next Seven Days, and the like Sum of Two-pence or Three-pence *per* Ton for every further Seven Days, whilst such Articles shall remain upon such Wharfs, Depots, or Warehouses, after the Expiration of the said first-mentioned Seven Days.

CLIV. And be it further enacted, That in all Cases where it may be necessary or requisite for any Person or Party to serve any Summons, or any Notice, or any Writ, or other Proceeding at Law or in Equity, upon the said Company, Service thereof respectively upon any Two of the Directors of the said Company, or left at his last or usual Place of Abode, or upon the Clerk or Treasurer of the said Company, or left at the Office of the said Clerk or Treasurer, or at his last or usual Place of Abode, or at the Office of the said Company ; or in case the same respectively shall not be found or known, then Service upon any other Agent of or Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

CLV. And be it further enacted, That in all Cases wherein it may be necessary or requisite for the said Company to give any Notice to any Body Politic, Corporate, or Collegiate, or to any Person whomsoever, under the Provisions or Directions contained in this Act, such Notice shall and may be in Writing, signed by the Clerk or Clerks for the Time being of the said Company, without being required to be under the Common Seal of the said Company.

CLVI. Provided always, and be it further enacted, That in case the said intended Railway or Tramroad shall not have been completed and made (unless prevented by inevitable Accidents) within the Space of Ten Years, to be computed from the passing of this Act, then, from and after the Expiration of the said Term of Ten Years, all the Powers, Authorities, and

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Payment for Articles remaining upon Wharfs, &c. after Expiration of the Time prescribed.

Directing what shall be good Service of Notice on the Company.

All Notices given by Company to be signed by Clerk.

If Railway not completed in Ten Years, Powers to cease except as to such

Part, if any,
as shall be
completed:

and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said intended Railway or Tramroad and Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said Counties of *Limerick*, *Tipperary*, and *Kilkenny*, and the Cities of *Limerick* and *Waterford*, (within their respective Jurisdictions,) assembled at any Quarter Sessions of the Peace to be holden in and for the said Counties at any Time before the Expiration of the said Term of Ten Years, or within Two Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath, to be produced before them for that Purpose.

If Railway
abandoned
by the Com-
pany, the
Land to re-
vert to the
former Own-
ers.

CLVII. Provided always, and be it further enacted, That if the said Railway or Tramroad hereby authorized to be made, or any Part thereof respectively, shall at any Time hereafter be abandoned or given up by the said Company, or shall not for the Space of Three Years be used and employed as a Railway or Tramroad, then and in such Case the Land or Ground so purchased or taken by the said Company for the Purposes of this Act, or the Part or Parts thereof over which the said Railway or Tramroad thereof, or any Part or Portion of such Railway or Tramroad which shall be so abandoned or given up by the said Company, shall pass, shall vest in the Owner or Owners of the Land adjoining that which shall be so abandoned or given up, in manner following; that is to say, one Moiety thereof to the Owner or Owners of the Land on the one Side, and the other Moiety thereof to the Owner or Owners of the Land on the other Side thereof.

For compell-
ing Witnesses
to attend.

CLVIII. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace, touching any Matter of Facts contained in any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his or her Costs and Charges, without a reasonable Excuse for his or her Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or (in case of a Quaker or Quakers, on solemn Affirmation,) to give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Clerkof Com-
pany may
grant Re-
leases to Wit-
nesses.

CLIX. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act, or otherwise, for any Claim or Compensation against or for or on behalf of the said Company, and also in all Prosecutions commenced and instituted by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions and Suits or Proceedings, it shall be lawful for the Clerk for the Time being of the said Company, with the Approbation of the said Directors, in his own Name, for and on behalf of the said Company, to make, sign, seal,
execute,

execute, and deliver all and every such general or other Release or Releases as may or may be deemed necessary for the Purpose of exonerating, releasing, and discharging all and every or any Person or Persons who shall or may be produced as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings as aforesaid, from all or any Claims or Demands which may be necessary to be released by the said Company, to qualify such Person or Persons to give Evidence as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings aforesaid, and also to do, with the Approbation aforesaid, any other Act, Matter, or Thing in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings, which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceedings; and every such Release, Act, Matter, and Thing respectively, shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seals of the said Company.

CLX. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered to be paid by any Justice of the Peace in pursuance of this Act, 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 Company, or any Person acting by or under their Authority; and such Sum of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same, within Twenty-one Days after Demand in Writing shall have been made from the said Company, in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice 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 Company by virtue of this Act, 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, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal, on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum 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 Company, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall 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.

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

CLXI. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered, in addition to any
[Local.]

Damages and Charges in case of Dis-

Penalty

pute to be
settled by
Justices.

Penalty for any Offence in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

Justices may
proceed by
Summons in
the Recovery
of Penalties.

CLXII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed 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 in the Recovery of the same, although no Information in Writing shall have been exhibited or taken before such Justice; and all such Proceedings by Summons, without Information in Writing, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing were exhibited.

Recovery and
Application
of Penalties.

CLXIII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by any Rule, or Order, Bye Law made in pursuance thereof, (the Manner of levying and recovering whereof is not herein otherwise particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way, by the Order and Adjudication of some Justice of the Peace for the said Counties of *Limerick*, *Tipperary*, or *Kilkenny*, or the Cities of *Limerick* or *Waterford*, within their respective Jurisdictions, on Complaint to him for that Purpose exhibited by the Oath or Affirmation of any Person, or on the Confession of the Party offending, (which Oath or Affirmation such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and one Moiety of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer of the said Company, for the Use and Benefit of the said Company, unless such Penalties and Forfeiture shall be incurred by the said Company, in which Case the same shall be paid to the Informer and to the Poor of the Parish or Place within which the Offence shall be committed, to be applied for the Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient

sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, or before some other Justice of the Peace for the said Counties of *Limerick*, *Tipperary*, or *Kilkenny*, or for the Cities of *Limerick* or *Waterford*, within their respective Jurisdictions, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Seven Days from the taking of any such Security), and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant 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, 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 could be levied if a Warrant of Distress should be issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County or Place where such Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, and all Costs and Charges attending such Proceeding as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law.

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

Persons aggrieved by Irregularity in Distress may recover Damages.

CLXV. And be it further enacted, That it shall be lawful for any Collector, Servant, or other Officer of the said Company, and such Person or Persons as he shall call to his Assistance, to seize and detain any Person, being unknown to such Collector, Surveyor, or other Officer, who shall commit any Offence against this Act, and to convey him or her before some Justice of the Peace of the said Counties of *Limerick*, *Tipperary*, or *Kilkenny*, or of the said Cities of *Limerick* or *Waterford*, within their respective Jurisdictions, without any other Warrant or Authority than this Act for so doing; and such Justice is hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders.

For securing transient Offenders.

CLXVI. And

Form of Conviction.

CLXVI. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or 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 according to the following Form, or any other Form to the same Effect, as the Case shall happen; *videlicet*,

to wit. } **BE** it remembered, That on the _____ Day of _____ in the Year of our Lord _____ *A.B.* is convicted before me *C.D.*, One of His Majesty's Justices of the Peace for the County of _____ [specifying the Offence, and the Time and Place when and where the same was committed, as the Case may be] contrary to an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled [here set forth the Title of this Act]. Given under my Hand and Seal the Day and Year first above written.

Persons aggrieved may appeal to Quarter Sessions.

CLXVII. And be it further enacted, That any Body or Person whosoever, who may think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company or Directors, or the said Company of Proprietors, or any other Body or Person who may think themselves, himself, or herself aggrieved by any Order, Judgment, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County where the Cause of Appeal shall happen to arise, first giving Fourteen Days Notice in Writing of such Intention to appeal, and of the Nature thereof, to the Body or Bodies, Person or Persons against whom such Complaint is intended to be made, or to the said Company, as the Case may be, and forthwith after such Notice entering into Recognizance before some Justices of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall, in a summary Way, either hear and determine the said Complaint at such General Quarter Sessions, or if they think proper adjourn the Hearing thereof to the following Quarter Sessions of the Peace to be held for such County; and the said Justices may if they see cause mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing, as they in their Judgment shall think just and reasonable.

Authenticated Bye Laws to be Evidence.

CLXVIII. Provided always, and be it further enacted, That in all Cases of Prosecution for Offences against the said Rules, Orders, and Bye Laws, the Production of a written or printed Paper, purporting to be the Rules, Orders, and Bye Laws of the said Company, and authenticated by having the Common Seal of the Company affixed thereto, shall be Evidence of the Existence of such Rules, Orders, and Bye Laws; and it shall be sufficient

sufficient to prove that a Board, painted according to the Directions of this Act, purporting to be a Copy of such Bye Laws, Rules, Orders, and Regulations, hath been affixed and published in manner by this Act directed, and in case of its being afterwards displaced or damaged, hath been replaced by another such Board as soon as conveniently might be, in some conspicuous Place upon or near adjoining the Place where the Offence was committed, unless Proof shall be adduced by the Defendant that such Board is not a Copy of such Bye Laws, Rules, Orders, and Regulations, or hath not been duly kept up and generally continued at or near the said Railway or Tramroad and Wharfs, in manner by this Act directed.

CLXIX. And be it further enacted, That no Proceeding to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, to be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record in *Dublin* or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceedings
not to be
quashed for
Want of
Form.

CLXX. And be it further enacted, That no Action, Suit, or Information, or other Proceeding of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers or Authorities, or any of the Orders made, given, or directed in, by, or under this Act, unless Fourteen Days previous Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the said Defendant or Defendants, nor unless such Action, Suit, or Information shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information shall and may 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 if any such Action, Suit, or Information shall have been brought or commenced before or after the respective Times so limited for bringing or commencing the same, or in any County or Place other than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Case by Law.

Limitation
of Actions.

Public Act.

CLXXI. 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.

SCHEDULE to which this Act refers.

Number on the Plan.	Owners or reputed Owners.	Occupiers.	Description.
1	O. Sullivan, Esq.	Mr. Gray	Wharf.
2	Ditto	Mr. O'Sullivan	Meadow.
4	Ditto	Thomas Hyne	
5	Ditto	Patrick Courneen	
6	Ditto	William Connell	
7	Ditto	Connor Bowling	
8	Ditto	Patrick Connor	
9	Ditto	Patrick Neville	
10	Ditto	James Rearney	
11	Ditto	John Kelly	
12	Ditto	Widow Leary	
13	Ditto	Michael Doherty	
14	Ditto	Dennis Lawlor	Cottages and Potatoo
15	Ditto	Widow Bouchier	Gardens.
16	Ditto	Michael Mallowney	
17	Ditto	John Dying	
18	Ditto	Patrick Honan	
19	Ditto	Patrick Murphy	
20	Ditto	Michael Macnamara	
21	Ditto	John Connihan	
22	Ditto	Maurice Ryan	
23	Ditto	Patrick Naughton	
24	Ditto	Richard Gearin	
25	Ditto	Maurice Ryan	Cabbage Gardens.
26	Ditto	Patrick Macnamara	
27	Ditto	John Fahey	
28	Ditto	Michael Divine	
29	Ditto	Widow Mullins	
30	Ditto	Michael Shaughnessy	
31	Ditto	Patt Bourke	
32	Ditto	Widow Collins	
33	Ditto	John Maney	
34	Ditto	Patt Bryan	Gardens.
35	Joseph Henry, Esq.	Edward Dwyer	
36	Ditto	Frances Bush	
37	Ditto	Matthew Dwyer	
38	Ditto	Patrick Doneen	
39	Ditto	Thomas Machamara	
40	Ditto	James Malone	
41	Ditto	Stephen Maney	
42	Ditto	Richard Gearing	
43	Ditto	John Reeves	
44	Ditto	{ J. Lawlor, and J. Con- nehan	
45	Ditto	Edmond Mack	Arable and Pasture.
46	Ditto	John Moore	
47	Ditto	Widow Murphy	
48	Ditto	Michael Coghlan	
49	Ditto	Pat. Coghlan	
50	Mr. Poe	Mr. Poe	Bleach Field.
70	Lord Clare	Phillip Kirby	Across a small Angle of an Orchard.

Number on the Plan.	Owners or reputed Owners.	Occupiers.	Description.
90	Evans, Esq. -	Patrick Walsh -	Crosses a small Garden. House and Garden, Bottom of Hamstead.
91	Ditto -	Daniel Leahy -	
98	Rev. Mr. Woulfe -	Patrick Carmody -	Cottage.
100	John M'Knight Hartigan -	Thomas Ryan -	Cottage.
111	{ Michael Lloyd Apjohn, Esq. - }	Michael Smithwick -	Inclosed Fields.
112	Ditto -	John Tuohy -	Ditto.
125	{ Governor of Erasmus Smith's Schools - }	William Creed -	Ditto.
129	Captain Ryan -	Michael English -	Pleasure Grounds.
130	Ditto -	William Ryan -	
131	Ditto -	Simon Ryan -	
144	Lady C. Damer -	Darby Kirby -	Cottages and Cabbage Gardens.
145	Ditto -	John Healy -	
146	Ditto -	Dennis Carmody -	
147	Ditto -	Darby Kirby -	
148	Ditto -	John Rigby -	
149	Ditto -	John Hennessy -	
150	Ditto -	John Hafy -	
151	Ditto -	Pat Carmody -	
152	Ditto -	Daniel Stokes -	
161	Earl of Derby -	Anthony Ryan -	
162	Ditto -	Charles Hay -	House and Garden.
163	Ditto -	Thomas Bryan -	Ditto.
164	Ditto -	James Kirby, jun. -	Ditto Garden.
165	Ditto -	John Lamey -	Arable and Pasture.
171	-	-	Corner of a Garden.
205	Colonel O'Brien -	Richard Sadler -	Town Fields and Pasture.
207	John Smith Barry, Esq. -	Richard Sadler, Esq. -	Grove of Trees.
209	Trustees of Erasm. Smith -	George Raly -	Cottages and Garden.
210	Ditto -	Patrick Devereaux -	
211	Ditto -	-	Fair Green, in common.
212	Ditto -	Rev. Mr. Clarke -	Garden and Corner of a Paddock.
217	-	-	Corner of a Garden 231, Garden and Two Cabins.
232	{ John and Peter Lowe, Esq. - }	Captain Blackmore -	Plantation.
234	{ John and Peter Lowe, Esq. - }	Daniel Mac Carthy -	Plantation.
235	-	-	Small House and Garden adjoining a Tucker.
238	John Smith Barry, Esq. -	Dennis Mac Carthy -	Two Cottages and Plantation.
241	Clarke, Esq. -	Mr. Clarke -	Wet Pasture.
243	O'Ryan, Esq. -	Mr. Baker -	Across a small Belt of Planting, and Avenue to the House.
244	Baker, Esq. -	John Mornane -	Small Shrubbery.
246	Lady C. Damer -	Robert Smithwick -	Corner of an Orchard.
247	Dawson Massey, Esq. -	William Peters -	Arable.
248	-	-	Cottage.
250	Ditto -	John Meagher -	Arable and Pasture.
255	Dawson Massey, Esq. -	Patrick Pyne -	Through the Fields, Part of a Demesne.
262	Lord Lismore -	Edmund Moroney -	Arable and Pasture.
285	Sir William Barker -	John Fennell -	
286	-	-	Corner of a Garden.
289	Ditto -	William Hamilton Wilde -	Meadow.
290	Barton, Esq. -	{ Hon. & Rev. Mr. Cavendish - }	Town Fields.

Number on the Plan.	Owners or reputed Owners.	Occupiers.	Description.
291	Earl of Glengall	Michael Tenessey	Nursery.
292	Ditto	Michael Keating	Houses and Gardens.
293	Ditto	William Rourke	
294	Ditto	John Prendergast	
295	Ditto	Michael Keefe	
296	Ditto	John Burke	
297	Ditto	Dennis Conner	
298	Ditto	William Burke	
299	Ditto	John Ryan	
300	Ditto	William Curtayne	
301	Ditto	Margaret Collins	
302	Ditto	James Harty	
303	Ditto	William Ryan	
304	Ditto	John Quin	
311	Ditto	Mr. Butler	
312	Ditto	William English	Ditto.
313	Ditto	John Dwyer	Ditto.
314	Ditto	Thomas Ryan	Ditto.
315	Ditto	William Burke	Ditto.
316	Ditto	Edmond Purcell	Ditto.
317	Ditto	James Murphy	Part of the Garden and Yard of the Inn. Paddock.
318	Ditto	Dr. Beale	
319	Ditto	James Conway	Cabins and Yard.
320	Ditto	Thomas Evans	
321	Ditto	John Blake	
322	Ditto	James Condon	
323	Ditto	John Ryan	
324	Ditto	Martin Murray	
325	Ditto	Lawrence Heron	
326	Ditto	Larry English	
327	Ditto	Mr. Donoghoe	Demesne.
343	Adam Perry, Esq.	William Quin	
358	Richard Moore, Esq.	Richard Moore, Esq.	Inclosed Fields and Demesne.
365	Solomon Watson, Esq.	Connor Byrne	
366	Richard Moore, Esq.	Captain Bagwell	Plantation.
367	Colonel Bagwell	Michael Power	Demesne.
399	George Putland, Esq.	Ellin Bourne	Pasture.
400	Ditto	Widow Connor	Gardens.
401	Ditto	Andrew Cody	Garden.
402	Ditto	John Dwyer	Cabin.
403	Ditto	Mrs. Butler	Ditto.
407	Ditto	John Burke	Plantation or Demesne.
409	Lady Osborne	Lady Osborne	Plantation.
449	Marquess of Ormond	Mr. Reed	Meadow and Plantation.
454	Lord Waterford	Widow Boyle	Demesne.
455	Ditto	Theobald Burke	Three Cabins.
456	Ditto	Richard Sause	Tenter Field.
457	Ditto	Mr. Briscoe	Old Brewery and Concerns, partly in Ruins.
458	Ditto	James Hayden	
459	Richard Sause, Esq.	James Hayden	House and Gardens.
460	Earl of Besborough	Widow Hennessey	
461	Ditto	James Moore	
462	Ditto	Marquis of Waterford	Fair Green.
462	Marquess of Ormond	John Wogan	Cabin.
463	Ditto	John Driscoll	Ditto.
464	Ditto	John Larkin	Ditto.
465	Ditto	David Power	Ditto.
510	{ Charles William Wall, } Esq.	Widow Keefe	Cottage.
616	-	Strangman, Davies, & Co.	Planted Close.

Number on the Plan.	Owners or reputed Owners.	Occupiers.	Description.
			<i>Branch to Thurles.</i>
661	Earl of Mount Cashell -	John Murphy -	Cottage.
667	Ditto -	James Mathews -	Cottage.
679	Ditto -	Daniel Manseragh -	Plantation.
681	Ditto -	James Kearny -	Cottage and Garden.
682	Choir of Cashel -	Alicia Corbett -	Cottage.
685	Hugh Kennedy, Esq. -	Phillip Laughlin -	Ditto.
705	John Smith Barry, Esq. -	John Mahony -	Cottage.
707	Ditto -	Daniel Manseragh -	Plantation.
717	Frank O'Bryan, Esq. -	{ Mich. & Terence Dogherty - }	Cottages.
722	John Max, Esq. -	John Max, Esq. -	Lawn.
761	Earl of Landaff -	Mr. James Lalor -	Small Occupation Fields.
762	Ditto -	Edmund Ardagh -	
763	Ditto -	Mathew Long -	
764	Ditto -	Dennis Mullony -	
765	Ditto -	William Frahy -	
766	Ditto -	James Dwyer -	
801	Ambrose Gowing, Esq. -	Ambrose Gowing, Esq. -	Cottage and Garden.

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