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Road Repairing in 18th Century Tipperary

By Michael O'Donnell

Many of the Irish roads built between the 1730s and the 1750s were turnpikes which were constructed and maintained by a group of trustees who had put up the capital, or had borrowed further capital. The interest and the capital sum were repaid out of the income from the tolls. The toll income, however, was often insufficient to bear the expenses of maintaining the roads. Therefore, the turnpike trust as a financing agency was often limited, especially on less actively used roads.

Traffic on Irish roads was light; it was mainly agricultural, and for that reason seasonal and decentralised. From the 1760s onwards road maintenance and building was financed by the local Grand Juries, who always had the authority to do so, but had not used it. A statute of 1765 gave power to the Grand Jury to levy cess on the barony in which the road works were undertaken. By this means road construction was possible without relating it directly to the volume of traffic on that particular highway.¹

Before dealing with a turnpike road in Co. Tipperary, it may be useful to quote from the censures of Arthur Young, which are confirmed by Sir Charles Coote in his *Survey of Armagh*² and by Tighe in his *Observations on Co. Kilkenny*:³

For a country so very far behind us as Ireland, to have got suddenly so much the start of us in the article of roads, is a spectacle that cannot fail to strike the English traveller exceedingly. But from that commendation the turnpikes in general must be excluded; they are as bad as the bye-roads are admirable. It is a common complaint that the tolls of the turnpikes are so many jobs, and the roads left in a state that disgraces the kingdom . . .

Whenever individuals act for the public alone, the public is very badly served.⁴

An Act using the system of turnpike trust, which had valuable consequences for the economic life of Tipperary, received the royal assent on Friday, 1 May, 1752. The Act had first been presented in the Irish House of Commons on Friday, 17 April, 1752 and received its second reading on the following Monday.

Following a paragraph-by-paragraph examination, the Act passed through all its stages without changes. Its long title was: "An Act for the repair of the road from Clonmel to Fethard and Killenaule and on to Urlingford". The short title was 25 Geo. 11, cap. 17, i.e. the 17th chapter or Act passed in the 25th year of the reign of King George II. Today the straight stretches of this roadway drive through central Tipperary as a monument to this Act.

According to the Act's preamble, the existing roadway between those towns was in a poor condition, with several hollow ways, and had become so ruinous and bad that in the winter season many parts were impassable for wagons, carts, cars or carriages. It was recommended that this roadway should be considerably shortened for the convenience of travellers and that it should be made straight where it was crooked.

The Act as passed created a group of 48 trustees from among the gentry of south Tipperary, whose function was to oversee the proper repairing of the road and afterwards to have it kept in good order.⁵ To collect money towards this purpose, they were authorised to erect one or more gates or turnpikes on the road or at points leading on to it. They were also empowered to build toll-houses.

All of those appointed trustees had to have freehold property of not less than £50 a year. Those without land to have a personal income of not less than £1,000 a year. It was recited in the Act that these terms were laid down by a former Act.⁶

The listed trustees were requested to meet first at Clonmel on 1 May, 1752, from which date toll





A contemporary bridge on the road referred to in Michael O'Donnell's article.

PHOTOGRAPH BY KITTY O'DONNELL.

would be collected for 60 years. Following this they were to meet at any point on the roadway as they, or any five of them, should think proper and convenient. At any such meeting, five members were to form a quorum.

All meetings, which were to be notified to the trustees by their clerk affixing written notices on the toll-gates, were to be held no later than the tenth day

following notification. Whatever expenses were incurred at the first and subsequent meetings were to be defrayed by the trustees themselves.

The co-option of further persons to the board of trustees was provided for in the Act. The trustees, or any seven of them, were granted the authority to nominate a suitable replacement for any member who should die or refuse to sit on the board. Such nominations were taken from among the gentry of counties Tipperary and Kilkenny.

For the purpose of collecting the tolls, fit persons were appointed by the trustees as collectors. Also, a surveyor was appointed to examine the then condition of the road and to ensure that it was suitably mended and repaired. As a recompense for his work, the surveyor was paid 2s (10p) for each day's work! Payment to each collector was not to exceed £5 a year, and was to be made out of the moneys collected at the toll gates. All the money collected had to be accounted to the trustees on the first Tuesday of each month.

The Act specified the charges that were collected at the gates. For every coach, chaise, berlin or chair drawn by two horses the fee was 6d. ($2\frac{1}{2}$ p); if any of those were drawn by less than six horses and more than two, it was 1s (5p); and 1s 6d ($7\frac{1}{2}$ p) if drawn by six horses or more.

For every chaise or chair drawn by one horse the toll was set at 3d ($1\frac{1}{2}$ p). It was 10s (50p) for every wagon, cart, car or carriage with four wheels; for any such vehicle with two wheels only, drawn by two horses or oxen, the charge was 5s (25p). Two-wheeled vehicles drawn by two horses only were liable to a toll of 2s. 6d. ($12\frac{1}{2}$ p).

Every car drawn by one horse paid a toll of $1\frac{1}{2}$ ($1\frac{1}{2}$ p). For every horse, mule, or ass (whether laden or unladen) and not drawing a vehicle, the charge was 6d ($2\frac{1}{2}$ p). A toll of 10d (4p) a score (20) was payable on every drove of oxen or "neat cattle" using the road; for every drove of calves, hogs, sheep or lambs, it was 5d (2p) a score.

There were, however, exemptions from the tolls. Carts, cars or carriages laden with hay, straw, turf, dung, earth or other manure were permitted free passageway when using the road. Those who were carrying any quantity of stones, gravel or other material for repairing the road (or any road in the parishes through which the roadway passed) were also free.

Other exemptions were carts, cars or wagons laden with corn on the straw. Horses, mares, geldings, mules, asses or any cattle passed free if using the road to gain access to water. A cart carrying implements of husbandry, such as ploughs or harrows, for repair only could pass free of toll.

Further exemptions were post-horses carrying the mail, and the horses of soldiers on the march. The wagon, carts and cars conveying the baggage of the latter were also free, as were vehicles conveying prisoners. Persons using the road on more than one occasion on any one day were liable for one payment only and were issued free with a ticket from the receiver, or collector at the point of entry, stating that payment had been made. A ticket was valid only for the day of issue.

In addition, the trustees were obliged to check that no person passing through any of the turnpikes twice on the same day should be liable for a double charge. A concession was also available to those who should use the highway continuously. They were permitted to pay their tolls



quarterly. On days of election for the counties of Tipperary and Kilkenny all who travelled along the road to vote were permitted to do so free of toll.

The right to detail and keep the goods and chattels of anyone who refused to pay the authorised tolls was granted to the trustees. After five days they were empowered to sell the same, having cleared the outstanding toll money, to return the surplus to the offending party.

The first money collected from the tolls had to be set aside to defray the cost of introducing the Bill in parliament, and for erecting the turnpikes and toll-houses. Afterwards, the money collected was put aside for repairing the road. Should the moneys collected in tolls be not sufficient for the speedy repair of the roadway, the trustees were empowered to use the future tolls as security for any sum of money borrowed by them. It was specified that money so borrowed should be used solely for the repair of the road. The several tolls then collected should be paid to discharge the interest due on whatever money was borrowed; whatever surplus remained should be used to pay off the principal.

The Act also laid down guidelines for the repayment of the principal sums borrowed. It specified that whenever the surplus from the tolls amounted to £200, the trustees were to write the sums repayable on slips of parchment to a total of £200; the slips were to be rolled together, placed in a box and well mixed!

Following this, an "indifferent" (presumably neutral) person appointed by the trustees was to draw out as many slips as should amount to £200. This draw, which was advertised in the official *Dublin Gazette* and elsewhere at least 20 days before, was held publicly in Clonmel between the hours of ten and noon on the day appointed.

The Act authorised the trustees to erect gates or turnpikes on every crossroad or lane leading on to the roadway. Should it be necessary, they could also build toll-houses at those points. However, no gate should be erected at any point nearer than a half-mile from Clonmel.

A provision in the Act made any person who, having property adjoining the turnpike, made unauthorised use of the road, liable to a fine of 10s. (50p). Should he not pay, his goods or chattels to that value were taken up and sold.

The Act gave guidelines to the trustees for the repair of the road. As can be guessed from the directives, the materials used would have been gravel, clay and stones. It was lawful for the surveyor according to the terms of another Act to dig for such material on the grounds of any person which was not built upon or being used as a garden, orchard, meadow, yard, planted walk or avenue.⁷ Reasonable rates should be paid for the material removed.

Should a dispute arise regarding such payment, it was to be assessed and determined upon by the judges at the next assize. The surveyor had the right to raise and remove, without payment, any gravel, furze, sand, stones and other materials out of any common or waste ground.

It was lawful for the surveyor also to remove any dung, ashes, rubbish or watercourse or sink running in to the roadway. He had power to cleanse any ditch or watercourse adjoining the road and to cut down or top any trees or bushes growing on the roadway, or on the banks at either side. However, the onus to remove such nuisances lay with the owner of the land that bound the particular stretch of road.

Should he fail to do so after ten days' notice, the surveyor could proceed with the work. No matter who performed the cleansing, the roadside landowner was liable for the cost. Following the removal of such nuisances, if any person continued so to offend, he was liable for a fine of 10s. (50p); and so on for each continuing offence.

Should the road require widening at any point, it was lawful for the surveyor to incorporate any ground beside it, unless that ground was an avenue leading to a house, a planted walk, orchard, yard, or garden. Since the surveyor had the right to make causeways and to cut and make drains through any grounds lying beside the road, reasonable compensation was paid to the owner concerned.



The Act granted the trustees the right to negotiate with owners regarding compensation, and to use the tolls to recompense such owners as the trustees thought fit and reasonable. Should the value of the land taken over be in dispute the trustees had the power to impanel a jury, whose duty it would be to ascertain the just value of the property. Its verdict was final and conclusive.

Repairs to the road were carried out by the terms of the Statute of Labourer. This meant that certain individuals were liable to give two days' work in each year towards such repairs. The days were notified in writing to each person involved by the surveyor; whoever refused this summons was fined.

Any person keeping a team, cart or car, and liable for the two days' work, who refused was fined 5s. (25p) for each of the days. Likewise, a labourer refusing such duty was fined at the rate of 1s. (5p) for each day lost. All such penalties were levied by distress and sale of the offender's goods and chattels, if a money payment of the fine was refused.

FOOTNOTES

- 1 L.M. Cullen: *An Economic History of Ireland since 1660* (London, 1972), pp. 87, 88.
- 2 Sir Charles Coote; *Statistical Survey of the County of Armagh* (Dublin, 1804), p. 259.
- 3 William Tighe: *Statistical Observations relative to the County of Kilkenny* (Dublin, 1802), pp. 559-560.
- 4 Arthur Young: *A Tour in Ireland, 1776-1779* (London, 1780), pp. 150, 153.
- 5 Somerset Hamilton, earl of Carrick; Sir Thomas Prendergast; Sir William Osborne; Sir William Baker; Sir Charles Moore; Nehemiah Donellan; Stephen Moore of Moore-park; Robert Marshall; Richard Pennefather; William Carr; Matthew Jacob, the elder; John Clare; Richard Moore; John Perry; John Bagwell, the elder; Thomas Barton; William Barton; Daniel Gahon; Hamilton Lowe; Oliver Latham of Ballyshean; Matthew Sankey; John Lane; John Cook; Lovelace Taylor; John Carleton; Matthew Jacob, the younger; John Latham; William Bagwell; Thomas Lindsey; Jeffery Walsh; Thomas Luther; Thomas Hacket; Michael Ap John; Arthur Burdet; Robert Hamerton; Francis Despard; Ambrose Power; William Lane; William Jesse; John Bacon; William Riall; Richard Power; Richard Millet; Philip Hacket; Richard Going; Richard Clutterbuck; James Going; Joseph Grub.
- 6 23 Geo. II, cap. 16.
- 7 11 Geo. II, cap. 17.

APPENDIX

The following extract is from Sir John Carr's *The Stranger in Ireland in the year 1805* (London, 1806, 2 vols).

"The usual mode of making a road in Ireland is, by throwing up a foundation of earth in the middle, from the outsides, by placing a layer of limestone on this, broken to about the size of an egg, by scattering earth over the stones to make them bind, and by throwing over the whole a coat of gravel when it can be had.

Upon so important a feature of the country, the reader will not be displeased with a recital of the proceedings by which all the roads in Ireland, except turnpike roads, are constructed. Whoever wishes to mend or make a road has it measured by two persons, who swear to the measurement before a justice of peace; a certificate, containing its description, and the sum per perch which it will cost, is signed by the measurers, and by two overseers, who are also sworn to the truth of the valuation; this certificate is laid before the grand jury, at the assizes, and allowed or rejected by vote.

If the certificate is granted, the applicant, at his own expense, must finish it by the ensuing assizes, when, upon his sending a certificate of his having expended the money properly, it is signed by the foreman, who also signs an order on the treasurer of the county to pay the applicant. This sum is raised by a tax on the land, which is adjusted by officers called apploters, who rate the estates acreably; this method, which has certainly much in it to commend, has also, like every human institution, much to guard against.

The money raised by grand jury presentments being too frequently under the grinding oppression of the owner of the land through which the road runs, or his agent, in consequence of their being his tenants, and owing an arrear of rent, or being indebted to the agent for the purchase of a horse, cow, or pig; which rent, or debt, is frequently liquidated by the debtor making or repairing the roads, which is called road-money; a system which is frequently pregnant with the most cruel grievance.

The affidavits also of the overseers have sometimes been signed by, without having been sworn before, the magistrates, and the money for making the road has been paid without the road having been made."

