ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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as well as by Tender, to which last-mentioned Mode of letting they are now restricted: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 Provisions, Matters, and Things contained in the said third-recited Act, so far as the same are now in force, and in the "Lands Clauses Consolidation Act, 1845," except such of them as relate to the Purchase and taking of Land otherwise than by Agreement, and except such of them as are by this Act repealed, altered, or otherwise provided for, shall, where the same may be applicable, and are not inconsistent with the Provisions hereof, extend to this Act, and to the several Works, Purposes, and Things hereby authorized to be done, as fully and effectually as though the same Provisions, Matters, and Things were repeated and re-enacted in this Act, in reference to such Works, Purposes, and Things, and the said Acts and this Act shall be construed and read together as forming One Act.

Provisions of 10 & 11 Vict. c. 254. and 8 & 9 Vict. c. 18. incorporated with this Act.

Short Title of Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Belfast* Improvement Act, 1850."

Power to improve Blackstaff River.

III. And whereas by the said Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty it was provided, that it should be lawful for the Council, and they were thereby authorized and empowered, to divert, straighten, widen, deepen, embank, and culvert over, or otherwise alter and improve so much of the said Stream or Watercourse called the *Blackstaff* River as lay within the said Borough, and to lower or remove the Weirs and enlarge the Bridges and Sewers, or to remove the same, and construct others in such Places as might be required in lieu thereof, and to remove all other Obstructions within, over, around, or abutting on the said Stream or Watercourse, and also to make a new Cut between the Cut belonging to *John Boyd*, then in progress, and the Road leading from *Belfast* to *Downpatrick*, all within the said Borough, and to purchase and take Lands for all or any of those Purposes, and also to make Compensation to and complete Exchanges of Lands between Proprietors whose Lands or the Frontage thereof should be taken or affected by the diverting, straightening, widening, deepening, embanking, culverting over, or otherwise altering or improving the said Stream, Watercourse, or River, or by lowering or removing the Weirs, enlarging the Bridges or Sewers, or removing the same, and constructing others, or removing such other Obstructions as aforesaid as to the Council should seem meet; and it was thereby provided, that if by reason of any of the said Improvements and Works upon

the *Blackstaff* River the Use of any Water derived from the said River which any Person at the Time of the passing of the said Act could or should lawfully claim and be entitled to use without Interruption should be injuriously affected or interfered with, the Council should make Compensation to such Person for the Injury so done, and such Compensation should be settled and determined in the Manner provided by the "Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands otherwise than by Agreement: And whereas it is expedient that Provision should be made for the Removal of the *Blackstaff* Nuisance within Two Years from the passing of this Act, in the Manner provided by the said recited Act: Be it therefore enacted, That for the Purposes aforesaid it shall and may be lawful for the Council and they are hereby required, subject to the Provisions in the "Lands Clauses Consolidation Act, 1845," the said recited Act of the Tenth and Eleventh Years of the Reign of Her present Majesty, and this Act, contained, to enter upon the Houses and Lands in the Schedule (B.) to the said Act annexed, and, if necessary, to purchase and take all or any of the said Houses and Lands that may be required for such Purposes, as soon as Arrangements can be made for the Execution of the said Works, and to proceed without Delay to construct the same in the Manner by the said Act provided for their Execution, and so that the same shall be completed within Two Years from the passing of this Act: Provided always, that the Consent of the Owners, Lessees, and Occupiers of the said Houses and Lands shall be first had and obtained.

As to Purchase of Cromac Paper Mill.

IV. And whereas by the said third-recited Act it is enacted, that the Council shall purchase the Estate and Interest of *William Bruce Joy*, *Henry Holmes Joy*, *Frederick Joy*, and *John Holmes Joy*, in the *Cromac* Paper Mill, with the Weir and Dam thereto belonging, and that the Purchase Money to be paid for such Estate and Interest shall be ascertained and determined in the Manner directed by the Lands Clauses Consolidation Act, 1845, and that all the Costs, Charges, and Expenses attendant upon such Purchase shall be paid out of the Monies authorized to be raised under the Provisions of the therein-recited Acts: Be it enacted, That such Costs, Charges, and Expenses shall be payable out of the Monies authorized to be raised under the Provisions of this Act.

Removal of Deposit at Blackstaff Weir.

V. And be it enacted, That before proceeding to take down the Paper Mill Weir on the said *Blackstaff* River Arrangements shall be made by the Council to prevent, as far as practicable, any of the Deposit now lying at or above the same from being carried into the River *Lagan*, and that such Arrangements shall be carried out under the joint Direction of the Surveyor of the Borough and the Engineer of the Port and Harbour; and in case of any Difference between them

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as to such Arrangements, the same shall, previous to the Execution of the Works, be referred to the Decision of the Engineer of the Admiralty, or some other competent Engineer or Surveyor mutually agreed upon between the Council and the *Belfast* Harbour Commissioners.

Saving Rights of Messrs. Joy.

VI. And be it enacted, That this Act, and the Provisions, Matters, and Things contained herein, shall not extend or be construed to extend to take away, prejudice, lessen, or affect any of the Rights of the said *William Bruce Joy*, *Henry Holmes Joy*, *Frederick Joy*, and *John Holmes Joy*, under the said third-recited Act, and under a certain Agreement respecting the Mode of Execution and Direction of a Portion of the Works for the Improvement of the said *Blackstaff* River authorized by the said third-recited Act, bearing Date the Seventh Day of *June* One thousand eight hundred and forty-seven, and made between the Mayor, Aldermen, and Burgesses of the Borough of *Belfast*, under their Common Seal, of the one Part, and the said *William Bruce Joy*, *Henry Holmes Joy*, *Frederick Joy*, and *John Holmes Joy*, of the other Part, which said Agreement is hereby confirmed.

Power to Town Council to cause Examination to be made of the Pound Burn, upon receiving Notice complaining of it as a Nuisance.

VII. And for the more speedy Removal of any Nuisance arising from the Stream or Watercourse called the *Pound Burn*, be it enacted, That upon Receipt (or as soon afterwards as can be) by the Town Council of the said Borough of a Notice in Writing in the Form contained in the Schedule (A.) to this Act annexed, or to the like Effect, signed by Two or more inhabitant Householders of the said Borough, stating that to the best of the Knowledge and Belief of the Persons by whom such Notice is signed, the said Stream or Watercourse, or any Part or Parts thereof, is a Nuisance, or injurious to Health, the Town Council, or some Committee thereof which may be temporarily or permanently appointed in this Behalf by the Town Council, shall, after Twenty-four Hours Notice in Writing by delivering the same to some Person in or on the Lands or Premises through which the said Stream or Watercourse, or any such Part or Parts thereof as aforesaid, flows, or, if there be no Person in or on the said Lands or Premises who can be so served, by fixing the same upon some conspicuous Part of such Lands or Premises, or, in case of Emergency, without Notice, by themselves, their Servants or Agents, with or without Medical or other Assistants, enter in or on such Lands or Premises, and examine the same with respect to the Matters alleged in such first-mentioned Notice, and do all such Works, Matters, and Things as may be necessary for that Purpose.

If it appear that the Nuisance exists,

VIII. And be it enacted, That if upon such Examination, or upon the Certificate in Writing of Two legally qualified Medical Practitioners,

titioners, it appears that the said Stream or Watercourse called the *Pound Burn*, or any Part or Parts thereof, is a Nuisance, or injurious to Health, such Town Council or such Committee shall make or cause to be made Complaint before a Justice, who shall thereupon issue a Summons (which may be according to the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect,) requiring the Owners or Occupiers of the Lands or Premises through which the said Stream or Watercourse, or such Part or Parts thereof as aforesaid, flows, to appear before Two Justices to answer such Complaint; and such Summons shall be served by delivering the same or a true Copy thereof to such Owners or Occupiers, if they can be found, or, if they cannot be found, by fixing such Summons or Copy upon some conspicuous Place on such Lands or Premises.

Owner may be summoned to appear before Two Justices.

IX. And be it enacted, That if at the Time and Place appointed by such Summons it be proved to the Satisfaction of such Justices that any such Cause of Complaint as aforesaid exists, and (in case such Owners or Occupiers, or any of them, do not appear,) that such Summons or Copy was served as aforesaid, such Justices shall make an Order in Writing under their Hands (which Order may be according to the Form contained in Schedule (C.) to this Act annexed, or to the like Effect,) for the Removal or Abatement of any such Cause of Complaint, in such Manner and within such Time as shall be specified in such Order; and such Order shall be forthwith served by delivering the same or a true Copy thereof to such Owners or Occupiers, or any of them, or, if they cannot be found, by fixing such Order or Copy upon some conspicuous Place in or upon the said Lands or Premises; and if such Order be not complied with the Owners or Occupiers respectively against whom it is made shall be liable to a Penalty not exceeding Forty Shillings for every Day during the Continuance of his Default.

Power to Justices to order Abatement of Nuisance.

Penalty on Owners for Neglect.

X. And be it enacted, That it shall be lawful for the Town Council, by themselves, their Servants or Agents, or by such Committee as aforesaid, their Servants or Agents, to enter any such Lands or Premises, and remove or abate the Cause of Complaint in respect whereof the said Order shall have been made, and do all such Works, Matters, and Things as may be necessary for carrying such Order into effect, and to ascertain, determine, and charge the respective Owners or Occupiers aforesaid with their several proportionate Parts of the Costs and Expenses thereof, according to and co-extensive with their respective Lands or Premises adjoining or abutting on the said Stream or Watercourse or such Part or Parts thereof as aforesaid; and any Dung, Manure, Offal, Filth, or Refuse, and any other Matter or Thing removed by such Town Council in pursuance of this Enactment, may be destroyed or sold; and in case of Sale the

If Order not complied with, Council shall enter Lands, execute Works, and abate the Nuisance, at Expense of Owners.

Proceeds arising therefrom shall be paid to the Treasurer of the Borough, and applied in aid of the Rates authorized to be raised and levied under the Provisions of the said first-recited Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty.

Recovery of Costs from Owners or Occupiers of Lands or Premises.

XI. And be it enacted, That whenever any such Order as aforesaid for the Removal or Abatement of any such Cause of Complaint as aforesaid has been obtained, such Costs and Expenses as aforesaid shall be deemed to be Money paid for the Use and at the Request of the Owners or Occupiers respectively of the Lands or Premises in respect whereof such Costs and Expenses shall have been incurred, in the Proportions so ascertained and determined as aforesaid, and may be recovered as such by the Town Council in any Court of Record in *Ireland*, or such Town Council may, if they shall think fit, recover such Costs and Expenses before Two Justices, from such Owners and Occupiers or either of them of the Lands and Premises in respect of which such Order is made, in the Proportions aforesaid; and any Justice, upon the Application of the Town Council, shall issue a Summons requiring any such Owner or Occupier to appear before Two Justices at a Time and Place to be named therein; and at the Time and Place so named, upon Proof to the Satisfaction of such Justices that any such Costs and Expenses have been so incurred as aforesaid (and in case any such Owner or Occupier do not appear, that a Copy of such last-mentioned Summons or Order was served, by delivering the same to him or by fixing the same upon some conspicuous Place in or upon such Lands or Premises), such Justices shall, by Order in Writing under their Hands and Seals, order him or them to pay the Amount to the Applicants, together with the Costs attending such Application and the Proceedings thereon, in such Proportions as aforesaid.

If Amount not paid within Seven Days after Order obtained, the same may be levied by Distress.

XII. And be it enacted, That if the Amount be not paid within Seven Days after Demand, the same may, by Warrant under the Hands and Seals of the same or any other Two Justices, be levied by Distress and Sale of the Goods and Chattels of the Owner or Occupier in default; and if no Distress sufficient to satisfy the same can be found within the Jurisdiction of the Justices by whom such Warrant shall have been issued, and it so appear upon Oath before Two Justices of any County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, such last-mentioned Justices shall endorse their Signatures upon the last-mentioned Warrant, and thereupon the Amount to be levied, or so much thereof as may be unsatisfied, shall be levied off the last-mentioned Goods and Chattels, in the same Manner as if such Warrant had been originally and properly issued by the Justices of such last-mentioned County or Jurisdiction.

XIII. And

Expenses of abating Nuisances, not recovered from Owners, &c., to be paid out of Rates.

XIII. And be it enacted, That all Costs and Expenses reasonably incurred as aforesaid in carrying into effect the Provisions hereinbefore contained for the Abatement of the Nuisance arising from the Stream or Watercourse called the *Pound Burn*, and not recovered from any Owner or Occupier of the Lands or Premises aforesaid, shall be defrayed by the Town Council out of any Funds arising to them under the Provisions of the said first-recited Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty.

Stagnant Pools of Water and Annoyances to be removed.

XIV. And be it enacted, That no Person shall suffer any waste or stagnant Water to remain in any Cellar or other Place within any House or on any Ground belonging to or occupied by him so as to be a Nuisance; and every Person who shall suffer any such Water to remain for Forty-eight Hours after receiving Notice from the Surveyor or other Officer of the Council to remove the same shall for every such Offence be liable to a Penalty not exceeding Forty Shillings; and every Person who shall allow the Contents of any Stable, Cow-house, Pigstye, Privy, or Cesspool to soak or flow therefrom, to the Annoyance of the Public or of the Occupiers of any adjoining Property, shall for every such Offence be liable to a like Penalty; and it shall be lawful for the said Council to remove any such stagnant Pool of Water or Annoyance as aforesaid, and for that Purpose to enter, by their Officers and Workmen, into and upon any Houses, Buildings, Lands, or Premises at all reasonable Times, and to do all necessary Acts for any of the Purposes aforesaid, and to charge the Costs and Expenses incurred thereby upon the Owner or Occupier of the Premises upon which such Offence shall be committed.

Power to Council to make Bye Laws.

XV. And be it enacted, That it shall be lawful for the Council and they are hereby required from Time to Time to make Bye Laws as they shall think fit for all or any of the Purposes following; that is to say,

For making Regulations for the licensing and Inspection of Slaughter-houses and Knackers Yards, and for keeping the same in a cleanly and proper State, and for removing Filth therefrom, and for requiring that they should be provided with a sufficient Supply of Water:

For regulating the Duties of Scavengers, and for regulating the Management of public Privies:

For making Regulations for the registering of Lodging Houses, for inspecting the same, and for maintaining Cleanliness therein, and keeping them in a wholesome Condition.

For enforcing Bye Laws.

XVI. And be it enacted, That it shall be lawful for the Council, by any Bye Laws so to be made by them by virtue of this Act, to impose such reasonable Penalties for enforcing the better Observance thereof

thereof as they shall think fit, not exceeding Forty Shillings for any One Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty thereby imposed may be sought to be recovered to order the whole or any Part of such Penalty to be remitted; and the Council may, from Time to Time, as they shall think fit, repeal any such Bye Laws, and make others in their Stead, provided such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom called *Ireland* or the Provisions of this Act, and be signed by the Mayor or Town Clerk for the Time being, and be printed and published as hereinafter mentioned.

Bye Laws to be confirmed at Sessions.

XVII. And be it enacted, That no such Bye Laws, except such as may relate solely to the Council or their Officers or Servants, shall come into operation until the same shall be allowed by the Court of Quarter Sessions; and it shall be incumbent on the said Court, on the Request of the Council, to examine into the Bye Laws which may be tendered to the Court for that Purpose, and to allow or disallow the same, as to the Court may seem fit: Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more of the *Belfast* Newspapers One Month at least before the hearing of such Application; and any Party aggrieved by any such Bye Laws, on giving Notice in Writing of the Nature of his Objection to the same to the Council Ten Days before the hearing of such Application, may, by himself, his Counsel, Attorney, or Agent, be heard thereon, but not so as to allow more than One Party to be heard upon the same Matter of Objection.

Publication of Bye Laws.

XVIII. And be it enacted, That a Copy of every such Bye Law, after Confirmation thereof, shall either be printed or painted on Boards and affixed in the Office of the Town Clerk or in the Town Hall, and in some other conspicuous Place within the Borough, and such Boards shall be renewed from Time to Time, and shall be open for Inspection without Fee or Reward.

Bye Laws binding on all Parties.

XIX. And be it enacted, That such Bye Laws, when so confirmed, published, and affixed, shall be binding and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

Publication of Bye Laws to be Evidence.

XX. And be it enacted, That the Production of a written or printed Copy of the Bye Laws, authenticated by the Signature of the Chairman of the Court which shall have confirmed the same, shall be Evidence of the Existence and due making and Confirmation of such Bye Laws in all Cases of Prosecution under the same, without

adducing Proof of such Signature; and with respect to the Proof of the Publication of any such Bye Laws, it shall be sufficient Proof that a Board containing a Copy thereof was affixed and continued in manner by this Act directed, and in case of its afterwards being displaced or damaged, that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such Board did not contain a Copy of such Bye Laws, or was not duly affixed or generally continued as directed by this Act.

Penalty for damaging Boards.

XXI. And be it enacted, That if any Person shall pull down or destroy, damage, or deface any Board fixed in pursuance of this Act for the Publication of any of the Bye Laws of the Council, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and any Person doing any such Damage shall also be liable to pay for or make good all Damages done, and the Expense occasioned thereby.

Copy of proposed Bye Laws to be open for Inspection previous to Confirmation.

XXII. Provided always, and be it enacted, That for One Month at least prior to such Application for Confirmation of such Bye Laws a Copy of such proposed Bye Laws shall be affixed and kept in the Office of the Town Clerk and in the Office of the Surveyor of the Council; and it shall be lawful for all Persons, at all seasonable Times, to inspect such Copy, without Fee or Reward, and to be furnished by the Council with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Lands not required for Improvements may be leased.

XXIII. And whereas, under the Provisions of the said recited Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, the Council of the said Borough are authorized to demise and lease any Land not required for the Improvement of the Borough, in the Form and Manner and for the Term and subject to the Conditions therein mentioned; and it is desirable that the said Provisions should be amended: Be it therefore enacted, That it shall be lawful for the Council, if they shall think fit, from Time to Time, by Indenture under the Common Seal of the Mayor, Aldermen, and Burgesses of the said Borough, to demise and lease or grant, in such Manner and Form, for such Term or Interest, whether for Lives or Years or in Fee Simple, and subject to such Fines, Rents, Covenants, and Conditions, as may be mutually agreed on, so as there be reserved in every such Demise, Lease, or Grant the best yearly Rent which can be reasonably obtained for the same, any Land which the Council had at the Time of the passing of the said recited Act purchased, contracted for, acquired, or taken under the Authority of the said first-recited Act which shall not in the Opinion of the Council

be necessary for the Improvement of the said Borough, and which they have already agreed or may hereafter agree to demise and lease or grant as aforesaid, to any Person or Persons who shall erect and build or covenant to erect and build thereon Houses, Erections, or Buildings, of such Rate or Class of Building, and upon such Plan or Elevation, and of such Height and with such Stories, as the Council shall think proper: Provided always, that there be a Covenant in every such Demise, Lease, or Grant for the Payment of the Rent thereby reserved, and for Re-entry in case of Nonpayment thereof, or in failure of any of the Covenants therein contained; and that every such Tenant, Lessee, or Grantee shall give such good or sufficient Security for the erecting and completing of every such House, Erection, or Building which he shall covenant or agree to erect, within the Time in which he shall have contracted to finish the same, as the Council shall order and direct.

Power to Council to let Lands by Tender or public Auction.

XXIV. And whereas by the said recited Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty the Council is only authorized to let Land by Tender, and it would facilitate the letting and granting of Lands by the Council as aforesaid if they were authorized to let and grant the same by public Auction as well as by Tender: Be it therefore enacted, That the Council shall, Twenty-one Days before making any Lease or Grant which they are by the said recited Acts or this Act or any of them authorized to execute, advertise, in at least Two Newspapers published in the Town of *Belfast*, for Tenders from Persons who may be willing to become Tenants or Grantees of the Premises so intended to be demised and leased or granted as aforesaid, or that such Premises shall be set up by public Auction at a Time and Place to be specified in such Advertisement; and the Council shall make such Lease or Grant to the Person who by Tender or at Auction shall make the highest Offer for the said Premises by way of Rent, if such Offer shall exceed the minimum Rent fixed by the Council, provided such Person shall give such Security as aforesaid for the erecting and completing the Buildings thereon: Provided always, that in any Assignment or Conveyance of any such Lease or Grant, or upon any Sale of the Rent thereby reserved, the Purchaser shall not be bound to inquire whether before the said Lease or Grant was made or executed the Provisions herein-before contained as to such Advertisements and Tenders or Auctions were duly complied with.

Certain Provisions of 10 & 11 Vict. c 254. as relates to buying and selling within

XXV. And whereas by the said recited Act of the Tenth and Eleventh Years of the Reign of Her present Majesty it was, amongst other things, enacted, that from and after the passing thereof all the Powers and Provisions in the said recited Act of the Eighth and Ninth Years of the Reign of Her present Majesty contained relating to

to Fairs and Markets, weighing and measuring, and to the Tolls to be demanded and taken therein, should extend to and might be put in force within the Manor; and it was further enacted, that after the Council should have given such Notice as therein is mentioned no Person, other than a licensed Hawker, should sell or expose for Sale in any Place within the Manor of *Belfast*, except in the Market Places of the Mayor, Aldermen, and Burgesses of the said Borough, and in his own Dwelling House or Shop, any of the marketable Commodities specified in such Notice; and any Person, except as aforesaid, who should, after the opening of any such Market Place, sell or expose for Sale any of the marketable Commodities specified in such Notice in any Place within the said Limits (except in the Market Places of the said Mayor, Aldermen, and Burgesses, or in his own Dwelling House or Shop), should for every Offence be liable to a Penalty not exceeding Forty Shillings: And whereas the Extent and Population of the said Manor beyond the said Borough are very considerable, and the said Provisions are calculated to cause great Inconvenience and Injury to the Inhabitants thereof and of the Districts adjacent thereto, and it is expedient that the same be amended: Be it therefore enacted, That from and after the passing of this Act it shall and may be lawful, within so much of the said Manor as lies beyond the Boundary of the said Borough, for any Person to sell or expose for Sale any marketable Commodity on or near to the Premises of either the Owner of such marketable Commodity or of the Person to whom the same may be sold or offered for Sale, anything in the said Act to the contrary notwithstanding.

the Manor and outside the Borough of Belfast amended.

XXVI. And whereas the Council have, under the Authority of the said recited Acts passed in the Eighth and Ninth and the Ninth and Tenth Years of the Reign of Her present Majesty respectively, borrowed on the Security of the Rates, Rents, and other Monies authorized to be raised and levied under the Provisions of the said recited Acts the Sums authorized to be borrowed by the said recited Acts, which Sums are the first and primary Charge on the said Rates, Rents, and other Monies; and it is expedient to raise a further Sum of not exceeding Fifteen thousand Pounds, for the Purpose of completing and executing the Works aforesaid for the Abatement of the *Blackstaff* Nuisance: Be it therefore enacted, That it shall be lawful for the Council from Time to Time to borrow, at Interest, on the Credit of the Rates, Rents, and other Monies authorized to be raised under the Provisions of the said recited Acts or any of them, any Sum or Sums of Money not exceeding the Sum of Fifteen thousand Pounds, in addition to the Monies authorized to be borrowed under the herein-before recited Acts of the Eighth and Ninth and Ninth and Tenth Years of the Reign of Her present Majesty, and in the event of any Part of such Sum of Fifteen thousand Pounds being repaid

Power to Council to borrow 15,000*l.* on Mortgage.

repaid by the Council, to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Securities aforesaid any more than the Sum of Fifteen thousand Pounds in the whole at any One Time, in addition to the Monies authorized to be borrowed under the said recited Acts; and for securing the Repayment of the Monies so borrowed, with Interest, the Council may assign over the said Rates, Rents, and other Property, or any Part thereof, to the Person who shall advance or lend such Money, or to his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same: Provided always, that the Persons advancing or lending such Money shall not be bound to see to the Application thereof or any Part thereof.

Application of the Money to be borrowed.

XXVII. And be it enacted, That the Monies authorized to be borrowed under this Act shall be set apart and be exclusively applicable to the Abatement of the said *Blackstaff* Nuisance, as authorized and directed by the said Act of the Tenth and Eleventh Years of the Reign of Her present Majesty, and to no other Purpose whatsoever, and that a separate Account shall be kept by the Treasurer of the said Borough of all Monies which shall be so borrowed, and of the Application thereof, to be called and distinguished by the Name of the "*Blackstaff* Improvement Fund," and that the said Treasurer shall enter in such Account the respective Amounts of the several Loans raised under the Authority of this Act, and the Dates of such Loans, together with the Particulars of the several Matters and Things upon and for which such Monies shall be from Time to Time disbursed, laid out, and expended, which Account shall at all seasonable Times be open to the Inspection of the Rate-payers of the said Borough, who shall or may take Copies of or Extracts from the said Book or any Part thereof, without paying anything for the same.

Form of Mortgage.

XXVIII. And be it enacted, That every Assignment or Mortgage made under this Act shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Common Seal of the Mayor, Aldermen, and Burgesses, and may be according to the Form in Schedule (D.) to this Act annexed, or to the like Effect.

Expense of Mortgages.

XXIX. And be it enacted, That the Expenses of every Assignment or Mortgage shall from Time to Time be defrayed by the Council out of the Monies raised by the same, or the Rates, Rents, and other Monies on the Credit of which such Monies shall be raised.

Register of Mortgages to be kept, and

XXX. And be it enacted, That a Register of such Assignments or Mortgages shall be kept by the Town Clerk, and within Fourteen

Days after the Date of any such Assignment or Mortgage an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward. to be open to Inspection.

XXXI. And be it enacted, That from Time to Time any Party entitled to any such Assignment or Mortgage may transfer his Right and Interest therein to any other Person by a Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in Schedule (E.) to this Act annexed, or to the like Effect. Assignment of Mortgages.

XXXII. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Town Clerk, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Assignment or Mortgage; and for such Entry the Town Clerk may demand the Sum of Two Shillings and Sixpence; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Assignment or Mortgage in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Assignment or Mortgage so transferred, or any Sum thereby secured. A Register of Transfers to be kept.

XXXIII. And be it enacted, That, unless otherwise provided by any Assignment or Mortgage, the Interest of the Money borrowed upon every such Assignment or Mortgage shall be paid yearly or half-yearly to the several Parties entitled thereto. Interest on Mortgages to be paid yearly or half-yearly.

XXXIV. Provided always, and be it enacted, That the Mortgages on the Rates, Rents, and other Monies of the Council, executed or to be executed for securing the Repayment of the Money borrowed under the Provisions of the said recited Acts, and all Assignments thereof, shall have Priority, on the Rates, Rents, and other Monies of the Council, over the Mortgages that may be executed for the Repayment of the said Sum of Fifteen thousand Pounds, or any Part thereof, authorized to be borrowed under this Act. Former Mortgages to have Priority.

XXXV. And be it enacted, That all Persons to whom any Assignments or Mortgages shall be made for the said Sum of Fifteen thousand Pounds, or any Part thereof, under the Provisions of this Act, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on Mortgages in respect of said Sum of 15,000*l.* to be without Preference.

on the said Rates, Rents, and other Monies, equally one with another, without any Preference in respect of the Priority of advancing such Monies, or the Date of any such Assignments or Mortgages respectively.

Accounts to be audited.

XXXVI. And be it enacted, That the said Treasurer shall, on or before the Thirty-first Day of *January* in each Year, prepare and forward to the Town Clerk of the said Borough a Copy of the Account so directed to be kept, in the Form and containing the full Particulars before mentioned, up to the Thirty-first Day of *December* preceding; and the said Council shall cause the said Account to be duly audited in the same Manner as the other Accounts of the said Treasurer are directed to be audited by an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, for the Regulation of Municipal Corporations in *Ireland*, and shall also cause the same to be printed on or before the First Day of *March* in each Year, and Copies thereof to be delivered to all the Rate-payers of the Borough applying for same, on Payment of One Shilling for each Copy.

Corporation not to sell, &c. Lands without the Approbation of the Treasury.

XXXVII. And be it enacted, That nothing in this Act contained shall enable the said Mayor, Aldermen, and Burgesses of the Borough of *Belfast* to sell, alienate, incumber, or demise, for the Purposes of this Act, without the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, any Lands, Tenements, or Hereditaments which they could not have sold, alienated, incumbered, or demised, without such Approbation, before the passing of this Act, anything in this Act to the contrary notwithstanding.

Power to Corporation to hold Land for a Site for Gunpowder Magazine.

XXXVIII. And whereas it is provided by the said recited Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, that it shall be lawful for the Council to erect Magazines for Gunpowder either within or beyond the Limits of the said Act, and to provide Dwelling Houses for the Storekeepers of such Magazines near or adjoining thereto, and for such Purpose that the Council shall have the same Power for the Purchase or renting of Lands or Houses beyond the Limits of the said Act as is therein contained for the Purchase or renting of Land or Houses within the said Limits: And whereas the *Belfast* Harbour Commissioners have agreed, upon certain Terms and Stipulations, to grant to the Mayor, Aldermen, and Burgesses a Site for such Magazine and Storekeeper's House, with the requisite Offices, and an Approach thereto, free from the Payment of Purchase Money or Rent: Be it enacted, That it shall be lawful for the said *Belfast* Harbour Commissioners, if they shall think fit, without

without the Payment of any Purchase Money or Rent for the same, to grant to the said Mayor, Aldermen, and Burgesses such Piece or Parcel of Land as the said Commissioners may think necessary on which to erect a Magazine for Gunpowder and a Dwelling House for the Storekeeper thereof, and the necessary Office Houses and Approaches thereto, and that the said Council shall and they are hereby authorized to take and accept such Grant, and to hold and enjoy such Lands for the Purposes aforesaid.

Charge for Storage of Gunpowder.

XXXIX. And be it enacted, That from and after the passing of this Act it shall be lawful for the Council to charge for the Storage of Gunpowder after the Rate of any Sum not exceeding Two Shillings *per* Barrel, anything in any of the said recited Acts to the contrary notwithstanding.

Penalty for obstructing Works.

XL. And be it enacted, That if the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of the said recited Acts or of this Act, any Justice to whom Application is made in this Behalf shall, by Order in Writing, which may be according to the Form in the Schedule (F.) to this Act annexed, or to the like Effect, require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of the said recited Acts or this Act; and if, within a reasonable Time after the making of such Order, the Occupier against whom it is made shall not comply therewith, he shall be liable to a Penalty not exceeding Forty Shillings for every Day afterwards during the Continuance of such Offence.

Penalty on causing Obstructions on Footways.

XLI. And be it enacted, That if any Person shall convey or carry on any Footway on the Side of any Street, such Footway not being wider than Twelve Feet, any Carcase or any Part of the Carcase of any Animal, or any Fishmonger, Butcher, or Baker's Basket, or any lengthy or bulky Article, or if any Person shall, to the Obstruction or Danger of any Passenger or Inhabitant, convey or carry any Article upon any Footway not being wider than Twelve Feet, every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Timber Carriages to have Two Attendants.

XLII. And be it enacted, That if any Timber or other Article exceeding Fifteen Feet in Length shall be drawn in or upon any Carriage, without a Person of the Age of Eighteen Years or upwards, and of sufficient Strength, guiding the Horse or Cattle drawing the same, and another Person, of the Age and Strength aforesaid, at the hinder End of such Timber or other lengthy Article, guiding and directing the same, the Owner or Person in charge of said Carriage shall

shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Owners of Carts to provide proper Rests and Harness, and Drivers to use the Rests when loading, &c. Penalty for Neglect.

XLIII. And be it enacted, That the Owner of every Cart plying within the Borough, either for Hire or otherwise, shall have a proper Rest attached to it, and proper Harness, Bits, and Reins on the Horse or Horses or other Cattle drawing the same, and the Driver or other Person having Charge thereof shall at all Times use such Reins, and shall, besides, use such Rest whenever such Cart shall be loading, unloading, or standing loaded; and any Owner or Driver or other Person having Charge of any such Cart, making default in any Manner herein, shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings.

Penalty on Drivers riding on loaded Carts.

XLIV. And be it enacted, That if any Driver or other Person having Charge of any Cart shall ride on the same when there is any Load thereon, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings.

Future Streets to be drained and sewered before Houses are occupied.

XLV. And whereas it would conduce to the Convenience and Health of the Inhabitants of the Borough if further Provision were made to enforce draining and sewering: Be it therefore enacted, That no Building which shall hereafter be erected or raised within the Borough shall be used as a Dwelling House unless the same shall be drained and sewered to the Satisfaction of the Council; and if any Person shall let or suffer to be used as a Dwelling House any Building so to be hereafter erected or raised which shall not be drained and sewered as aforesaid, he shall forfeit and pay any Sum not exceeding Twenty Shillings for each and every Week any such Building shall be so used: Provided always, that nothing herein contained shall extend to any Villa or Country House with Lawn or Grounds in front thereof.

Power to Council to contribute to Expenses of paving and sewering, in certain Cases.

XLVI. And whereas all Streets to be formed and set out under the Provisions of the said first-recited Act for the Improvement of the Borough are required to be freed from Obstruction, paved, flagged, levelled, sewered, and drained, to the Satisfaction of the Council, by the Owner or Owners of the Ground adjoining or abutting on the same, and are thereafter to be kept in repair by the Mayor, Aldermen, and Burgesses: And whereas it may be desirable, with a view to distant Drainage, that Sewers should be made larger than shall be actually necessary for the Streets through which they pass, and, in order to lessen the Expense of Repairs, that Pavements should be made in a more than usually substantial Manner: Be it enacted, That in any such Case as aforesaid it shall be lawful for the Council, if they shall think fit, to contribute to the Charges and Expenses

Expenses of such Works such Sum as they shall think fair and reasonable, under the Circumstances of the Case.

Power for Council to contract with Companies for restoring Pavements.

XLVII. And be it enacted, That it shall be lawful for the Council to contract and agree, for any Term of Years or otherwise, with the Person authorized or permitted to take up any of the Pavements, Flagging, or other formed Surface of any of the Streets within the said Borough, for the filling in, paving, flagging, and restoring of such Parts of the said Streets as shall be from Time to Time required to be taken up for the Purpose of laying, altering, or repairing any Pipes or other like Purpose.

Situation of Gas and Water Pipes may be altered, at the Expense of the Council.

XLVIII. And be it enacted, That if for the Purposes of this Act it shall at any Time be deemed necessary by the Council to raise, sink, or otherwise alter the Situation of any Water or Gas Pipes, Plugs, or other Waterworks or Gasworks, so far as the same are laid or placed in any of the public Streets or Ways, it shall be lawful for the Council to require the same to be done, as often, and in such Manner, and in such Places as they shall think proper, by the Person or Persons to whom the same may belong; and if the said Person or Persons do not proceed forthwith, or within a reasonable Period, to cause the same to be raised, sunk, or altered in such Manner as the Council shall require, the Council may themselves cause such Works to be executed in such Manner as they shall think fit, provided that the Water or Gas Pipes, Plugs, or other Waterworks or Gasworks, be not permanently injured thereby, or the Water or Gas prevented from flowing in its proper Channel; and the Costs, Charges, and Expenses attending such raising, sinking, and altering, and full Compensation for every Damage done, shall be paid by the Council out of the Money authorized to be raised by virtue of the said Act for the Improvement of the Borough of *Belfast*.

Council to make Compensation for Damage done.

XLIX. And be it enacted, That if, by reason of the Alteration of the Level of any Street, the making or altering of any Sewer, or in otherwise carrying into execution any of the Powers or Authorities of this Act, any House, Building, or other Hereditament shall be damaged or otherwise prejudicially affected, then and in every such Case the Council shall make good such Damage, and pay to the Owner and Occupier of such House, Building, or other Hereditament such Amount of Compensation for such Injury as shall be agreed upon between such Owner and Occupier and the Council; and if such Owner and Occupier and the said Council cannot agree as to the Amount of such Compensation, and the Proportions thereof to be paid to such Owner and Occupier respectively, then the Amount of such Compensation, and also the Proportions which the Persons claiming the same are entitled to, shall be settled and recovered before Two Justices.

Occupier to cause Footways to be swept.

L. And be it enacted, That, in addition to the daily sweeping of Footways required under the said recited Act for the Improvement of the Borough of *Belfast*, the respective Occupiers of Tenements within or adjoining any of the Streets shall, on the Evening of every *Saturday*, at or about such Hour as shall be fixed for that Purpose by the Council, cause to be swept and cleansed the Footways and Gutters in front and at the Sides of their respective Tenements; and any Person making default herein shall forfeit and pay any Sum not exceeding Five Shillings: Provided always, that for the Purpose aforesaid the Person letting any House in separate Apartments shall be deemed to be the Occupier.

Council to make Sewers.

LI. And be it enacted, That the Council shall cause to be constructed and made such and so many Main and other Sewers as shall be necessary and proper for the effectual draining of the whole of such Borough, or any District thereof as shall from Time to Time be reported to them by their Surveyor, and all such Reservoirs, Engines, Sluices, Penstocks, and other Works as shall be required for properly flushing and cleansing out such Sewers in, under, or across all or any of the Streets, whether dedicated to the Use of the Public or not, Turnpike Roads and other Places within the said Borough, and, if needful, through and across all underground Cellars and Vaults which they may find under any of the said Streets, Ways, Thoroughfares, Turnpike Roads, and other Places, doing as little Damage as may be, and making full Compensation for any Damage done, and also to cause such and so many Rings or Openings to be made or left in the Sides of the said Sewers as will be sufficient to enable the Owners or Occupiers of any Houses built or to be built in, adjoining, or near to any such Sewers to make or branch any Drain from such House into the said Sewers as the Council shall think necessary and expedient for that Purpose; and in case it shall be found necessary, for completing any of the aforesaid Works, to build, form, make, carry, or continue the same into, through, or within any inclosed Lands or other Places, not being a public Way, it shall be lawful for the Council to build, form, make, carry, and continue the same into, through, or within the said Lands or other Places accordingly, making full Compensation to the Owners and Occupiers thereof, and also to cause such Sewers to communicate with and empty themselves into any public River, Stream, or Watercourse, or to cause the Refuse from such Sewers to be conveyed by an appropriate Channel to the most convenient Site for its Collection and Sale, and its Application as Manure for agricultural Purposes, as may be deemed most expedient, but so that the same shall in no Case become a public Nuisance or Annoyance to the Neighbourhood; and all such Sewers and other Works and Premises shall belong to and be at all Times under the Control, Care, and Management of the Council, and of their Surveyor and Officers: Provided always, that

that nothing herein contained shall authorize or empower the said Council to construct any Sewer which shall empty or discharge itself into any Dock, Basin, Slip, or Timber Pond of the *Belfast* Harbour Commissioners.

Gullyholes, &c. to be trapped.

LII. And whereas the noxious Effluvia exhaling from Gullyholes of Sewers and Drains has been found to be unwholesome, and injurious to Health, it is therefore expedient that some Provision should be made in respect thereof, in order to obviate the same: Be it enacted, That the Owners of any private Drains shall, by providing proper Traps or other Coverings, or by Ventilation, or by such other Ways and Means as shall be practicable for that Purpose, prevent the Effluvia of Sewers and Drains from exhaling through Gullyholes, Gratings, or other Openings of Sewers in Streets or other Places; and any Person offending herein shall be liable to a Penalty not exceeding Twenty Shillings for each and every Week such Offence shall continue, and the Costs and Expenses incurred by the Council in doing such Work, which they are hereby authorized to do in case of Neglect by the Owner.

Penalty on Persons making or altering Drains, &c. contrary to the Orders of the Council.

LIII. And be it enacted, That in case any Sewer, Drain, Privy, Cesspool, or other Work shall, on Inspection, be found not to have been made according to the Directions and Regulations of the Council, or contrary to the Provisions of this Act or of the said recited Acts, or in case any Person, without the Consent of the Council, shall construct, rebuild, or alter any Sewer, Drain, Privy, Cesspool, or other Work which has been ordered by them not to be made, or to be demolished, altered, amended, or remade, every Person so offending shall forfeit and pay any Sum not exceeding the Sum of Forty Shillings.

Inspection of Drains, Privies, and Cesspools.

LIV. And be it enacted, That it shall be lawful for the Council, or for their Surveyor or such other Person as they may appoint, to inspect any Drain, Privy, or Cesspool, and for that Purpose at all reasonable Times in the Daytime, after Twenty-four Hours Notice in Writing shall have been given to the Occupier of the Premises to which such Drain, Privy, or Cesspool is attached, or left upon the Premises, to enter, by themselves or their Surveyor and Workmen, upon any Lands and Tenements, and also to cause the Ground to be opened in any Place they shall think fit, doing as little Damage as may be; and if such Drain, Privy, or Cesspool shall be found to be made to the Satisfaction of the Council, and in proper Order and Condition, they shall cause the same to be closed and made good as soon as may be; and the Expenses of opening, closing, and making good such Drain, Privy, or Cesspool shall be defrayed by the Council.

LV. And

Existing Yards of Dwelling Houses not to be built upon, &c.

LV. And be it enacted, That it shall not be lawful for the Owner or Occupier of any Dwelling House and Yard existing at the Time of the passing of this Act to build upon or in any way to occupy such Yard, so as to reduce it below the Size required in the Case of Houses built after the passing of the said Act for the "Improvement of the Borough of *Belfast*."

Frontage Line of Houses to be fixed by Council.

LVI. And be it enacted, That from and after the passing of this Act no House, Wall, or other Building shall be erected or built in any Street within the Borough, except and until the Frontage Line of such Street shall be fixed and determined by the Council, unless the Council shall have omitted to fix and determine such Frontage Line for the Space of Twenty-one Days after Application made to them in Writing to fix and determine the same; and if any Person shall commence to erect any House, Wall, or other Building, without first applying to the Council to fix and determine such Frontage Line, or contrary to the Line fixed and determined by the Council, he shall forfeit and pay any Sum not exceeding Forty Shillings for each and every Week from the Commencement of such Erection until such House, Wall, or other Building shall be taken down or altered to the Satisfaction of the Council.

Penalty on making Floors of Houses with Earth, &c.

LVII. And be it enacted, That from and after the passing of this Act no Floor, nor any Part thereof, of any Dwelling House, shall be made of Earth, or of any Material capable of imbibing or retaining Moisture, but all such Floors shall be made of Wood, Flags, Tiles, Asphalte, or such other Material as the Council shall approve; and any Person making default in any Manner herein shall forfeit and pay any Sum not exceeding Ten Shillings for each and every Week the same shall continue.

Penalty for raising Ladders, Scaffolding, or Hoards improperly.

LVIII. And be it enacted, That if any Person shall raise any Ladder, Scaffold, Hoard, or Fence in any Street in an improper and insecure Manner, he shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, and any Sum not exceeding Five Shillings for each and every Day such Offence shall continue.

As to Erections placed in front of Houses.

LIX. And be it enacted, That if any Erection, Obstruction, or other Projection shall at any Time hereafter be placed against or in front of any House or Building, or in, near, or over any Street or Footway within the said Borough, without the Permission of the Council, or if any such Erection, Obstruction, or Projection so permitted by the Council shall not be removed on the Expiration of the Period for which such Permission shall have been granted, every Person so offending shall be liable to a Penalty not exceeding Forty Shillings for each and every Day such Offence shall continue; and it

shall be lawful for the Council, by their Officers and Servants, to enter the Premises, and remove any such Erection, Obstruction, or other Projection, and to recover the Costs thereof from the Owner or Occupier of the Premises.

Penalty for Waterspouts being out of repair.

LX. And be it enacted, That if any Owner or Occupier of any Building in any Street within the Borough shall permit or suffer the Waterspouts, Shute, Trough, or any Part thereof, of any such Building, to be out of repair, stopped up, or not properly and securely fixed, he shall forfeit any Sum not exceeding Twenty Shillings for each and every Week he shall omit or neglect to have the same remedied after Notice from the Council or their Surveyor.

Council may require Owners of Houses to provide Privies and Ashpits.

LXI. And be it enacted, That it shall be lawful for the Council to require the Owner of any House to which no sufficient Privy or Ashpit is attached to provide such proper Privy to the same, in such Situation, not disturbing any Building already erected, and with such proper Door and Covering to such Privy, and also such fit and sufficient Ashpit, and in such Situation, not disturbing any Building already erected, as the Council shall consider requisite, for the Use of the Inmates and Occupiers thereof; provided that a Privy and Ashpit, or Two or more Privies and Ashpits, may, with the Approbation of the Council, be used in common by the Inmates and Occupiers of Two or more Houses; and if the Owner of any House shall not provide the same with a Privy, with such Door and Covering to the same, and with such Ashpit as aforesaid, or shall not repair the same Privy and Ashpit to the Satisfaction of the Council, within One Month next after Notice in Writing for that Purpose from the Surveyor shall have been given to such Owner, or left for him at his usual or last known Place of Abode, or upon or affixed to the Premises in respect of which the same shall be given, every Owner so making default shall for every such Default forfeit any Sum not exceeding Forty Shillings, and any further Sum not exceeding Five Shillings for every Week during which such Default shall in anywise be continued.

Open and unoccupied Premises may be closed.

LXII. And be it enacted, That if any Building in or near any Street shall, from being open and unoccupied, be the Occasion of a Nuisance, it shall be lawful for the Council to order the same to be closed, and to recover the Charges, with Costs, from the Owner thereof, in the Manner Penalties are recoverable under the said first-recited Act for the Improvement of the Borough.

Council and their Surveyor empowered to

LXIII. And be it enacted, That the Council shall, for the Purposes of this Act and of the said recited Acts, have full Power and Authority to enter, or to order and direct their Surveyor or Assistant, at

enter upon Lands and Buildings for Purposes of this Act.

at all reasonable Hours in the Daytime, to enter, into and upon any Land within the Borough, and into and upon the Land on which any House, Building, or other Erection is being built or intended to be built, and into and upon any unfinished Buildings, or any Part thereof, without being liable to any Action at Law or Suit in Equity, or any other legal Proceedings or Molestation whatsoever, for or on account of such Entry, or the Works done or to be done in any Part thereof, in pursuance of this Act or of the said recited Acts.

Council may agree to execute Works, at Expense of Owner.

LXIV. And whereas it would tend to insure a greater Efficiency and Economy in the Execution of Works if same were executed by Persons under the immediate Direction and Control of the Council: Be it enacted, That it shall be lawful for the Council to contract and agree with the Owners of any Houses or other Tenements within the said Borough, that any Works required to be made by such Owners should be constructed and made by the Council; and the cost Price of making such Works, as certified by the Surveyor of the Council, shall be repaid by such Owners to the Council; and in default of Payment the same may be recovered in the Manner provided for the Recovery of Penalties under the said first-recited Act for the Improvement of the Borough.

Penalty for neglecting to give Notice to the Council.

LXV. And whereas it is provided by the said Acts and this Act that Notice shall be given to the said Council or their Officers in certain Cases, but no Penalty is imposed for Neglect thereof: Be it therefore enacted, That every Person neglecting or omitting to give any such Notice as aforesaid shall forfeit and pay any Sum not exceeding Twenty Shillings for each and every Week he shall so neglect or delay: Provided always, that nothing herein contained shall deprive the Mayor, Aldermen, and Burgesses of the Right of taking any other Proceeding, at Law or otherwise, which they could have taken before the passing of this Act.

Appeal to Justices in Petty Sessions to be made within Two Months.

LXVI. And be it enacted, That no Appeal against any Rate under the said recited Act for the Improvement of the Borough of *Belfast* to the Justices acting in and for the Petty Sessions, Divisions, or District of *Belfast*, shall after the passing of this Act be entertained by the Justices, unless such Appeal shall have been made within Two Months after Notice given of the making of the Rate appealed against.

Servants liable to Penalty in Cases of Neglect or Misconduct.

LXVII. And whereas under the said recited Acts or this Act Persons may have Penalties and Costs awarded against them for Offences arising wholly or in part from the Negligence or wilful Misconduct of their Servants or others, and it is desirable to provide some Remedy for the same: Be it therefore enacted, That in any such

such Case as aforesaid it shall be lawful for any Person against whom any Penalty may have been awarded to recover the same, or such Part thereof as the Court may consider reasonable, from the Person through whose Negligence or wilful Misconduct the Offence was committed; and the same may be recovered as Penalties are recoverable under the said first-recited Act for the Improvement of the Borough.

Servants may be proceeded against in first instance.

LXVIII. And be it enacted, That in any Case in which any Offence shall be known to have been committed, either wholly or in part, by or through the Negligence or wilful Misconduct of any Servant or other Person, such Servant or other Person shall be liable and may be proceeded against for the Penalty incurred by such Offence, instead of or as well as the Person liable hitherto under the said recited Acts or this Act.

Act not to affect Nuisances at Common Law.

LXIX. And be it enacted, That nothing in this Act contained shall be construed to render lawful any Act or Omission on the Part of any Person which is, or but for this Act would be, deemed and adjudged to be a Nuisance at Common Law, from Prosecution or Action in respect thereof, according to the Forms of Proceeding at Common Law, nor from the Common Law Consequences upon a Conviction thereof: Provided always, that if any Person convicted of an Offence under this Act shall have paid the whole Amount adjudged to be paid under such Conviction, and the Costs thereof, in every such Case he shall be released from all further or other Criminal Proceedings for the same Offence.

Recovery of Penalties.

LXX. And be it enacted, That all Penalties imposed by this Act shall be recovered in like Manner, and with like Powers, Proceedings, and Remedies for enforcing the same, as are provided for the Recovery of Penalties imposed by the said recited Act of the Eighth and Ninth Years of the Reign of Her present Majesty.

Saving Rights of Corporation of Harbour of Belfast.

LXXI. And be it enacted, That nothing in this Act shall extend or be construed to extend to take away, prejudice, lessen, or affect any of the Powers, Rights, Benefits, Advantages, Privileges, Exemptions, or Authorities of the *Belfast* Harbour Commissioners, vested in or granted to them as such Commissioners by "The *Belfast* Harbour Act, 1847," and "The *Belfast* Improvement Act, 1847," or either of them.

Saving the Rights of the Belfast Water Commissioners.

LXXII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, prejudice, lessen, or affect any of the Powers, Rights, Privileges, Exemptions, or Authorities of the *Belfast* Water Commissioners granted by an Act passed

in

in the Third Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for better supplying with Water the Town and Borough of* Belfast.

Interpretation of Terms.

LXXIII. And be it enacted, That in this Act the several Words and Expressions to which Meanings are assigned by the said first-recited Act shall have the Meanings so assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction.

Expenses of Act.

LXXIV. And be it enacted, That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the said Council, out of the Monies which shall come to their Hands under the Provisions of the said recited Acts.

Public Act.

LXXV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Notice by Householders.

To the Town Council of the Borough of Belfast.

We, the undersigned Inhabitants of the Borough of Belfast, do hereby give you Notice, That upon or through certain Lands or Premises situate at [*inserting such a Description as may be sufficient to identify the Premises*] there is a Stream or Watercourse called the Pound Burn, which is a Nuisance, or injurious to Health; and we hereby require that you will cause such Proceedings to be taken as are directed in this Behalf by "The Belfast Improvement Act, 1850."

Dated this Day of One thousand eight hundred and fifty.

A.B.
C.D.

SCHEDULE (B.)

Summons to appear.

To the Owner [*or* Occupier] of certain Lands or Premises situate at [*insert such a Description as may be sufficient to identify the Premises*].

County of Antrim, *or* Borough of Belfast, [*as the Case may be,*] to wit.

Whereas Complaint hath been made to the undersigned, One of Her Majesty's Justices of the Peace acting in and for the County of Antrim, *or* the Borough of Belfast, [*as the Case may be,*] by the Town Council of the Borough of Belfast, that upon certain Lands or Premises situate at [*inserting such a Description as may be sufficient to identify the Lands or Premises*] there is a Stream or Watercourse called the Pound Burn, which is a Nuisance, or injurious to Health: These are therefore to require you to appear before Two of Her Majesty's Justices of the Peace at in the said Borough on the Day of next, at the Hour of to answer the Matter of the said Complaint.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and

J.K.

SCHEDULE (C.)

Order for Removal of Nuisances, &c.

To the Owner [*or* Occupier] of the Land or Premises situate at in Street in the Borough of Belfast [*or such other Description as may be sufficient to identify the Lands or Premises*], and to the Town Council of the Borough of Belfast, and to their Servants or Agents, and to all whom it may concern.

County of Antrim, *or* Borough of Belfast, [*as the Case may be,*] to wit.

WHEREAS on the Day of last Complaint was made before the undersigned [*or* before *J. K.* Esq.], One of Her Majesty's Justices of the Peace acting in and for the County of Antrim, *or* the Borough of Belfast, [*as the Case may be,*] by the Town Council of the Borough of Belfast, that upon certain Lands or Premises situate at [*inserting such a Description as may be sufficient to identify the Lands or Premises*] there was a Stream or Watercourse called the Pound Burn, which was a Nuisance, or injurious to Health: And whereas the Owner or Occupier of the said Land or Premises having this Day appeared before us, Two of Her Majesty's Justices of the Peace acting in and for the said County *or* Borough [*as the Case may be*], to answer the Matter of the said Complaint [*or, in case the Party charged do not appear*, And whereas it hath this Day been proved to our Satisfaction that a true Copy of a Summons, requiring the Owner or Occupier of the said Lands or Premises to appear this Day before us, has been duly served according to the Statute in such Case made and provided]; and it having been proved [*or* also proved, *as the Case may require,*] that upon the Lands or Premises aforesaid there is a Stream or Watercourse called the Pound Burn, which is a Nuisance, or injurious to Health: We do hereby, in pursuance of the Statute in such Case made and provided, order the said Owner [*or* Occupier] of the said Lands or Premises, within from the Service of this Order [*or* a true Copy thereof], according to the Statute in such Case made and provided, to deepen, widen, and remove the Obstructions in, cleanse, culvert, or cover over, the said Stream or Watercourse [*or otherwise, as the Case may require*]; and if this Order be not complied with, then we authorize and require you the said Town Council to enter upon the said Lands or Premises, and to do all such Works, Matters, and Things as may be necessary for carrying this Order into effect, according to the Statute in such Case made and provided; and for your so doing this shall be your sufficient Warrant.

Given under our Hands and Seals, this Day of One thousand eight hundred and fifty-

Signature.

SCHE-

SCHEDULE (D.)

Form of Mortgage Deed.

By virtue of an Act passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act," *&c.*, we, the Mayor, Aldermen, and Burgesses of the Borough of Belfast, in consideration of the Sum of paid by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates, Rents, and other Monies arising by virtue of the Acts made and passed in the Eighth and Ninth and Ninth and Tenth Years of Her present Majesty, for the Improvement of the said Borough, as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed, under the said Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, upon the Credit of the said Rates, Rents, and other Monies, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of with Interest at per Centum per Annum for the same, shall be fully paid and satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof, *in case any Period be agreed upon for that Purpose*]. In witness whereof we have hereunto set the Common Seal of the said Borough, this Day of One thousand eight hundred and

SCHEDULE (E.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number made by the Mayor, Aldermen, and Burgesses of the Borough of Belfast to bearing Date the Day of for securing the Sum of and Interest, and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Rates thereby assigned.

In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and

SCHEDULE (F.)

Order to permit Execution of Works by Owners.

County of Antrim, *or* Borough of Belfast, [*as the Case may be,*] to wit.

WHEREAS Complaint hath been made to me *E. F.* Esquire, One of Her Majesty's Justices of the Peace in and for the County of Antrim, *or* Borough of Belfast, [*as the Case may be,*] by *A. B.*, Owner of certain Premises, to wit, a Dwelling House, Land, [*or* Building, *as the Case may be,*] situate [*insert such a Description of the Lands or Premises as may be sufficient to identify them*] in the said Borough, that *C. D.*, the Occupier of the said Premises, doth prevent the said *A. B.* from obeying and carrying into effect the Provisions of [*here insert the Title of Act*], in this, to wit, that he the said *C. D.* doth prevent the said *A. B.* from [*here describe the Works generally according to the Circumstances; for instance thus*, cleansing, *or* whitewashing, *or* purifying the said Dwelling House or Building], *or* culverting, covering over, or filling up a River, Stream, Watercourse, Pond, Dam, Ditch, Gutter, Drain, Privy, Cesspool, *or* Ashpit, *or other Matter or Thing*, [*as the Case may be,*] which exists upon the said Lands or Premises [*or as the Case may require*]: And whereas the said *C. D.* having been summoned to answer the said Complaint, and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A. B.* to obey and carry into effect the Provisions of the said Act, I do hereby order that the said *C. D.* do permit the said *A. B.* to execute the same.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and

E. F. (L. S.)

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