ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. lxxiii.

An Act to amend the Acts for the Regulation of Municipal Corporations in *Ireland* so far as relates to the Borough of *Limerick*.

[28th *June* 1853.]

WHEREAS an Act was passed in the Third and Fourth Years of the Reign of Her Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland: And whereas another Act was passed in the Sixth and Seventh Years of the Reign of Her Majesty, intituled *An Act to amend an Act of the Third and Fourth Years of Her present Majesty, for the Regulation of Municipal Corporations in* Ireland: And whereas it is expedient, for the Purposes herein-after mentioned, to amend the Provisions of the first-recited Act so far as the same relates to the Borough of *Limerick*, but no further or otherwise; but the same cannot be done without the Authority of Parliament: 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, as follows:

3 & 4 Vict. c. 108.

6 & 7 Vict. c. 93.

I. That from and after the First Day of *November* One thousand eight hundred and fifty-three the present Division of the said Borough into Wards shall cease and determine.

Period for Division of Limerick into Wards to cease.

Limerick to be re-divided into Wards.

II. Within Three Weeks from and after the passing of this Act the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall appoint Two Persons, One being a Barrister-at-Law of not less than Six Years standing at the Bar, to be Commissioners for the Purpose of dividing anew the said Borough of *Limerick* into Wards; and it shall be lawful for such Persons so appointed and they are hereby required, on or before the First Day of *September* in the Year One thousand eight hundred and fifty-three, to divide anew the said Borough of *Limerick* into Eight Wards, and to determine and set out anew the Extent, Limits, and Boundary Lines of the said Wards of the said Borough, and what Portions of the said Borough shall be included therein respectively; and in making such Division, and determining the Extent and Limits and Boundary Lines of each such Ward, the Persons so appointed shall have regard as well to the Number of Persons rated to the Relief of the Poor in such Ward as to the aggregate Amount of the Sums at which all the said Persons shall be so rated: Provided always, that the said Commissioners, in order to secure to Property a due and adequate Representation in the Council, shall set out Five Wards in so much of the Parishes of *Saint Michael's*, *Saint Nicholas South*, and *Saint Lawrence* as lies within the said Borough, and the other Three Wards within the remaining Portions of the said Borough; and a Copy of the Particulars of such new Division of Wards shall be forthwith transmitted to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and if the said Lord Lieutenant or other Chief Governor or Governors, by and with the Advice of the Privy Council of *Ireland*, shall approve such Determination and Division, the same shall be published in the *Dublin Gazette*, and another Copy of such Particulars shall be delivered to the Town Clerk of the Borough of *Limerick*, to be by him safely kept among the public Documents of the said Borough, and the said Borough shall after such Publication as aforesaid be deemed to be divided into Eight Wards, as shall be so determined and set out as aforesaid, and such Division shall continue and be in force until the same shall be altered by the Authority of Parliament: Provided also, that if the said Lord Lieutenant or other Chief Governor or Governors, by the Advice of the said Privy Council, shall not approve such Determination and Division, such Publication as aforesaid shall nevertheless be made, and such Division shall be in force for the Purpose of any Election under the Provisions of the said recited Acts and this Act, and until such Time as the said Lord Lieutenant or other Chief Governor or Governors shall, by the Advice of the said Privy Council, upon further Information and Report from the said Persons so appointed, definitively approve the Division of the said Borough into Wards in manner herein-before mentioned, and such Wards shall be deemed and construed to be Wards within the Meaning of the said recited Acts, and for each Ward of the said Borough there shall be One Alderman and Four Councillors.

III. On

Town Clerk to make out Lists in every Year of Persons qualified as Burgesses in the said Borough.

III. On or before the Twentieth Day of *September* in the Year One thousand eight hundred and fifty-three, and every succeeding Year, in the said Borough of *Limerick*, the Town Clerk of such Borough, in making out the alphabetical Lists of all Persons who shall be entitled to be enrolled in the Burgess Roll of that Year for the said Borough, according to the Provisions of the first-recited Acts, within each Ward of such Borough, shall exclude from such Lists the Name of every Person who shall not appear to have paid the Rates mentioned in the Schedule to this Act on or before the last Day of *August* in each Year.

Clerk of Poor Law Union to furnish Town Clerk with Copy of Rates, &c.

IV. That in order to enable the Town Clerk to perform the Duties imposed upon him by the said first-recited Act and this Act, the Clerk of the Poor Law Union comprising the whole or any Part of the Borough shall, within Twenty-one Days after the Receipt of a written Request to that Effect, furnish the Town Clerk with a Copy, certified under his Hand, of all such Rates within his Custody as the said Town Clerk shall require, and for which Copy the said Clerk of the Union shall be entitled to charge at a Rate not exceeding Threepence for every Seventy-two Words therein; and in case the said Clerk of the Union shall refuse or neglect to furnish such Copy within the Time aforesaid, he shall for every such Offence forfeit a Sum not exceeding Twenty Pounds; and such Penalty, or any other Penalty or Fine imposed under the Authority of this Act, may be recovered in the Manner prescribed by "The *Limerick* Improvement Act," and shall be applied in the Manner prescribed by the same Act.

Constitution and Powers of Court of Revision.

V. That the Court for the Revision of the Lists under this Act and said first-recited Act of Persons entitled to be Burgesses shall be a Court of Record, and shall be constituted in the like Manner, with the same Powers, and subject to the same Regulations as the Court provided for the same Purpose, and acting in the Borough in the Year preceding the Year of the passing of this Act; and it shall be lawful for the Mayor, by Summons under his Hand, to require the Attendance before the said Court of all Persons whom he may consider capable of affording Information touching the Matters to be dealt with by the said Court, and to require such Persons to produce before the Court all Rates, Documents, Books, and Writings in their Custody or within their Procurement, and to examine on Oath all Persons who shall voluntarily or in compliance with any Summons attend at such Court, and it shall be lawful for the Court to administer such Oath; and every Person so summoned, who, without reasonable Cause, shall fail to comply with the Terms of such Summons, or shall refuse to be sworn, or shall not make answer to such Questions as may be lawfully put to him, shall be liable to a Penalty not exceeding Ten Pounds; and it shall be lawful for the Mayor from

Time

Time to Time to fine any Person who shall be guilty of any Breach of Duty by Law imposed upon him with respect to the Proceedings of the said Court, or with respect to any Election of Alderman, Councillor, or Assessor, to be holden after the passing of this Act, any Sum not exceeding Five Pounds, and, at his Discretion, to fine in any Sum not exceeding Two Pounds, or to commit to Prison for any Term not exceeding Fourteen Days, any Person who shall disturb the said Court, or shall be guilty of any other Contempt of the said Court.

All the Aldermen and Councillors of the Borough of Limerick to go out of Office on 25th Nov. 1853.

VI. For the Purpose of having an entire new Election of Aldermen and Councillors of the Borough of *Limerick*, be it enacted, That on the Twenty fifth Day of *November* in the Year One thousand eight hnndred and fifty-three all the Councillors of and in every Ward of the Borough of *Limerick* then in Office shall go out of Office, and all and every the Aldermen for each and every Ward of the said Borough then in Office shall continue in Office during the said Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty-three, for the Purpose of holding and presiding at the Elections of Aldermen and Councillors in the several Wards of the said Borough to be held on the said Day, as herein-after mentioned, and thenceforth until the Names of the Persons so elected shall be published, as in the said first-recited Act directed, not being later than Two of the Clock of the Afternoon of the Day next but One following the Day of such Election, subject nevertheless to the Power and Provision for the Re-election of any Alderman or Councillor in the said first-recited Act contained.

As to Election of Aldermen and Councillors in this Year.

VII. On the Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty three the Burgesses in each of the said Eight Wards of the Borough of *Limerick* shall elect from among the Persons qualified to be Councillors of such Borough Five Persons, being the entire Number of Aldermen and Councillors to be elected in each such Ward, and such One of the Persons so elected in each such Ward who shall have the greatest Number of Votes shall be the Alderman of the said Ward, and the remaining Four Persons so elected shall be the Councillors of such Ward; and in case an equal Number of Votes shall be given for any Two or more Persons, any of whom but for such Equality would be the Alderman, or, where there shall be no Contest, the Majority of the whole Council, shall determine which of such Persons having an equal Number of Votes shall be the Alderman: Provided always, that the Election of Assessors of the Wards in the said present Year shall be held on the Twenty-first Day of *November* next after the passing of this Act, and all future Elections shall be held pursuant to the Provisions of the said recited Acts.

VIII. On

Aldermen and Assessors of old Wards to preside at the First Elections under this Act.

VIII. On or before the Twenty-fourth Day of *November* of the present Year, and so soon as conveniently may be after the Re-division of the Borough into new Wards, as herein-before directed, the Mayor of *Limerick* shall nominate and appoint such of the Aldermen of the present Wards as to him shall seem meet, and such of the Aldermen of the present Wards, to be the Persons respectively to hold and preside with the Assessors to be elected as aforesaid at the several Elections of Aldermen and Town Councillors, which shall take place on the Twenty-fifth Day of *November* in this Year.

Vacancies in any old Ward before 25th Nov. to be filled up under 3 & 4 Vict. c. 108.

IX. In case any Vacancy shall occur before the Twenty-fifth Day of *November* in this Year in the Office of any Alderman, Councillor, or Assessor of any Ward, by Death or Resignation, or by reason of any of the Causes of Disqualification of any Alderman or Councillor mentioned in the Eighty-eighth Section of the first-recited Act, such Vacancies shall be filled up and such new Election respectively shall be had for such Ward, under the Provisions of the said first-recited Acts, as if no Re-division of the Borough of *Limerick* into new Wards had taken place: Provided always, that if any such Vacancy in the Office of Alderman shall occur on or within Six Days before the said Twenty-fifth Day of *November* in this Year, or in the Case of the Illness or Incapacity to act or the unavoidable Absence of such Alderman on the said last-mentioned Day, then a Councillor for the Ward according to Seniority, and who shall not be disabled by Illness, Incapacity, or other unavoidable Absence to act or in the Case of a Vacancy in the Office of Assessor for the Ward on or within Six Days before the said Twenty-fifth Day of *November*, then such Person, being a Burgess of the Ward, as a Majority of them shall nominate and appoint to act in the Room of such Assessor for such Purpose, shall hold, preside, or act at the Election of Aldermen and Councillors to be held on the said Twenty-fifth Day of *November* in this Year, in the Room and with the Powers of such Alderman or Assessor respectively, as the Case may be.

One Fourth Part of the Councillors to go out of Office annually.

X. Upon the Twenty-fifth-Day of *November* in every Year after the Year One thousand eight hundred and fifty-three, One Fourth Part of the Number appointed as aforesaid to be the whole Number of the Councillors of every Ward of the said Borough of *Limerick* shall go out of Office, and the Burgesses then enrolled on the Burgess Roll for such Ward shall elect the Number of Councillors needed to supply the Vacancies thereupon existing in the Number of Councillors, and those who shall first go out of Office shall be the Councillors who were elected under the Provisions of this Act by the smallest Number of Votes at the First Election; and in the next Year those who shall go out of Office shall be the Councillors who were elected under the Provisions of this Act by the next smallest Number of Votes at the

First Election, the Majority of the whole Council always determining when the Votes for any such Person shall have been equal, or when there shall have been no Contest, who shall be the Persons so to go out of Office; and thereafter those who shall so go out of Office shall always be the Councillors who have been for the longest Time in Office without Re-election: Provided always, that any Councillor so going out of Office shall be capable of being forthwith re-elected, if then qualified, as in the said first-recited Act provided.

Aldermen to go out of Office every Third Year.

XI. On the Twenty-fifth Day of *November* in each Third subsequent Year after the Year One thousand eight hundred and fifty-three Four of the Aldermen of the Borough of *Limerick* shall go out of Office, and such Number of Aldermen shall be elected to supply the Vacancies thereby created, in such Manner, and subject to the like Provisions relating to the same, and to the Re-election of any Alderman, as in the said first-recited Acts and this Act are contained as to the Aldermen of the said Borough of *Limerick*.

As to Aldermen going out of Office.

XII. That the Commissioners who shall be appointed as aforesaid to re-divide the Wards shall decide the Four Wards the Aldermen of which shall first go out of Office, and the Elections for the Office of Aldermen of such Wards shall be presided over by such Members of the Town Council as shall be nominated for that Purpose by the Mayor.

Division of Borough to be the same as heretofore until 1st Jan. 1854.

XIII. Notwithstanding anything herein contained, the Division of the Borough into Wards shall, for the Purpose of any Election of Members to serve in Parliament for the Borough, be the same as it would have been if this Act had not been passed until the First Day of *January* One thousand eight hundred and fifty-four.

The Mayor in Office in Nov. 1853 to remain until 1st Jan. 1854.

XIV. The Mayor of *Limerick* who may be in Office in *November* One thousand eight hundred and fifty-three shall continue in such Office until the First Day of *January* One thousand eight hundred and fifty-four.

Present Officers to continue under new Council as if reappointed by them.

XV. The several Officers appointed by the Town Council of the Borough of *Limerick* at any Time before the passing of this Act shall continue to hold their respective Offices under the Town Council to be elected under the Provisions of this Act in like Manner, with the like Tenure of Office, and subject to the like Conditions, as if this Act had not been passed.

Provisions of recited Acts not altered by this Act.

XVI. That the Provisions of the said recited Acts shall not be altered or repealed by anything contained in this Act, except so far as they are expressly repealed or altered thereby.

XVII. No

Liability to BoroughRate not to disqualify Justices acting.

XVII. No Person, by reason of being liable to the Rate contributing to the Borough Fund of the Borough of *Limerick* shall be deemed exempt or disqualified from acting as a Justice assigned to keep the Peace therein.

Commencement of Act.

XVIII. That this Act shall not commence or come into operation until an Act now pending in Parliament, intituled the "*Limerick* Improvement Act," shall have been obtained: Provided nevertheless, that this Act shall be operative from and after the passing of the said "*Limerick* Improvement Act."

Short Title.

XIX. In citing this Act in other Acts of Parliament, or in any legal and other Proceedings, it shall suffice to use the Expression "The *Limerick* Corporation Act, 1853."

Expenses of Act.

XX. The Costs, Charges, and Expenses incident to the preparing and passing of this Act and "The *Limerick* Improvement Act, 1852-3," and also the Costs and Expenses incident to the Re-division of the Borough, as provided by this Act, and the Costs of the Town Council of *Limerick* in relation to this and the said Improvement Act, shall be paid by the Treasurer of the Borough Fund of *Limerick* out of the Monies to be received by him, according to the Provisions of the said *Limerick* Improvement Act.

SCHEDULE referred to in the foregoing Act.

RATES, CESSES, OR TAXES.

1. For paving, sewering, and lighting.

2. Grand Jury Cess, or any Cess, Applotment, or Rate raised or levied for fiscal Purposes of a like Nature within the Borough of Limerick.

3. Borough Rate.

4. Poor Rates.

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