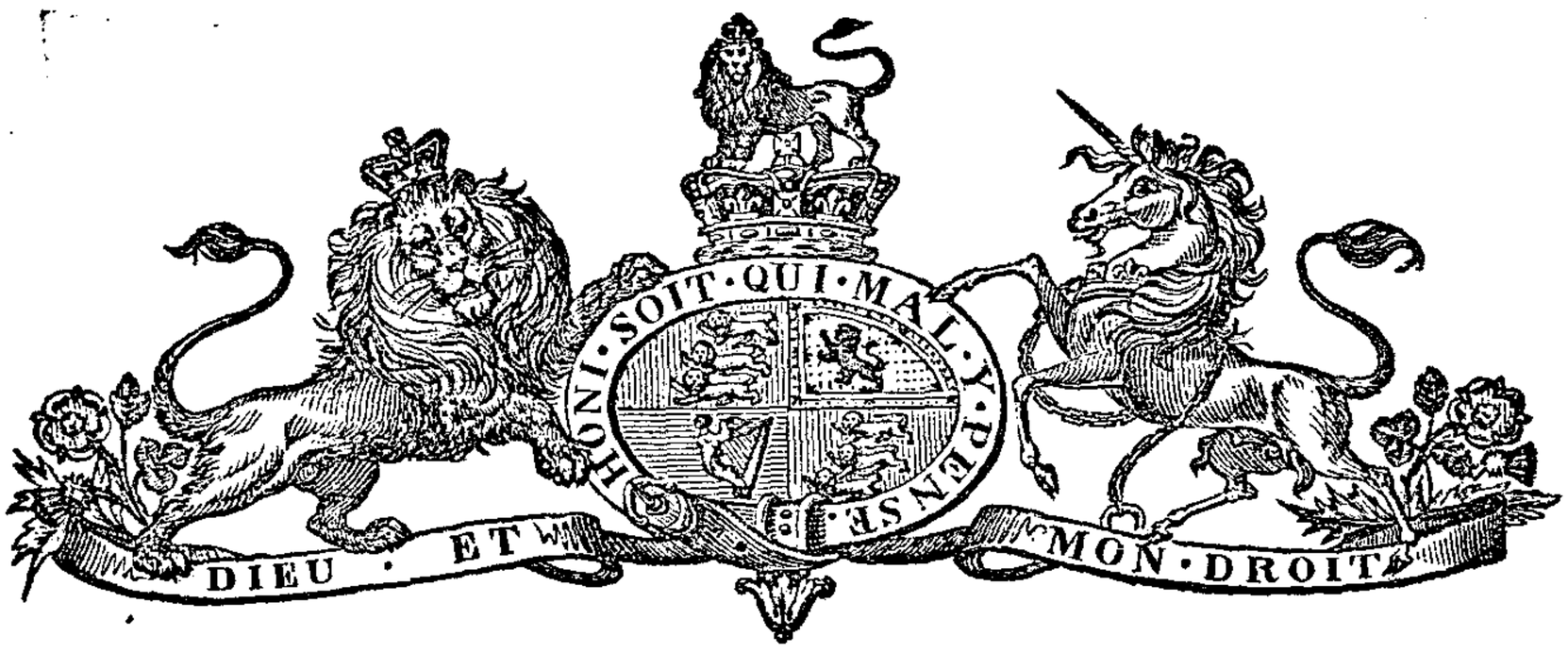


ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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The Limerick Improvement Act, 1853.

Limerick: And whereas it is expedient that the Powers of presenting and levying Rates or Cesses for divers local Purposes now vested in the Grand Jury of the County of the City of *Limerick* should be exercised by the Mayor, Aldermen, and Burgesses of the Borough: And whereas it is also expedient that the Sewerage, Drainage, cleansing, lighting, paving, Supply of Water, and the sanitary and general Improvement of the said Borough should be placed under the Control and Management of the Mayor, Aldermen, and Burgesses thereof, and that all necessary Powers should be granted to them for the Purposes aforesaid, and for the general good Government of the Borough, and the Establishment and Regulation of a sufficient Police Force therein, and the Construction of a Cemetery or Cemeteries, and all Powers for regulating and superintending Prisons now possessed by the said Grand Jury should be transferred to and exercised by the said Mayor, Aldermen, and Burgesses; 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; (that is to say,)

Recited Acts repealed.

I. From and after the First Day of *December* next the said recited Acts shall be and the same are hereby repealed.

Commencement of Act.

II. This Act shall commence and take effect from and after the First Day of *December* One thousand eight hundred and fifty-three.

Interpretation of Terms.

III. In this Act and in the Parts of Acts incorporated herewith the following Words and Expressions shall have the several Meanings hereby assigned to them, except there shall be something in the Subject or Context repugnant thereto; (that is to say,)

The Word "Persons" shall include Corporations, aggregate or sole:

The Words "Superior Courts" shall mean Her Majesty's Superior Courts of Record in *Dublin*:

The Words "General Quarter Sessions" or "Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the Borough of *Limerick* holden at *Limerick* in and for the said Borough:

The Expression "the Undertakers," "the Promoters of the Undertaking," "the Company," and "the Commissioners" respectively shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Limerick* acting by the Council of the said Borough; and the Expression "the Clerk of the Commissioners" respectively shall mean the Town Clerk of the said Borough for the Time being:

The Words "the Borough" shall mean the Borough of *Limerick* as defined by the Act passed in the Third and Fourth Years of

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the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, or any Act or Acts amending the same: 3 & 4 Vict. c. 108.

The Words "Mayor, Aldermen, and Burgesses" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Limerick*:

The Words "the Council" shall mean the Council of the Borough of *Limerick*:

The Words "the Grand Jury" shall mean the Grand Jury of the County of the City of *Limerick*:

The Words "the Mayor" shall mean the Mayor of the said Borough of *Limerick*, and shall include the *Locum tenens* appointed by such Mayor:

The Words "the Town Clerk" shall mean the Town Clerk of the said Borough of *Limerick*:

The Words "the Clerk of the Crown" shall mean the Clerk of the Crown of the Borough of *Limerick*:

The Word "Treasurer" shall mean the Treasurer of the Borough of *Limerick*:

The Word "Street" shall extend to and include any Road, Square, Court, Alley, and Thoroughfare within the Limits of this Act:

The Word "Justice" shall mean the Mayor for the Time being, or any other Justice of the Peace acting for the Borough, and where any Matter is required or authorized to be done by Two Justices, the Expression "Two Justices" shall be understood to mean Two or more Justices met and acting together:

The Word "Owner," used with reference to any Lands or Buildings in respect of which any Work is required to be done or any Rate to be paid, shall mean the Person for the Time being entitled to receive or receiving the Rent from the Occupier thereof on his own Account or as Agent for any other Person.

Council of the Borough to carry Act into execution.

IV. The Mayor, Aldermen, and Burgesses by the Council of the said Borough shall be and they are hereby empowered to carry this Act into execution.

Limits of Act.

V. The Limits of this Act shall be (save as herein otherwise provided) the Municipal Boundaries of the Borough of *Limerick*; and this Act shall and may be put in force within the said Limits or any Part thereof.

Rates and Monies due and Property under recited Acts vested in Corporation of Limerick.

VI. All Rates due or in arrear from any Person, and all Monies due to, and all Property of any Description, and all Choses in Action, and all Rights and Remedies vested in the Commissioners for carrying the herein-before recited Acts into operation, and all Contracts, Bonds, Debts, and Engagements entered into with or to such Commissioners, shall immediately after the Commencement of this Act be vested

vested in the Mayor, Aldermen, and Burgesses, who may sue for, recover, and enforce the same, and act as effectually as if the same had been originally vested in or entered into with them; and the Mayor, Aldermen, and Burgesses shall be liable to all the Contracts, Bonds, Debts, and Engagements to which such Commissioners for carrying the said recited Acts into operation shall or may be liable at the Time of the Repeal of the same Acts.

Contracts and Liabilities under recited Act how to be discharged.

VII. All Contracts, Bonds, Debts, and Engagements of the Commissioners for carrying the recited Acts into operation which may be owing or in force at the Time of the Commencement of this Act, for and on account of the Purposes for which the said Commissioners were constituted, together with all Interest then due thereon, shall be paid and discharged out of the Rates or Assessments which may be in force at the Time of the Commencement of this Act; and in case of any Deficiency for that Purpose the Amount of such Deficiency shall be paid by the Mayor, Aldermen, and Burgesses out of the Improvement Rate by this Act authorized to be levied and collected, and the said Improvement Rate shall be and the same is hereby charged therewith; and in case there shall be any Surplus of such Monies after paying such Contracts, Bonds, Debts, and Engagements, the Amount of such Surplus shall be carried to the Credit of the said Improvement Rate; and such Contracts, Bonds, Debts, and Engagements shall have the same Priority, as nearly as Circumstances may permit, and shall be recovered from the Mayor, Aldermen, and Burgesses, in like Manner, *mutatis mutandis*, as the same could have been recovered from the said Commissioners before the Commencement of this Act.

Money due by Commissioners under recited Acts to be paid by Corporation.

VIII. All Principal Monies due or to become due upon or by virtue of any Securities before the Commencement of this Act, legally given by the said Commissioners, and payable out of the Rates and Assessments which the said Commissioners were, under the Provisions of the said recited Acts or either of them, entitled to raise and levy, or to cause to be raised and levied, and which shall then be unpaid and undischarged, shall, together with the Interest due and to accrue due thereon, be chargeable on and paid by the Mayor, Aldermen, and Burgesses out of the said Improvement Rate authorized to be levied under this Act; and the Mayor, Aldermen, and Burgesses shall discharge such Portions of the Principal Money so due as aforesaid, with all Interest payable thereon, at such Times and in such Manner as has heretofore been lawfully done by the said Commissioners, in compliance with the Obligations contained in the Securities; and such Monies shall be recoverable from the Mayor, Aldermen, and Burgesses in like Manner as the same might have been recovered from the said Commissioners if this Act had not been passed, and the recited Acts had not been repealed.

IX. The

Repeal of Acts not to invalidate Titles to Property acquired under them.

IX. The Repeal of the recited Acts shall not invalidate the Title to any Property purchased or acquired under the Authority of the said Acts or either of them, nor in anywise invalidate or affect any Contract entered into by or with the said last-mentioned Commissioners.

Old Books to be Evidence.

X. All Rate Books, and all Entries therein, and all Registers and Books of Proceedings, and other Books whatsoever, of the said Commissioners for carrying the recited Acts into operation, kept according to the Directions of the said Acts, and made Evidence thereby, or which might have been received as Evidence at the Time of the Commencement of this Act, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Actions not to abate.

XI. No Action, Suit, Prosecution, or other Proceeding whatever commenced by or against the said Commissioners previously to the Commencement of this Act shall abate or be affected by this Act, but the same shall continue and take effect, both in favour of and against the Mayor, Aldermen, and Burgesses, in the same Manner in all respects as the same would have continued and taken effect in relation to the said Commissioners if this Act had not been passed, and all Persons who before the Commencement of this Act have committed any Offence or incurred any Penalty under the Provisions of the said Acts hereby repealed or of any of them may be sued and prosecuted or otherwise proceeded against for such Offences, Penalties, and Forfeitures, in such and the like Manner as they might have been sued, prosecuted, or proceeded against respectively if this Act had not been passed, the Mayor, Aldermen, and Burgesses being in all Cases substituted for the said Commissioners.

Commissioners to hand over Books, &c.

XII. The said Commissioners and their Officers shall in the First Week after the Commencement of this Act deliver over to the Mayor, Aldermen, and Burgesses, or some Person appointed by them, all Contracts, Books, Deeds, Papers, and other Documents relating to the Purposes of the said Acts hereby repealed.

Officers acting under recited Acts to continue until removed.

XIII. Except as by this Act otherwise provided, every Officer appointed by virtue of or acting under the Authority of the recited Acts or either of them, and who shall hold and enjoy his Office and Employment at the Time of the Commencement of this Act, shall continue to hold the same until he shall be removed therefrom by the Mayor, Aldermen, and Burgesses.

Council may appoint Committees.

XIV. The Council may appoint out of their own Body from Time to Time such and so many Committees, not exceeding Five, and each Committee consisting of such Number of Persons as they shall think fit, for all or any of the Purposes of this Act which may in the Dis-

cretion of such Council require the Appointment of Committees; and the Acts of every such Committee shall be submitted to the Council for their Approval.

Power to appoint a Secretary to Committees.

XV. The Council may in its Discretion appoint One proper Person, not a Member of that Body, to act as Clerk to attend the said Committees, and may remove such Person, and appoint another in his Place; and such Clerk shall be paid by the Council out of the Improvement Rate hereby authorized a Salary not exceeding Two hundred Pounds *per Annum*, so long as he shall duly perform the Duties of his Office: Provided always, that there shall be but One Person appointed to attend all the said Committees.

Quorum of Committees

XVI. Every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment, but no Business shall be transacted at any Meeting of the Committee unless Three Members at the least be present; and at all Meetings of the Committee One of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Casting Vote, in addition to his Vote as a Member of the Committee.

Treasurer, &c. to hold the same Offices under this Act.

XVII. The Treasurer and the Town Clerk for the Time being of the Borough shall respectively be the Treasurer and Town Clerk for the Purposes of this Act.

Certain Provisions of 10 & 11 Vict. c. 16. incorporated with this Act.

XVIII. The Clauses and Provisions of "The Commissioners Clauses Act, 1847," with respect to the following Matters, (that is to say,)

With respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners;

With respect to the Appointment and Accountability of the Officers of the Commissioners [except Section 69];

With respect to giving of Notices and Orders;

With respect to the Mortgages to be executed by the Commissioners;

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriff,

shall be incorporated with this Act, and such Clauses shall apply to all the Purposes of this Act.

Time for holding of First Meeting

XIX. The Council shall hold their First General Meeting for executing this Act at their usual Place of Meeting, or some other convenient

venient Place within the Borough, between the Hours of Ten o'Clock of the Forenoon and Two o'Clock in the Afternoon of the First *Monday* in the Month of *December* next. for Execution of this Act.

XX. Except as by this Act otherwise provided, all Monies which under the Provisions of this Act and of the Acts and Parts of the Acts incorporated herewith shall be due or payable to or by the said Mayor, Aldermen, and Burgesses, shall be received or paid, as the Case may be, by the Treasurer of the Borough. All Monies due or payable under this Act to be paid by and to the Treasurer.

XXI. The Treasurer shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money received and paid on account of the Purposes of this Act, and of the several Matters for which Sums shall have been paid; and the Books of Account shall at all reasonable Times be open to the Inspection of any of the Aldermen or Councillors of the Borough; and all such Accounts, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings relating thereto, shall, in the Month of *January* next after the Commencement of this Act, and in the same Month in every Year thereafter, be submitted by the Treasurer to the Auditors for the Time being elected and acting in pursuance of the Public General Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and eight, and to some Member of the Council nominated by the Mayor for the Time being in pursuance of the last-mentioned Act, for the Purpose of being examined and audited, in the Case of the First Audit, from the Commencement of this Act to the First Day of *January* ensuing, and in the Case of every Audit thereafter, from the First Day of *January* in the Year preceding such Audit to the First Day of *January* in the Year in which such Audit shall take place. Accounts to be kept of all Sums of Money received, &c under Act, and to be audited by Borough Auditors.

XXII. The Auditors shall give Ten clear Days Notice of the holding of the Audit in a Newspaper published in the Borough; and it shall be lawful for any Person interested in the said Accounts, either as a Creditor or Ratepayer, to attend at such Audit, by himself or his Agent, and to make Objection to any Part of such Accounts; and if such Accounts be found correct such Auditors shall sign the same, but if there is just Cause to disapprove of any Part of such Accounts, they shall make such Abatements from or Alterations in such Accounts as to them shall seem just, and in either Case shall ascertain and fix the Balance arising on such Accounts; and if any Twenty-one Members of the Council be dissatisfied with the Result of such Audit, they may appeal to the Assistant Barrister for the Time being of the County of *Limerick*, who is hereby authorized to adjudicate in such Appeal, and the Decision of the said Assistant Barrister shall be final: Provided always, that unless the Balance as ascertained Mode of conducting Audit.

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by the Auditors shall be so appealed against, and Notice of such Appeal be given to them within Six clear Days from the Day on which such Balance shall have been ascertained, such Balance shall be final and conclusive, and not subject to Review.

Abstract of audited Accounts to be printed, &c.

XXIII. The Treasurer shall, before the First Day of *February* in every Year after the Commencement of this Act, cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds received or expended by virtue of this Act for the Year ending on the Day up to which the Accounts shall have been made under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Accounts duly audited as aforesaid; and the Treasurer shall transmit to the Lord Lieutenant a certified Copy of such Account in Abstract, and he shall likewise cause Copies thereof to be printed, which shall be open to the Inspection of every Mortgagee or other Creditor of the Mayor, Aldermen, and Burgesses, by virtue of this Act or the recited Acts hereby repealed, and of all the Ratepayers of the Borough, and Copies thereof shall be delivered to all such Persons applying for the same, on Payment of One Shilling for each Copy.

Power to remunerate Auditors.

XXIV. It shall be lawful for the Mayor, Aldermen, and Burgesses to award such Remuneration to the Auditors as, having regard to the Duties by this Act imposed on them, shall seem just and reasonable.

Power to make Byelaws.

XXV. The Mayor, Aldermen, and Burgesses may from Time to Time make such Byelaws as they may think fit, for the Purpose of regulating the Conduct of their Officers and Servants, and for the several Purposes of this Act and of any Act incorporated herewith, and from Time to Time repeal, alter, or amend any of such Byelaws, provided such Byelaws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Common Seal of the Borough; and the Mayor, Aldermen, and Burgesses, by the Byelaws so to be made by them, may impose such reasonable Penalties as they shall think fit, not exceeding Forty Shillings for each Breach of such Byelaws: Provided also, that such Byelaws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty.

Byelaws not to be in force until confirmed by

XXVI. No Byelaw made under any of the Powers for that Purpose herein or in any Act incorporated herewith contained (except such as relate only to the Officers and Servants of the said Mayor, Aldermen,

Aldermen, and Burgesses,) shall be of any Force until the Expiration of Forty Days after the same, or a Copy thereof, shall have been sent, sealed with the Borough Seal, to the Lord Lieutenant of *Ireland*, and shall have been published once in the *Dublin Gazette* and in some One Newspaper published within the Borough of *Limerick*; and if at any Time within the said Period of Forty Days the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in *Ireland*, shall disallow the same Byelaws or any Part thereof, such Byelaws or any Part thereof disallowed shall not come into operation: Provided always, that it shall be lawful for the Lord Lieutenant, with the Advice of the Privy Council, at any Time within the Period of Forty Days, to enlarge the Time after which any Byelaw, if allowed, shall come into force, and no such Byelaw shall in that Case come into force until after the Expiration of such enlarged Time. Lord Lieutenant.

XXVII. A Copy of any such Byelaw sealed as aforesaid, with a Declaration thereon, signed by the Mayor, that the same has been sent sealed as aforesaid to the said Lord Lieutenant, and published as aforesaid, and that no Part thereof has been disallowed by such Lord Lieutenant with the Advice of the Privy Council, and that the same is in force, shall be received as Evidence of any such Byelaw, and of the sending and publishing thereof as aforesaid, in all Courts of Law and Equity, and before all Justices. Evidence of Byelaws.

XXVIII. All Byelaws made in pursuance of this Act or any Act incorporated herewith, except such as relate only to the Officers and Servants of the said Mayor, Aldermen, and Burgesses, shall be printed, and a Copy thereof shall be affixed and continued in the usual Place of Meeting of the Council, and in every Justice Room or Office in which any Justice shall sit for the Administration of Justice; and Copies of such Byelaws shall be delivered by the Town Clerk to any Person who may apply for the same, on the Payment of such Sum as the Mayor, Aldermen, and Burgesses shall think fit to fix as the Price of such Byelaws. Byelaws to be printed, affixed in Justice Rooms, and published.

XXIX. If the Town Clerk shall not, upon the Payment or Tender of such Sum as the Mayor, Aldermen, and Burgesses shall direct to be paid for the same, deliver to any Person applying for the same at the Office of the Town Clerk a printed Copy of all or any Byelaws made in pursuance of this Act, except such Byelaws as aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds. Penalty on Town Clerk refusing Copy of Byelaws.

XXX. If the Person for the Time being having the Care of any Police Office, or any Justice Room wherein any Justice shall sit for the Administration of Justice, shall not permit the printed Copy of any Penalty on Persons refusing Inspection of

Byelaws affixed in Police Office.

any Byelaws affixed in such Office or Room to be inspected at all reasonable Times by any Person who may require to be permitted to inspect the same, the Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Power for Council to borrow on Mortgage or Bond.

XXXI. Subject to the Provisions of this Act, it shall be lawful for the Mayor, Aldermen, and Burgesses to borrow for the Purposes of this Act, on Mortgage or Bond, any Sum not exceeding Twenty thousand Pounds, on the Security of the Improvement Rate by this Act authorized; and for securing the Repayment of the Monies so to be borrowed, with Interest at a Rate not exceeding Five Pounds for every One hundred Pounds for the Year, the Mayor, Aldermen, and Burgesses may mortgage the said Rate or any Part thereof to any Person who shall advance or lend such Money, or his Trustees, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same: Provided always, that it shall not be lawful for the Mayor, Aldermen, and Burgesses to apply any Part of the Money so borrowed on the Security of the said Rate, save for the Purposes of defraying the Expenses of such Mortgage, or for the Purposes to which the said Rate is by this Act made applicable.

Arrears of Principal and Interest may be enforced by Appointment of Receiver.

XXXII. It shall be lawful for any Person entitled to any Mortgage, granted under the Authority of this Act, to enforce the Payment of the Arrears of Interest, or the Arrears of Principal and Interest, due to him on any such Mortgage, by the Appointment of a Receiver, but all such Applications shall be made by Petition to the Court of Chancery in *Ireland*, and such Court shall for that Purpose have and exercise all the Powers given to Two Justices by the Commissioners Clauses Act, 1847, Section 87; and no such Application shall be made unless the Principal Sum due to the Mortgagee or Mortgagees presenting the Petition shall be not less than Five thousand Pounds.

Council may raise Money by Annuity.

XXXIII. It shall be lawful for the Council to raise all or any Part of the Money borrowed for the Purposes of this Act by granting Annuities for Lives, instead of Mortgages, as aforesaid; and for that Purpose the Council may charge the Rates granted by this Act with an Annuity to determine on a Life or Lives, it being in favour of any Persons who shall advance to the Council any Sum of Money for the Purchase of the same.

Form of Grant of Annuity.

XXXIV. Every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Common Seal of the Mayor, Aldermen, and Burgesses, and may be in Form in the Schedule to this Act annexed, or to the like Effect.

XXXV. For

For preventing improvident Grants.

XXXV. For preventing improvident Grants of Annuities, the Price to be paid for any such Annuity shall not be less than the Price payable by Law for a similar Annuity granted by the Commissioners for the Reduction of the National Debt.

Expenses of Mortgages and Annuities.

XXXVI. The Expenses of every Mortgage and Grant of Annuity shall from Time to Time be defrayed by the Mayor, Aldermen, and Burgesses out of the Monies raised by the same, or the Rate on the Credit of which such Monies shall be raised.

Fiscal Powers of the Grand Jury to cease, and be transferred to the Corporation.

XXXVII. From and after the Commencement of this Act all the Powers, Rights, and Duties of the Grand Jury of the County of the City of *Limerick*, in relation to the Appointment of Presentment Sessions, and the presenting and levying of Rates and Cesses for any Purpose, shall cease and determine within the said Borough from the Time aforesaid; and all the Powers theretofore exercised by or vested in the said Grand Jury with respect to the presenting and levying of Rates or Cesses for local Purposes within the Borough of *Limerick* shall be transferred to and be solely exercised by the Council of the said Borough, and all Things by any Act theretofore authorized or required to be done by the said Grand Jury of the County of the City, with respect to the said fiscal Matters, Rates, or Cesses, shall, save as by this Act altered, be done by the said Council.

Provisions for Payment of Amount of Warrants issued to Collectors of Grand Jury Cess, &c.

XXXVIII. Each Collector of Grand Jury Cess to whom any Warrant shall have been issued by the Treasurer of the County of the City of *Limerick* at or after the Assizes next before the Commencement of this Act shall pay the Amount mentioned in such Warrant to the said Treasurer, Six clear Days before the First *Monday* in the Month of *February* next after the Commencement of this Act, and all such Sums as shall be claimed in respect of any Presentments fiated by the Judge at the said Assizes shall be discharged in the usual Manner on or before the said First *Monday* in the said Month and Year; and all Monies which shall on the said Day remain in the Hands of the said Treasurer unpaid shall thereupon vest and the same are hereby vested in the Mayor, Aldermen, and Burgesses, and shall be paid by the Treasurer of the County of the City to the Treasurer of the Borough, and the said Treasurer of the County of the City shall on the said Day deliver to the Treasurer of the Borough a true and particular Account of such Presentments as shall then remain unpaid, and the same shall be discharged out of the said Monies, and the Surplus of the Monies remaining after Discharge of such Presentments shall be carried to the Credit of the Improvement Fund herein-after mentioned: Provided always, that nothing herein contained shall in anywise invalidate any Bond or other Security which shall have been entered into or given by any Collector and his Sureties

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to the Treasurer of the County of the City for the due Collection of any Grand Jury Cess, but the same shall be enforceable and enforced by the said last-mentioned Treasurer to all Intents and Purposes as if this Act had not passed, and as if such Bond or other Security was conditioned for such Collector duly collecting and paying to such Treasurer, on or before the Day herein appointed for such Purpose, such Grand Jury Cess: Provided also, that the Warrant which shall have been so issued to such Collector shall remain in full Force for One Year from the last-mentioned Day, and no longer.

Council to provide by a a Rate for all Purposes heretofore provided for by Grand Jury.

XXXIX. The Mayor, Aldermen, and Burgesses shall, at the Times and in the Manner herein-after mentioned, proceed to raise and levy off the Borough, by means of the Rate for General Purposes herein-after specially provided, such Sums of Money as shall be required in order to make Provision for all such Purposes as but for the passing of this Act the said Grand Jury, with or without previous Application to Presentment Sessions, would be bound or empowered to make or might lawfully have made Provision for out of the Rates or Cesses which they were empowered to raise or levy within the said Borough: Provided always, that in no Case shall the said Rate for General Purposes be applicable to the making, enlarging, repairing, or paving any Street, Road, or Passage within the Borough.

Mode of proceeding.

XL. The Council shall affix a Time, Twice in every Year, to receive Applications for all Things now authorized to be done by the Grand Jury of the County of the City of *Limerick*, with respect to fiscal Matters, Rates, or Cesses within the Borough, and such Applications shall be made in like Form as the same are now authorized to be made in Cases of Applications for Presentments; and immediately after the Time so fixed for receiving such Applications the Council shall proceed to investigate such Applications, and shall decide upon the same at an open Meeting of the Council, or of a Committee thereof authorized in that Behalf.

Schedule of Applications to be lodged with Clerk of Crown and Clerk of the Peace.

XLI. A Schedule of such Applications as may be agreed to shall be made out by the Town Clerk, who shall lodge the same Twelve clear Days at the least before the First Day appointed for holding the ensuing Spring or Summer Assizes in each Year in and for the County of the City of *Limerick* with the Clerk of the Crown for the County of the City of *Limerick*, and upon the First and every other Day of the said Assizes, if necessary, Twelve Members of the Council of the Borough, to be chosen at the Meeting of the Council to be holden as aforesaid for hearing such Applications, shall attend before One of the Judges of Assize, and the said Judge, after hearing all Parties affected by or interested in such Presentments, shall make such Orders therein, and shall allow or disallow the same or any of them, or any

Portions

Portions thereof, as to him shall seem fit, and shall fiat the same or any Portions thereof according as the same shall be allowed by him: Provided always, that it shall be lawful for any Ratepayer to traverse any Presentment made by the said Council, or to object to the same being fiated, and such Traverse or Objection shall be heard and determined by the said Judge on a Day to be fixed for considering and fiating the same, and it shall be lawful for the said Judge to make Orders from Time to Time to regulate the Reception of the said Traverses and the Mode of Procedure thereupon, and to order Juries to be impannelled for the Trial thereof, as he is now in such Cases authorized: Provided also, that in case such Twelve Members of the said Council shall not attend the said Judge, it shall be lawful for him to proceed to hear and determine such Matters as shall be brought before him in like Manner as if such Twelve Members were then present, and the said Judge shall have Power to inflict on each Member for Non-attendance a Penalty not exceeding Ten Pounds.

Ratepayers may traverse Presentments.

XLII. In case any Application shall not be sanctioned by the Council, the Party making such Application shall be at liberty (on giving Six clear Days Notice to the Town Clerk of his Intention so to do) to bring the same before the said Judge at the Time of fiating the said Presentments; and if it shall appear to the said Judge that such Application ought to have been allowed, wholly or in part, the same, so far as to the said Judge shall seem fit and right, shall be added to the Schedules sent in by the Town Clerk.

Rejected Applications may be made before Judge, and granted by him.

XLIII. The Council shall, at their First Meeting to be holden for the Purpose of hearing Applications as aforesaid, on the Application of any Collector of Grand Jury Cess interested therein, verified by the Production of a Certificate of the Treasurer of the County of the City of *Limerick*, that the Amount of the Warrant issued to such Collector has been paid pursuant to the Provisions of this Act, and likewise of an Affidavit, to be sworn by the said Collector before a Justice, that the Money included in such Warrant has been fairly and impartially levied, and that no more than the Sum authorized by the Warrant, with the customary Collector's Fees, has been collected, to the best of such Collector's Knowledge and Belief, include in the said Schedule such Sum as will defray the Poundage to which such Collector shall be entitled in respect of the Monies collected by him since the then last preceding Assizes, and which, but for the passing of this Act, the Grand Jury would be bound to present; and the Council shall likewise at such Meeting insert in such Schedule, on the Application of any such Collector interested therein, the Amount or Sum of Money which shall be then unpaid or in arrear on Foot of any Warrant issued by the said Treasurer at or after the said Assizes; provided that it shall be made to appear to the Council, by the Affidavit of

Provision for Payment of Poundage of Collectors of Grand Jury Cess, and of Arrears, &c.

such Collector, that such Amount or Sum is actually in arrear and unpaid, and that it could not have been levied from the Persons or out of the Property theretofore charged with or liable to pay the same.

Provision for Payment of Treasury Advances.

XLIV. Whereas divers Sums of Money have been from Time to Time advanced from Her Majesty's Exchequer to the County of the City of *Limerick* for local Purposes: Be it enacted, That the Council shall include in the said Schedule of Applications at the said half-yearly Periods the like Sum towards the Discharge of the said Liabilities as but for the passing of this Act the Treasurer of the County of the City of *Limerick* would have been required to applot and insert in his Warrant at each Assizes, which Sum shall be defrayed out of the Rate for General Purposes by this Act authorized, and the Treasurer of the Borough shall pay over the said Sum, when and so soon as the same shall have been raised and levied, into such Bank, or to such Person, and in such Manner as the Commissioners of Her Majesty's Treasury shall direct.

Schedule as finally settled to be transmitted by Clerk of the Crown to the Town Clerk.

XLV. When all Objections or Traverses have been disposed of, and the new Presentments, if any, have been added, the said Schedule shall be signed by the Clerk of the Crown, and shall by him be transmitted to the Town Clerk, who shall lay the same before the Council, and thereupon the Council shall and they are hereby required to raise the Amount of the several Sums mentioned in the said Schedules by a Rate to be called "The Rate for General Purposes."

Property of Grand Jury to vest in Corporation.

XLVI. All Arrears of Rates and Property in the Borough now vested in the Grand Jury or any of its Officers, or in the Treasurer of the County of the City of *Limerick*, by virtue of his or their Office or Offices, shall, immediately after this Act shall have come into operation, vest in the Mayor, Aldermen, and Burgesses.

Contracts made by or with the Grand Jury to be good.

XLVII. All Contracts, Bonds, and other Securities heretofore made or entered into by or with the Grand Jury or the Treasurer of the County of the City of *Limerick* shall be enforceable and enforced by or against the Mayor, Aldermen, and Burgesses, after this Act shall come into operation, as if the same had been originally made or entered into by or with the Mayor, Aldermen, and Burgesses.

Treasurer of the Borough to pay Expenses of Witnesses, &c.

XLVIII. From and after the Commencement of this Act the Treasurer of the Borough shall, subject to the Provisions of any Act in force regulating the same, perform all the Duties in respect to the Payment of Prosecutors and Witnesses Expenses which shall have been theretofore done and performed by the Treasurer of the County of the City of *Limerick*, and the same shall be defrayed out of the Rate for General Purposes hereby authorized.

XLIX. Whereas

The Limerick Improvement Act, 1853.

Powers of Superintendence of Borough Prisons vested in Grand Jury to cease, and be exercised by Council.

XLIX. Whereas under the Provisions of divers Acts now in force the Grand Jury are authorized and required to appoint a Board of Superintendence of Prisons within the County of the City of *Limerick*, and the Officers and Servants of the said Prisons, and it is expedient that the Mayor, Aldermen, and Burgesses should appoint the said Board of Superintendence, Officers, and Servants respectively, instead of the said Grand Jury: Be it enacted, That from and after the Commencement of this Act all the Powers of the said Grand Jury in respect to the Appointment of the said Board of Superintendence, Officers, and Servants respectively shall cease and determine, and on the First *Monday* in the Month of *January* in that and each ensuing Year the Council are hereby required to appoint Twelve Persons, being Burgesses of the Borough, One Half of whom at least shall be Justices of the Peace for the Borough, to be a Board of Superintendence of every Gaol, Bridewell, House of Correction, or other Prison within the Borough, now supported in part or in whole by Presentment passed by the said Grand Jury; and the Board of Superintendence so appointed shall report to the Council, One Week before the Times respectively appointed for holding the Assizes for the County of the City of *Limerick* in each and every Year, on the Condition and Circumstances of every Prison under its Superintendence, Copies of which Reports shall be laid before the Judge of Assize at the Assizes to be holden for the County of the City of *Limerick* next ensuing the Date of every such Report; and the said Council shall likewise from Time to Time appoint such Officers and Servants of the said Prisons as but for the passing of this Act the Grand Jury would be required and authorized to appoint; and all the Powers, Duties, Regulations, Authorities, Clauses, and Provisions in any Act now in force contained with respect to such Board of Superintendence, Officers, and Servants respectively, save as to such of the Provisions thereof as are or may be inconsistent with the Provisions of this Act, shall be incorporated with and form Part of this Act, and shall be applicable to the Board of Superintendence, Officers, and Servants respectively to be appointed under the Provisions of this Act.

Office of the Treasurer of the County of the City of Limerick abolished.

L. That from and after the Commencement of this Act the Office of Treasurer of the County of the City of *Limerick* shall be and the same is hereby abolished: Provided always, that nothing herein contained shall in anywise lessen or affect the Liability or Duty of the Person holding the said Office, or his Sureties, to account, pursuant to any Act of Parliament now in force, or make good any Assessment, or to answer for any Default which shall have been incurred by him or them respectively.

Treasurer of Borough to issue War-

LI. And whereas by Operation of the Public General Act of the Third and Fourth *Victoria*, Chapter One hundred and nine, that Part

rant for levying Instalments of Debts to which Barony of Limerick is liable under 3 & 4 Vict. c. 109.

Part of the County of the City of *Limerick* not within the Municipal Boundaries of the Borough of *Limerick*, as defined by the Public General Act, Third and Fourth *Victoria*, Chapter One hundred and eight, was constituted a Barony in itself (now called the Barony of *Limerick*), and for Grand Jury, Civil and Criminal Purposes, a Part of the County of *Limerick*: And whereas that Part of the County of the City so constituted the Barony of *Limerick* was liable to contribute to any Rate which would have been made for the Purpose of satisfying the lawful Debts to which the Ratepayers of the Borough were liable to contribute: And whereas Recourse was had to Arbitration as provided by the said Act, Third and Fourth *Victoria*, Chapter One hundred and nine, for the Purpose of adjusting the Proportion of such Debts to which the said Barony was liable, which Proportion, as well as the Instalments by which the same ought to be paid by the said Barony, was ascertained by the Award then made: And whereas, as by the said Act is provided, the Treasurer of the County of the City of *Limerick* hath from Time to Time, in the Manner thereby provided, levied off the Barony of *Limerick* the Instalments due on Foot of the said Award: And whereas by this Act the Office of the Treasurer of the County of the City of *Limerick* is abolished, and it is necessary to make Provision for the Execution of the Duties imposed upon him by the firstly-recited Act: Be it enacted, That it shall be lawful for the Treasurer of the Borough and he is hereby empowered and required, at such Times and by the same Means as but for this Act the Treasurer of the County of the City of *Limerick* would have been empowered to do, and according to the Terms of the said Award, to levy by Warrant such Rate off the said Barony, until the Proportion of the Debt to which said Barony was liable, and which was ascertained by the said Award, shall have been fully paid off and satisfied in the Manner thereby directed.

Warrant of Borough Treasurer to be issued to County Collector in Barony of Limerick.

LII. That the Treasurer of the Borough shall issue his Warrant to such Person as for the Time being shall be a Collector of Grand Jury Cess, duly appointed for said Barony by the Grand Jury of the County of *Limerick*, (and the Amount of which Warrant such Collector is hereby empowered and required to collect, and for such Purpose such Collector shall have all the Powers and Authorities of a Collector of Grand Jury Cess,) and such Collector shall pay to the said Treasurer, at the Time appointed for Payment of the Grand Jury Cess collected by him, the Amount of such Warrant.

Treasurer of Borough to make out List of Persons liable to serve on Juries, &c. prescribed by

LIII. The Clerk of the Peace of the County of the City of *Limerick* shall, within One Week after the Commencement of the Midsummer Sessions for the Borough to be held next after the Commencement of this Act, and within One Week after the Commencement of the said Sessions in every succeeding Year, issue and deliver

to

to the Treasurer of the Borough his Precept, in the Form and Manner and within the Times directed by the Public General Act, Third and Fourth *William* the Fourth, Chapter Ninety-one, requiring the said Treasurer to do the several Matters and Things directed by that Act to be done by the Collectors of Grand Jury Cess within the said Borough; and the said Treasurer shall prepare and make out in alphabetical Order a true List of every Man residing within the County of the City of *Limerick* who shall be qualified and liable to serve on Juries for the Trial of all Issues joined in any of Her Majesty's Courts of Record in *Dublin*, and in all Courts of Nisi Prius, Oyer and Terminer and Gaol Delivery, in the City of *Limerick*, with the same Particulars with regard to every such Man and in the same Manner as are now required to be furnished and done by the Collectors of Grand Jury Cess under the Powers and Provisions of said Act and other Acts amending the same; and the said Treasurer shall deliver a true Copy of such List, signed by the said Treasurer, to the Town Clerk, within Twenty-one Days after the Receipt of such Precept, and shall also deliver a true Copy of such List to the Clerk of the Peace of the County of the City of *Limerick*; and the said List shall be dealt with in the like Manner, and shall be good, valid, and effectual, to all Intents and Purposes whatsoever, as if the same had been prepared and made by the Collectors of Grand Jury Cess under the Provisions of the said recited Act. 3 & 4 W. 4. c. 91.

LIV. Subject to the Provisions of this Act, it shall be lawful for the Mayor, Aldermen, and Burgesses to agree with the Owners of any Lands within the Limits of this Act which they may require for the Purpose of opening and making more convenient Communications, Ways, or Streets, and of widening, improving, altering, or diverting any existing Ways or Streets, or for other the Purposes of this Act, for the absolute Purchase of any such Lands, or such Parts thereof as they shall think proper; and the Lands so purchased shall be laid into the said Ways or Streets, or otherwise appropriated for the Purposes aforesaid, as the Council shall think fit, and all such Ways or Streets, when and so soon as the same shall be so formed, widened, or improved, shall be deemed public Streets or Ways. Power to purchase Lands.

LV. "The Lands Clauses Consolidation Act, 1845," except the Clauses of the said Act with respect to the Purchase and taking of Land otherwise than by Agreement, shall be incorporated with and form Part of this Act, save so far as the same Act is varied by or is inconsistent with this Act. 8 & 9 Vict. c. 18. incorporated with this Act.

LVI. The Mayor, Aldermen, and Burgesses shall and may, subject to the Provisions of this Act, and of the Acts and Clauses of the Acts incorporated herewith, cause to be paved, drained, lighted, cleansed, watered, Power to Council to cause Streets, &c. to be paved, &c.

watered, and otherwise improved, the Borough of *Limerick*, and may do all necessary Acts for promoting the Health and Convenience of the Inhabitants of the Borough, and for that Purpose may exercise all the Powers vested in them by this Act and the Acts incorporated herewith.

10 & 11 Vict. c. 34. incorporated.

LVII. The Provisions of "The Towns Improvement Clauses Act, 1847," except Sections Nineteen and Twenty, in the Copy of the said Act, and except the Clauses and Provisions

With respect to the Byelaws to be made by virtue of that or the Special Act, and

shall, except as aforesaid, be incorporated with and form Part of this Act, and shall apply to all the Purposes thereof, save so far as the same are varied by or are inconsistent with this Act.

Owners of Courts to flag them, and to keep Flagging in repair.

LVIII. The Owners of Houses and Land adjoining and abutting on any Court, Passage, or open Place, not being a public Thoroughfare, shall, to the Satisfaction of the Mayor, Aldermen, and Burgesses, sufficiently pave and flag the same, and lay, at a proper Level, through, over, or along such Part thereof as they may require, a Channel or Gutter, and keep such Pavement and Channel or Gutter in good Repair, to the Satisfaction of the Mayor, Aldermen, and Burgesses; and if any such Owners shall not sufficiently pave the same as aforesaid, or shall not lay down therein such Channel or Gutter, or shall not repair and keep the same respectively in good Repair, to the Satisfaction of the Mayor, Aldermen, and Burgesses, within Fourteen Days after Notice in Writing requiring him so to do shall have been given to him by the Mayor, Aldermen, and Burgesses, it shall be lawful for the Mayor, Aldermen, and Burgesses to cause such Court, Passage, or open Place to be paved, or such Channel or Gutter to be laid down, or, as the Case may be, to be repaired and put into good Order, and to levy and recover the Costs and Expenses thereof from such Owner in the Manner by this Act provided.

Public Conveniences to be erected.

LIX. The Mayor, Aldermen, and Burgesses may, if they think fit, provide and maintain, in proper and convenient Situations, Urinals, Waterclosets, Privies, and other similar Conveniencies for public Accommodation.

Appointment of local Surveyor and Officer of Health to be subject to Approval of Lord Lieutenant.

LX. The Appointment of the local Surveyor of Paving, Drainage, and other Works, and of the Officer of Health, as provided by the Clauses of "The Towns Improvement Clauses Act, 1847," incorporated herewith, shall be subject to the Approval of the Lord Lieutenant of *Ireland* for the Time being.

Power to purchase Waterworks,

LXI. It shall be lawful for the Mayor, Aldermen, and Burgesses to purchase from any Company or Person who now or at any Time hereafter

hereafter shall supply the Borough or the Inhabitants thereof with Water the Waterworks, Waters, Reservoirs, Plants, Lands, and Tenements belonging to such Company or Persons, and upon the Completion of the said Purchase to maintain the said Waterworks, Waters, Reservoirs, Plants, Lands, and Tenements, and to provide all Apparatus and Machinery necessary for supplying the said Borough and the Inhabitants thereof with Water, and to supply Water to any Person in the Borough or the Vicinity thereof, on such Terms and Conditions as shall be agreed upon between the said Mayor, Aldermen, and Burgesses, and such Persons.

and supply Borough with Water.

LXII. It shall be lawful for the Mayor, Aldermen, and Burgesses to purchase from any Company or Person who now or at any Time hereafter shall supply the Borough or the Inhabitants thereof with Gas the Gasworks, Plant, Lands, and Tenements belonging to such Company or Person, and upon the Completion of the said Purchase to maintain the said Gasworks, Plant, Lands, and Tenements so purchased, and to manufacture Gas, and to provide all Apparatus and Machinery necessary for that Purpose, and to sell, dispose of, or manufacture the Substances, Materials, and other Produce obtained in making Gas, and shall manufacture Gas for lighting the Streets of the Borough, and supply Gas to any Person in the Borough or in the Vicinity thereof, on such Terms and Conditions as shall be agreed upon between the said Mayor, Aldermen, and Burgesses and such Persons.

Power to purchase Gasworks and supply Borough with Gas.

LXIII. That after the Purchase of the Works of any Company or Persons supplying the Borough with Water, by the said Mayor, Aldermen, and Burgesses, "The Waterworks Clauses Act, 1847," and "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act.

10 & 11 Vict. cc. 15. and 17. incorporated with this Act.

LXIV. The several Clauses and Provisions of "The Town Police Clauses Act, 1847," with respect to the following Matters, that is to say,

With respect to the Appointment, and the Powers, Duties, and Privileges of Constables, except the Sections 6 and 7;
With respect to Obstructions and Nuisances in the Streets;
With respect to Fires;
With respect to Places of public Resort;
With respect to Hackney Carriages;
With respect to public Bathing,

Shall be incorporated with and form Part of this Act.

Several Clauses of 10 & 11 Vict. c. 89. incorporated with this Act.

LXV. The Expense of making, maintaining, and cleansing the present or any future Sewers of the Borough shall be defrayed out of the

Expense of Sewers to be defrayed out

of the Improvement Rate.

the Improvement Rate; and the Mayor, Aldermen, and Burgesses shall not make any Sewer Rate, either general or special, distinct from the Improvement Rate.

Public Cemetery.

LXVI. It shall be lawful for the Mayor, Aldermen, and Burgesses to construct One or more public Cemetery or Cemeteries, and for that Purpose to agree with the Owners of any Lands within the Limits of the Borough, or within Four Statute Miles from the Boundary thereof, measured along a public Road, for the absolute Purchase of any such Lands as the Mayor, Aldermen, and Burgesses shall think proper, and the Lands so purchased shall be appropriated for the Purpose of a Cemetery or Cemeteries, as they shall think proper:

Proviso.

Provided always, that the said Mayor, Aldermen, and Burgesses shall not erect or make such Cemetery or Cemeteries, or any Part thereof, within Three hundred Yards of any House of the annual Value of Fifty Pounds, or having a Plantation or ornamental Garden or Pleasure Ground occupied therewith, except with the Consent of the Owner, Lessee, and Occupier thereof in Writing.

10 & 11 Vict. c. 65. incorporated with this Act.

LXVII. "The Cemeteries Clauses Act, 1847," shall be incorporated with and form Part of this Act.

Humane Apparatus and Assistants may be provided.

LXVIII. It shall be lawful for the Mayor, Aldermen, and Council to purchase, provide, and maintain all such Apparatus, Matters, and Things as may appear to them to be necessary for drowned Persons, and restoring Animation to Persons apparently drowned, and to employ and reward Assistants therein, in such Manner as the Council shall deem expedient.

Power to Mayor in certain Cases to appoint Locum tenens.

LXIX. In case of his Illness or unavoidable Absence it shall be lawful for the Mayor for the Time being, by Writing under his Hand, and to be entered in the Records of the Council, to appoint any Alderman of the Borough to act as *Locum tenens* for him during such Illness or Absence, and the Person so appointed *Locum tenens* shall, until the Mayor resumes the Duties of his Office, have all the Authorities, Powers, and Privileges of the Mayor with respect to all Matters imposed upon the Mayor, or appertaining to his Office by Statute, Charter, or otherwise.

Provisions against Sale of unwholesome Meat.

LXX. The Inspector of Nuisances, Officer of Health, or any other Officer appointed by the Mayor, Aldermen, and Burgesses for that Purpose, may and is hereby empowered, at all reasonable Times, with or without Assistants, to enter into and inspect any Shop, Building, Stall, or Place kept or used for the Sale of Butchers Meat, Poultry, Fish, or other Article of Food, or as a Slaughter-house, and to examine any Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, or other Article of

of Food which may be therein, and in case any Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, or other Article of Food appear to him to be intended for the Food of Man, and to be unfit for such Food, the same may be seized; and if it appear to any Justice, upon the Evidence of a competent Person, that any such Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, or other Article of Food is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, or other Article of Food belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Animal or Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or other Article of Food so found, and which such Justice shall be satisfied that it was intended for the Food of Man.

Weighing Machines to be erected.

LXXI. It shall be lawful for the Mayor, Aldermen, and Burgesses to erect and maintain Steelyards, Scales, or other Weighing Machines upon or adjacent to the different Streets or at any other convenient Places within the Borough, for the Purposes herein-after mentioned, or to grant Powers to others to that Effect, and to appoint proper Persons to attend the same, with suitable Allowances for their Trouble.

Coals to be weighed.

LXXII. The Purchaser of any Coals, or the Driver of any Cart loaded with Coals, may require that any such Cart loaded with Coals shall be weighed at the said Steelyard, Scales, or other Weighing Machines, and in such Case the Weight of the Coals and of the Cart, and also the Time of such weighing, shall be marked on a Ticket, and shall be delivered to the Driver thereof, and the Person having the Charge of such Steelyard, Scales, or other Weighing Machines shall exact and receive from the Driver of each Cart a Sum not exceeding One Penny Halfpenny for weighing the Coals and delivering the Ticket as aforesaid, and the Money so to be paid shall be repaid to such Driver by the Purchaser of the Coals, or Person to whom the same are delivered, on the Ticket thereof being produced.

Portable Machines to be provided for weighing Coals.

LXXIII. It shall be lawful for the Mayor, Aldermen, and Burgesses to provide, furnish, and maintain such Number of portable or moveable Machines for weighing Coals as they may deem necessary, to be kept at convenient Places within the Borough, in order that the Inhabitants may have Access to them for the Purpose of re-weighing their Coals, at their own Expense, if they shall be so inclined, and to employ proper Persons to attend such Machines, and to establish the Rates to be payable for such re-weighing; and it shall be lawful for the Superintendent of Police, or any other Officer acting under this

Act, to cause Coals offered for Sale or for Delivery to be re-weighed, and to require the Driver to produce the Ticket thereof, as a Check on the Conduct of Drivers and others.

Coals sold by Retail to weighed.

LXXIV. For the Purpose of ascertaining the Weight of Coals sold in Quantities of less than Half a Ton within any Yard, Depôt, Cellar, or Place where they may be kept, or from any Cart on which they may be carried by Dealers for Sale, such Dealers shall be obliged to have and keep Scales and Weights of the legal Standard within such Yard, Depôt, Cellar, or other Place, and also to have such Scales and Weights attached to the Cart used by them for the Sale of such Coals, whereby the Coals so sold by Retail may be weighed at the Time of the Sale or Delivery, and such Dealers shall be obliged to weigh the same, upon being required so to do either by the Person purchasing the same, or by any Constable or Officer of Police; and any such Dealer in Coals failing to have and keep such Scales and Weights, or refusing to weigh the Coals as aforesaid, shall, upon Conviction before a Justice, be liable to a Penalty not exceeding Forty Shillings for the First Offence, and not exceeding Five Pounds for any subsequent Offence.

Penalty on Driver refusing to weigh.

LXXV. If any Driver or other Person having the Charge of any Cart shall not, upon being so required as aforesaid, take the same to any such public Weighing Machine, or shall refuse to assist in the weighing of the same in such Manner as the Drivers of Carts are used and accustomed to do, such Driver or other Person shall, upon Conviction before a Justice, for each Offence be liable to a Penalty not exceeding Forty Shillings.

Fraudulent weighing.

LXXVI. If the Keeper of any Weighing Machine used within the Borough for the Purpose of ascertaining the Weight of Coals, or the Seller of any Coals which shall be weighed at such Weighing Machine, or any of their respective Servants, shall wilfully, on Application, refuse duly to weigh or re-weigh any Cart, with or without Loading, or shall designedly do or omit to do anything with Intent that the true Weight or Measurement of any Coals weighed thereat shall not be ascertained, or if the Owner or Driver or other Person having the Charge of any Cart shall place or knowingly leave any Article, Matter, or Thing in and about such Cart other than the proper Load therein, or shall alter the Tare or Weight, or the Ticket denoting the Weight, of any Cart or the Loading thereof, or shall make use or be privy to the making or using any false or fraudulent Ticket respecting the Weight of any such Cart or Loading, or if by re-weighing or otherwise it shall be discovered that any Coals have been abstracted by such Owner, Driver, Person in Charge, Keeper, or Servant from such Cart after it shall have passed the Steelyard or Weighing

Machine

Machine where it was originally weighed, or if the Owner or Driver or Person in charge of any Cart, or the Keeper of any Machine as aforesaid, or his Servants, shall make or give or use, or be privy to the making or giving or using, any false or fraudulent Contrivance touching the Weight of any Cart or of the Load therein, or shall knowingly assist in or connive at any Fraud in or concerning the Weight of any Cart or of the Load therein, or if any other Person shall knowingly aid or assist in the committing of any Fraud respecting the Weight of any Cart or the Load therein, weighed or stated or represented to be weighed at any such Machine as aforesaid, then and in every such Case every Person so offending shall, upon Conviction before a Justice, for every Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Thirty Days.

Power to levy a General Improvement Rate.

LXXVII. For the Purposes of defraying the Costs and Expenses of carrying this Act and the Powers and Provisions thereof into execution (except the Purposes to which "The Rate for General Purposes," hereby authorized, and any Rates to be made for Private Drains and Private Improvements, are hereby or by any Act incorporated herewith directed to be applied), and of defraying the Expenses of and incident to the obtaining of this Act, and of an Act intended to be passed in the present Session of Parliament, intituled *An Act to amend the Acts for the Regulation of Municipal Corporations in* Ireland, *so far as relates to the Borough of* Limerick, and also of paying the Amount of Compensation awarded to any Person or Officer under the Provisions of this Act, it shall be lawful for the Mayor, Aldermen, and Burgesses from Time to Time to make, assess, and levy (in lieu and stead of the Rates which might have been assessed and levied under the Provisions of the recited Acts hereby repealed) such equal Rate, to be called "The Improvement Rate," as may be necessary for the Purposes aforesaid, not exceeding in any One Year Five Shillings in the Pound on the net annual Value of the Property included in such Rate.

16 & 17 Vict. c. lxxiii.

Application of Improvement Rate or Improvement Fund.

LXXVIII. All Monies which shall come to the Hands of the Mayor, Aldermen, and Burgesses from the said Rate called the Improvement Rate, or which shall be raised by any Mortgage or Security thereof granted by the Mayor, Aldermen, and Burgesses, and all other Monies to be received by the Mayor, Aldermen, and Burgesses under this Act, except the Monies arising from the Rate for General Purposes, shall form a Fund to be called "The Improvement Fund," and shall be applied as follows:

Firstly, in defraying the Charges and Expenses of and incidental to the obtaining and passing of this Act, and of an Act passed in the present Session of Parliament, intituled *An Act to amend the Acts for the Regulation of Municipal Corporations in* Ireland, *so*

16 & 17 Vict. c. lxxiii.

so far as relates to the Borough of Limerick, and also the Costs and Expenses incident to the Redivision of the Borough as provided by the said Act, and the Costs of the Town Council of *Limerick* in relation to this and the said Act:

Secondly, in paying the Interest of all Monies borrowed and which shall be from Time to Time due and owing on the Credit of the said Rate:

Thirdly, in paying the Amount of Compensation awarded to any Officer or Person under the Provisions of this Act:

Fourthly, in setting apart the Sum required to pay the Debts and Interest thereon herein-before mentioned due by the Commissioners for carrying the recited Acts into execution:

Fifthly, in setting apart and appropriating the Sum as herein-after directed to be set apart and appropriated in Payment of the Principal Monies which shall have been borrowed or secured on the Improvement Rate:

Sixthly, in carrying into execution all the Purposes to which the said Improvement Rate or Improvement Fund is made applicable:

Seventhly, in paying the Salaries due to the Mayor for the present Year, and the Mayor for the Year One thousand eight hundred and fifty-two:

Lastly, in paying off the Principal of all Monies due on the Credit of said Improvement Rate, and to and for no other Uses or Purposes whatsoever.

Collectors to lodge all the Monies received by them in a Bank.

LXXIX. Every Collector of any Rate authorized by this Act shall lodge all Money received by him in a Bank transacting Business in the Borough, to be approved of by the Council, at such Times as they shall appoint, upon an Account to be opened in the Name of the Mayor, Aldermen, and Burgesses; and the Drafts to be drawn on the Bank on such Account shall be drawn at a Meeting of the Council, and there signed by the Mayor, by Two Members of the Council at the least, and by the Treasurer; and no Drafts on the said Account shall be drawn for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Council for the Purposes of this Act, as the same shall be certified to the said Treasurer by the Town Clerk, who shall countersign all such Drafts: Provided always, that no Draft for any Money ordered to be paid shall be signed as aforesaid until the Meeting of Council next succeeding that at which such Order shall be made.

Costs of Proceedings for Recovery of Rates.

LXXX. It shall be lawful for any Justice who shall issue any Warrant of Distress, as he is hereby authorized and empowered to do, for the Recovery of any Rate payable under this Act, to order that the Costs of the Proceedings for the Recovery of such Rate shall be paid

paid by the Person liable to pay the said Rate, and such Costs shall be ascertained by such Justice, and levied by Distress, and the Justice shall include in his Warrant of Distress for the Recovery of the said Rate the Amount of such Costs, and shall issue his Warrant accordingly.

Amount to be set apart for a Sinking Fund.

LXXXI. The Amount to be appropriated and set apart every Year by the Mayor, Aldermen, and Burgesses out of such Rate, as a Sinking Fund, to be applied in paying off the Monies borrowed under the Powers of this Act, shall be not less than One Thirtieth Part of the Money so borrowed, and until the Expiration of Five Years from the Commencement of this Act it shall not be obligatory on the Mayor, Aldermen, and Burgesses to set apart any Money as a Sinking Fund.

Council not to make any Rates except those authorized by 3 & 4 Vict. c. 108. and this Act.

LXXXII. Save and except any Borough Rate to be raised and levied pursuant to the Provisions of the Public General Act, Third and Fourth *Victoria*, Chapter One hundred and eight, it shall not be lawful for the Mayor, Aldermen, and Burgesses, by virtue of this Act or of any Act incorporated herewith, to make, assess, and levy any Rates or Sums of Money for the Purposes of this Act, other than the Rates hereby authorized, that is to say, the said "Improvement Rate," and the said "Rate for General Purposes:" Provided always, that nothing herein contained shall prevent the Mayor, Aldermen, and Burgesses from levying Rates for Private Drains and Private Improvements, and such Rates as the Persons supplied at their own Request with Gas or Water shall be bound to pay for the Supply of the same.

Penalties to be paid to Treasurer of City Infirmary.

LXXXIII. In all Cases where by this Act or any Act incorporated herewith any Penalty or Forfeiture is imposed, the Court or the Justices by whom any such Penalty or Forfeiture shall be imposed shall award such Penalties, or such Part thereof as shall not be awarded to an Informer, to the Treasurer of *Barrington*'s Hospital and City of *Limerick* Infirmary, to be applied to the Purposes of the said Hospital and Infirmary: Provided always, that if the said Hospital and Infirmary should hereafter be wholly supported by Parliamentary Grant or by Poor Law Rates, such Penalties shall be paid into the Borough Fund.

Nothing to extend to impose Rates, &c. on unprofitable Ground, &c.

LXXXIV. Nothing in this Act contained shall extend to authorize the imposing or levying any Tax or Rate or Assessment under this or the Acts incorporated herewith upon any Plot of Ground laid out for the Purpose of building Houses thereon, and which Plot has not any Building erected, but is actually in Waste and out of Use or Profit.

Exemption from Rates.

LXXXV. No Person shall be rated to any Rate made in pursuance of this Act, in respect of any Church, Chapel, Meeting House, or other Building exclusively used for Public Worship, or any Building exclusively used for the Purposes of the gratuitous Education of the Poor, or of public Charity, or any Lands, Houses, or Buildings, or Parts of Houses or Buildings, exempted from the Payment of any County, Borough, parochial, or other local Rates or Cesses, under the Provisions of the Public General Act, Sixth and Seventh *Victoria*, Chapter Thirty-six, or of any other Act relating to the Payment of such Rates as aforesaid.

Officers to receive Compensation for Loss of Office.

LXXXVI. The Person holding the Office of Treasurer of the County of the City of *Limerick*, and the Secretary of the Grand Jury, and the Clerk and Surveyor of the Commissioners of *Saint Michael*'s Parish, at the Time when this Act shall come into operation, whose Office shall be abolished, or cease, or become unnecessary by reason of this Act, or who shall be removed from his Office under the Provisions of this Act, or who shall be deprived of the Salary, Poundage, or Emoluments to which he would have been entitled if this Act had not been passed, and who shall not be re-appointed under this Act, or who shall not be employed or retained by the Mayor, Aldermen, and Burgesses in an Office of equal Value under this Act, shall be entitled to have an adequate Compensation, by way either of a Sum of Money in gross or of Annuity, at the Option of and to be assessed by the Council, and paid out of the Improvement Fund, for the Salary of the Office which he shall so cease to hold.

Mode of ascertaining Compensation.

LXXXVII. Every Person entitled to such Compensation as aforesaid shall, within Three Months from the Day when he shall so become entitled, deliver to the Town Clerk a Statement under his Hand, setting forth the Amount received by him or his Predecessors in Office, every Year during the Period of Six Years next before the passing of this Act, on account of the Salary, Poundage, or Emoluments in respect whereof he shall claim such Compensation, distinguishing the Office in respect whereof the same shall have been received, and containing a Declaration that the same is a true Statement, according to the best of the Knowledge, Information, and Belief of such Person, and also setting forth the Sum claimed by him as such Compensation; and the said Town Clerk shall lay such Statement before the Council, who shall take the same into consideration, and determine thereon; and immediately upon such Determination being made by the said Council touching the Matter in the said Statement, the Person preferring such Claim shall be informed of the Particulars of such Determination, by Notice in Writing under the Hand of the Town Clerk; and in case such Claim shall be admitted in part and disallowed in part, such Notice shall specify the Particulars in which the

the same shall have been admitted and disallowed repectively; and in case the Person preferring such Claim shall think himself aggrieved by the Determination of the Council thereon, or in case One Third of the Members of the Council shall subscribe a Protest against the Amount of Compensation allowed by such Determination as excessive, it shall be lawful for the Person preferring such Claim, or any Member of the Council who shall subscribe such Protest, to appeal to the Commissioners of Her Majesty's Treasury, who shall thereupon make such Order as to them shall seem just, and such Order, signed by Three or more of such Commissioners, shall be binding upon all Parties.

Regulating Compensation for different Periods for Service.

LXXXVIII. A Compensation equal to the full Amount of the Salary, Poundage, or Emoluments of the Person preferring such Claim as aforesaid, in case he shall have served for not less than Thirty Years, and in all other Cases a Compensation of not less than Two Thirds of the Amount of his Salary, Poundage, or Emoluments, shall be granted to such Officer, calculated upon an Average of such Salary, Poundage, or Emoluments, or that of his Predecessors, for the Six Years next before the passing of this Act; and every Officer of *Saint Michael*'s Parish Commissioners, and every Officer of the Mayor and Town Council, and every Officer of the Gaol of the City of *Limerick* respectively, who shall be in Office when this Act shall come into operation, and the Collector of Grand Jury Cess in said City, shall be retained and continued by the Town Council in their respective Offices, or in Offices of like Value; and in case any of said Officers shall be removed from his Office under the Provisions of this Act, or shall be deprived of his Salary, Poundage, or Emoluments, from any Cause other than Misconduct as would warrant Removal from any Office held during good Behaviour to which he would have been entitled if this Act had not been passed, and who shall not be re-appointed under this Act, he shall be entitled to Compensation of the same Amount and to be ascertained in the same Manner as heretofore provided with respect to the Officers whose Office shall be abolished: Provided always, that in every such Case as last aforesaid the Length of the Service of every such Officer shall be calculated up to the Day of his Removal from Office.

Council to determine Claim within Six Months.

LXXXIX. If the Council shall not determine on any Claim for Compensation within Six Months after the aforesaid Statement shall be delivered to the Town Clerk, such Claim shall be considered as admitted: Provided always, that it shall not be lawful for any Member of the Council to subscribe such Protest as aforesaid, except within such Period of Six Months.

Claimant to attend Meeting of Coun-

XC. If the Council shall so require, the Person preferring such Claim as aforesaid, upon receiving Notice in Writing, signed by the Town

cil, and produce Vouchers &c.

Town Clerk, shall attend at any Meeting or adjourned Meeting of the said Council or any Committee thereof to which the Investigation of such Claim may be referred by such Council, and then and there shall answer all such Questions as shall be asked by any Member of the said Council or Committee touching the Matters set forth in the Statement subscribed by such Person as aforesaid, and produce all Vouchers, Books, Papers, and Writings in his Possession, Custody, or Power relating thereto.

Mayors, &c. to pay Amount of Compensation awarded.

XCI. The Mayor, Aldermen, and Burgesses shall pay to every such Person awarded Compensation as aforesaid the Money or Annuity so granted or determined as and for Compensation when and as the same shall respectively become due and payable; and in case such Compensation shall be a Sum of Money in gross, the same shall be payable forthwith, with Interest thereon at the Rate of Five Pounds *per Centum per Annum*; and in case such Compensation shall be by way of Annuity, the same shall be payable by quarterly Payments, the First Payment thereof to be made at the Expiration of Three Months from the Time when the aforesaid Statement shall be delivered to the Town Clerk.

Compensation by way of Annuity to be secured by Bond.

XCII. The Amount of the Sum of Money payable to any Person as such Compensation as aforesaid, if not forthwith paid, shall be secured to such Person by Bond or Obligation, under the Common Seal of the Mayor, Aldermen, and Burgesses, in a sufficient Penalty, conditioned for the Payment to such Person, his Executors, Administrators, or Assigns, of the Amount of such Sum, with Interest after the Rate aforesaid; and all Arrears thereof (if any) accrued due before the Date of such Bond, and every Annuity payable to any Person as such Compensation as aforesaid, shall be secured to such Person by a like Bond, in a sufficient Penalty, conditioned for the Payment to such Person, his Executors, Administrators, or Assigns, of such Annuity, with all Arrears thereof (if any) which shall have accrued due before the Date of such Bond; and every such Bond or Obligation shall be prepared and executed at the Expense of the Fund by this Act made chargeable with such Compensation, and delivered to the Person entitled to such Compensation, as soon as conveniently may be after the Amount thereof shall have been determined as aforesaid by the Council, or shall have been determined, in the event of such Appeal as aforesaid, by Order of the said Commissioners of Her Majesty's Treasury.

This Act not to exempt the Corporation or Borough from the

XCIII. Nothing in this Act contained shall extend or be deemed or construed to extend to exempt the Corporation or Borough of *Limerick* from any of the Provisions of the recited Act in the Third and Fourth Years of the Reign of Her present Majesty for "The Regulation

Regulation of Municipal Corporations in *Ireland*," or of any General Act now in force relating to Municipal Corporations in *Ireland*, but such Acts, except so far as the same are varied by or are inconsistent with this Act, shall be applicable to the said Corporation and Borough as fully and effectually as if this Act had not been passed, and shall also be applicable to the Purposes of this Act.

Provisions of 3 & 4 Vict. c. 108.

XCIV. Nothing in this Act shall in anywise prejudice, lessen, or interfere with any Rights, Powers, Franchises, or Authorities now vested in the Mayor, Aldermen, and Burgesses, or the Council, of the Borough of *Limerick*, by Law, Charter, or otherwise.

This Act not to prejudice any Rights, &c. of the Corporation.

XCV. Nothing in this Act contained shall alter, limit, prejudice, lessen, or affect any of the Powers, Rights, Privileges, or Authorities of "The Commissioners of the Great *Munster* Fair, under the Great *Munster* Fair Act, 1852," or of "The *Limerick* Market Trustees," under "The *Limerick* Markets Act, 1852," or of "The *Limerick* Harbour Commissioners, under "The *Limerick* Docks and Harbour Improvement Amendment Act, 1847," and the several Acts of Parliament therein recited, or shall authorize the said Mayor, Aldermen, and Burgesses to enter upon, purchase, or take any of the Lands or Hereditaments which shall or may be vested in the said Commissioners or Trustees respectively under and by virtue of the said Acts.

Saving Rights of Great Munster Fair Commissioners, Limerick Market Trustees, and Limerick Harbour Commissioners.

XCVI. In citing or referring to this Act in other Acts of Parliament, or in Pleadings, legal Instruments, or other Proceedings, it shall be sufficient to use the Expression "The *Limerick* Improvement Act, 1853."

Short Title.

SCHEDULE referred to in the foregoing Act.

By virtue of an Act passed, *&c.*, intituled "An Act, *&c.*," we, the Mayor, Aldermen, and Burgesses of the Borough of Limerick, in consideration of the Sum of paid by , do grant unto *A.B.* an Annuity or yearly Sum of £ to be issuing out of the Rates arising by virtue of the said Act, to be paid to the said *A.B.* during the Term of his natural Life, [*or, as the Case may be*, to the said his Executors, Administrators, and Assigns, during the natural Life of *or* during the natural Lives of and and of the Life of the Survivor,] upon the Day of in every Year during his natural Life, [*or, as the Case may be*, during the natural Life of the said or of the said and the Survivor of them,] the First Payment thereof to be made upon the Day of next ensuing the Date hereof. In witness, *&c.*

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1853.