ANNO PRIMO

VICTORIÆ REGINÆ.

****

Cap. xxxii.

An Act to amend an Act passed in the Fifth and Sixth Year of the Reign of King *William* the Fourth, regarding *Londonderry Bridge*; and to amend several Acts relating to the City and Port of *Londonderry*. [11th *June* 1838.]

WHEREAS an Act passed in the Parliament of *Ireland* in the Thirtieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building a Bridge* 30 G. 3. (I.)
over the River Lough Foyle *at the City of* Londonderry *and the Suburbs thereof, and for certain Regulations relative to said City,* whereby the Mayor, Commonalty, and Citizens of *Londonderry* were appointed Commissioners for building the said Bridge, and certain Tolls were imposed on passing over the same; and another Act passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His said late Majesty, intituled *An Act for amending an Act passed* 40 G. 3. (I.)
in the Thirtieth Year of His Majesty's Reign, intituled ' An Act for ' building a Bridge over the River Lough Foyle *at the City of* Lon- ' donderry *and the Suburbs thereof, and for certain Regulations relative ' to said City;'* also another Act passed in the Forty-eighth Year of the Reign of His said late Majesty, intituled *An Act to amend Two Acts,* 48 G. 3. c. 136.
so far as they relate to the supplying the City of Derry *with Water, improving the Harbour of the said City, and the Regulation of Pilots and Vessels using the same; and for extending the Jurisdiction of the*

Court held in the said City for the Recovery of small Debts; also another Act passed in the Fifty-fourth Year of the Reign of His said late Majesty, intituled *An Act for rebuilding or repairing the Bridge across the River* Foyle *at* Londonderry, *for enabling the Corporation of that City to raise Money for that Purpose, to authorize the Advance of a certain Sum of Money out of the Consolidated Fund of* Ireland, *and for regulating the Fairs and Markets, and improving the Race Course there*; also another Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act of the Thirtieth Year of His late Majesty for lighting and improving the City of* Londonderry; also another Act passed in the Sixth Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to amend several Acts relating to the City of* Londonderry; also another Act passed in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, iutituled *An Act to make more effectual Provisions for lighting, cleansing, and watching the City of* Londonderry, *and to amend several Acts relating to the said City*; and another Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend several Acts relating to the Bridge and to the City and Port of* Londonderry: And whereas by the said last-mentioned Act it was enacted, that when and so soon as it should be made appear to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* that the Sum of Thirty-one thousand Pounds (such Sum, it was recited in the said Act, being a Portion of the Debts of the said Mayor, Commonalty, and Citizens incurred in the building of the said Bridge, and in the Improvements of the said City and Suburbs) had been actually raised or secured to be raised it should be lawful for such Lord Lieutenant or other Chief Governor or Governors to direct that from a Day to be mentioned, and upon Payment to the said Corporation of the said Sum of Thirty-one thousand Pounds, the said Bridge over the River *Lough Foyle*, and all the Materials thereof, and the Tolls, Toll Houses, and other Works and Buildings connected therewith or appertaining thereto, together with the Right of Ferry of the Mayor, Commonalty, and Citizens of *Londonderry* across the said River, should be vested in the Trustees in said Act named: And whereas by an Indenture bearing Date the First Day of *January* One thousand eight hundred and thirty-four the said Mayor, Commonalty, and Citizens did give, grant, and confirm to Sir *Robert Alexander Ferguson* Baronet, *John Dysart*, *William Kerr M'Clintock*, *James Gregg*, and *Pitt Skipton*, Esquires, all that and those Tolls, Duties, and Customs now payable, taken, or demanded for or by reason of passing over the said Bridge over the River *Lough Foyle* situate in the Suburbs of the City of *Londonderry* aforesaid, or in any Manner arising from or growing out of the same, together with all other Rights, Privileges, Profits, Advantages, Emoluments, Easements, and Appurtenances whatsoever incident, belonging, or in any Manner appertaining to the said Bridge, in as full or ample Manner as they the said Mayor, Commonalty, and Citizens then held or enjoyed the same, subject nevertheless to the Uses, Intents, and Purposes mentioned and declared respectively in and by the therein-before in part recited Acts of Parliament; and also all that and those the Ferryage or Right of Ferry or of providing a

54 G. 3. c. 230.
5 G. 4. c. 52.
6 G. 4. c. 180.
2 & 3 W. 4. c. 107.
5 & 6 W. 4. c. 74.

Passage over the said River *Lough Feyle* or *Foyle*, and all Tolls, Duties, and Customs arising out of or in any Manner incident thereto, or thereafter to arise out of or be incident thereto, subject nevertheless to the Rent of Twenty Pounds of the late *Irish* Currency payable to the Honourable Society of the Governor and Assistants, *London*, of the New Plantation in *Ulster*, as therein mentioned; and also the Sum of Three thousand Pounds then due and owing as therein mentioned to the said Mayor, Commonalty, and Citizens of *Londonderry*, and charged and chargeable upon the said Rates and Duties commonly called Tonnage Dues, payable or thereafter to be paid by the Owner or Master of any Ship or Vessel coming into the Port or Harbour of *Londonderry* aforesaid, until the said Sum of Three thousand Pounds, with all Interest due and to grow due thereon, should be fully paid and satisfied; and also all that yearly Sum or annual Charge of Six Pounds *per Centum per Annum* of the late *Irish* Currency upon the Principal Sum of Eight thousand Pounds of the late *Irish* Currency, the Sum expended by the said Corporation in constructing Reservoirs and Basins, and in laying Cast Metal Mains and Wooden Pipes for the more effectually supplying of Water for the Use of the Inhabitants of the City of *Londonderry* aforesaid; and all the Estate, Right, Title, and Interest whatsoever at Law or in Equity of them the said Mayor, Commonalty, and Citizens in, to, or concerning the said several Lands, Tenements, and Hereditaments, Sum and Sums of Money respectively, or any of them, or any Part of any of them, upon Trust as soon as conveniently might be to sell, dispose of, grant, release, surrender, demise, lease, assign, and convey, either absolutely or by way of Mortgage, in Fee Simple or for any lesser Term of Freehold or Number of Years, all and singular the said Bridge, together with the Tolls, Customs, and Dues payable for passing and re-passing over the same, and the Right, Title, and Interest of the said Mayor, Commonalty, and Citizens to the Ferry or Right of Ferry as aforesaid, or Right of providing a Passage across the said River; and also to sell or dispose of the Interest of the said Corporation of, in, and to the said Sum of Three thousand Pounds so charged and chargeable on the said Tonnage Dues, with their Appurtenances, and all Right and Claim, Lien or Charge of the said Corporation to and on the same, for such Price or Prices in Money or Rents as the said Trustees should think reasonable and sufficient, to any Person who should be willing to become the Purchaser, Mortgagee, or Tenant of the said Premises or any Part thereof, or might otherwise agree for the same, and upon Trust to pay and apply all such Monies as should arise from such Sale, Mortgage, or otherwise, as far as the same should extend, (after Payment of all Costs, Charges, and Expences incident to the Execution of the Trusts of said Deed,) to the Payment and Discharge of the several Debts in the Schedules Nos. 1 and 2 annexed to the said Deed, and all Principal, Interest, and Costs due thereon, in the Order, Manner, and Proportion, and subject to the Provisions therein mentioned and declared concerning the same; and that the said Trustees should stand and be possessed of and interested in all and singular the Sums or Sum of Money to arise or be produced by any Sale, Mortgage, Lease, Demise, or other Disposition of the said Estates, or Receipt of any Monies then or theretofore payable to the said Mayor, Commonalty, and Citizens under and by virtue of

said Deed, and of and in all the Rents, Issues, and Profits of all and singular the Estate, Property, Right, Title, and Interest therein-before conveyed to them, in the meantime, upon Trust, in the first place, to reimburse themselves respectively all Costs, Expences, and Charges which should have been incurred in preparing and executing the said Deed or in relation thereto, and then in Payment and Satisfaction of all Trusts, Charges, and Incumbrances, Rents, Taxes, and Repairs of or respecting the Messuages, Tenements, and Hereditaments therein comprised and relating to the same respectively, and all Expences to be occasioned by or incident to the Sale or other Disposition of the said Premises, and the collecting of the Rents, Issues, and Profits aforesaid, and other the Execution of the several Trusts therein set forth; and in case by the Sale or Mortgage of the said Bridge and Rights or Claim of the said Corporation on the Tonnage Dues a Sum should not thereby be produced sufficient to pay the said several Debts and Demands against the said Corporation, then in Trust to raise by Sale or Mortgage a sufficient Sum, and out of the said Sum so charged on the said Pipe Water, and the remaining Property thereby assigned, to satisfy the said Debts and Incumbrances, and (after Payment of all Costs, Charges, and Expences incident to the Performance of such Trust, and all Rents, Trusts, Disbursements, and Expences,) to pay and apply all the Residue thereof in the Payment and Satisfaction of the said several Debts and Demands due and owing by them the said Mayor, Commonalty, and Citizens to the several Creditors mentioned in the Schedules thereto annexed; and until such Sale, Mortgage, or Disposition, then in further Trust, out of the Rents, Issues, and Profits, Interest and Product of the said several conveyed and assigned Premises, Claims, Rights, and Interests of the said Corporation, upon Trust to reimburse themselves respectively all Costs, Expences, and Charges which shall have been incurred in preparing and executing the said Deed, and then in Payment of all Trusts, Charges, and Incumbrances, Rents, Taxes, and Repairs of and respecting the Messuages, Tenements, and Hereditaments therein comprised, and also the annual Instalment to Government, the Expence of Repairs of the Bridge, and the Interest and Annuities due and to become due to the Creditors of the said Corporation, and the Salaries and Expences attending the Collection and Management of the said Trust Fund; and after Payment as aforesaid of the several Debts, not exceeding respectively Two hundred Pounds, and after Payment and Satisfaction of the same Costs, Charges, Rents, Trusts, Disbursements, and Expences, then, in the next place, to pay and apply the Residue of such Rents, Issues, and Profits in Payment of the Sum due for Principal, Interest, and Costs on Foot of the said Debts and Demands mentioned in the said Schedules, Nos. 1 and 2 thereto annexed, in the Order, Manner, and Proportion, and subject to the Provisions therein-after mentioned and declared concerning the same; and after full Payment and Satisfaction of all and every the said Debts and Demands, and Costs, Charges, and Expences aforesaid, in Trust that they the said Trustees for the Time being of the said Estate and Effects do and shall pay the Residue or Surplus of the Monies to arise therefrom, and re-convey and re-assure so much thereof as shall not be disposed of, and all such Part of the Premises therein-before conveyed and granted as should not

not have been disposed of for the Purposes aforesaid, unto the said Mayor, Commonalty, and Citizens, their Successors and Assigns, or to their Use: And whereas in the Execution of the said Trusts the said Debts of the said Corporation have been considerably reduced: And whereas in pursuance of the said recited Act passed in the Fifth and Sixth Year of the Reign of His late Majesty the Right Honourable *George Robert Dawson*, *Thomas Scott* Esquire, *Conolly Gage* Esquire, *Marcus M'Causland* Esquire, *John Barre Beresford* Esquire, Sir *Robert Alexander Ferguson* Baronet, *James Sinclair* Esquire, *William Hamilton Ash* Esquire, *James Johnston* Esquire, *Joshua Gillespie* Esquire, *Harvey Nicholson* Esquire, *Richard Young* Esquire, *John Barber* Esquire, *Andrew Alexander Watt* Esquire, and *Patrick Gilmour* Esquire were duly nominated Trustees for carrying into execution the Purposes of the said Act: And whereas it would be for the Benefit and Advantage of said Mayor, Commonalty, and Citizens, and the Creditors thereof, as well as tend to the ultimate Abolition of the Tolls on the said Bridge and Ferry, and the Erection of a more permanent Bridge Toll-free, that the said Mayor, Commonalty, and Citizens, or the said Trustees named in the said Indenture of the First Day of *January* One thousand eight hundred and thirty-four, should be authorized and empowered to grant, assign, and transfer the said Bridge, and the Tolls connected therewith or appertaining thereto, together with the Right of Ferry of the said Mayor, Commonalty, and Citizens across the said River, to the said Trustees of the *Londonderry Bridge* nominated and appointed under and by virtue of the Powers of the said Act of the Fifth and Sixth Year of the Reign of His said late Majesty; and the said Mayor, Commonalty, and Citizens are willing and desirous that the said Bridge and Right of Ferry, and the Tolls arising thereon, together with their Claim on the Tonnage Dues, and their Interest in the said Sum of Eight thousand Pounds late *Irish* Currency, should be transferred to and vested in the Trustees in the said Act of the Fifth and Sixth Year of the Reign of His late Majesty named and mentioned by the Name of the Trustees of the *Londonderry Bridge*, subject to the Debts and Annuities due by the said Mayor, Commonalty, and Citizens which are secured under the above-recited Indenture of the First Day of *January* One thousand eight hundred and thirty-four: And whereas the said last-mentioned Act of the Fifth and Sixth Year of the Reign of His said late Majesty, and the several other Acts before mentioned, require to be amended in various Particulars: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Powers, Authorities, Provisions, Regulations, Directions, Privileges, Penalties, Forfeitures, Matters, and Things contained in the said recited Acts shall, so far as the same are applicable, (except so far as the same are expressly repealed, altered, or varied by this Act or any other Act,) extend to and be deemed and taken to be a Part of this Act as fully and effectually as if the same had been repeated and re-enacted in this Act, and that the said Acts, so far as the same relate to the said Bridge and Ferry, Tolls and Toll Houses, and this Act, shall be construed together as One Act.

Powers of recited Acts extended to this Act.

Repealing Part of recited Act 5 & 6. W. 4. c. 74.

II. And be it further enacted, That so much of the said recited Act of the Fifth and Sixth Year of the Reign of His late Majesty as enacts, that so soon as it should be made appear to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* that the before-mentioned Sum of Thirty-one thousand Pounds had been actually raised or secured to be raised it should be lawful for the said Lord Lieutenant or other Chief Governor or Governors to direct that upon Payment to the said Corporation of the said Sum of Thirty-one thousand Pounds the said Bridge over the *Foyle*, and all the Materials thereof, and the Tolls, Toll Houses, and other Works and Buildings connected therewith or appertaining thereto, together with the Right of Ferry of the Mayor, Commonalty, and Citizens of *Londonderry* across the said River, should be vested in the said Trustees, shall be and the same is hereby repealed.

Tonnage Dues to be vested in the Bridge Trustees charged with Sums due from the Corporation.

III. And be it further enacted, That from and after the First Day of *August* One thousand eight hundred and thirty-eight all that the Sum then due and owing to the said Mayor, Commonalty, and Citizens of *Londonderry*, or their said Trustees, and charged and chargeable upon the said Rates and Duties commonly called the Tonnage Dues, and also the said Bridge over the River *Lough Foyle*, and all the Materials thereof, and the Tolls, Toll Houses, and other Works and Buildings connected therewith or appertaining thereto, together with all Bonds and Securities given to secure the Tolls, and together with the Right of Ferry and all Interest therein of the Mayor, Commonalty, and Citizens of *Londonderry* across the said River, shall be vested in the Trustees of the *Londonderry Bridge*, and their Successors, freed and discharged of and from all Claims, Right, and Interest of the said Mayor, Commonalty, and Citizens, or of the said Trustees of the said Corporation, but charged with such Sum or Sums, Annuity and Annuities as shall on the said First Day of *August* One thousand eight hundred and thirty-eight be due and owing to the Creditors and Annuitants of the said Mayor, Commonalty, and Citizens named and specified in the said recited Deed of the First Day of *January* One thousand eight hundred and thirty-four, or the Schedules thereto annexed, and which said several Debts, Sum or Sums of Money, are hereby declared to be well and sufficiently charged and secured on the said Tonnage Dues, Bridge, and Right of Ferry; and from and after the First Day of *August* One thousand eight hundred and thirty-eight all the Powers and Authorities of the said Mayor, Commonalty, and Citizens, derived from or exisiting under the said recited Acts or otherwise, (except so far as the same are expressly repealed, altered, or varied by this or any other Act,) relating to the said Tonnage Dues, Bridge and Ferry Tolls, Works or Buildings appertaining thereto in the said recited Acts contained, shall extend to the said Trustees of the *Londonderry Bridge* and their Successors, and that it shall and may be lawful for the said Trustees of the *Londonderry Bridge* and their Successors in their Corporate Name to do all Acts in relation to the said Tonnage Dues, and the said Bridge and Ferry Tolls and Toll Houses, which the said Mayor, Commonalty, and Citizens are empowered to do by the said recited Acts or any of them; and the said Trustees of the said *Londonderry Bridge* shall thenceforth be and are hereby invested with all such and the like Powers, Rights, and Privileges, and

and shall be subject to such and the like Liabilities, as the said Mayor, Commonalty, and Citizens were possessed of, had, and enjoyed and were subject to in relation to the said Tonnage Dues, Bridge, and Ferry.

Act not to affect former Acts as to Repayment of Money advanced by Commissioners of the Treasury.

IV. And whereas the Tolls on the said Bridge are charged under and by virtue of the said recited Act of the Second and Third Year of the Reign of His Majesty King *William* the Fourth with an equal annual Payment of Eight hundred and sixteen Pounds Eighteen Shillings and Five-pence to the Commissioners of the Treasury, and a Sequestration kept in full force for securing such Payment until the Principal Sum of Sixteen thousand three hundred and thirty-eight Pounds Nine Shillings and Four-pence (being the Debt due by the said Corporation to the Crown) shall have been discharged and paid off; be it therefore enacted, That nothing in this Act contained shall vary, alter, prejudice, or affect the Provisions in the said Act contained as to the Time or Mode of Payment of the said Sums or either of them, nor shall it be lawful for the Trustees of the said Bridge to take down or remove the same, or to lower or reduce the Tolls now demanded or taken thereon, until the same Sum shall have been fully paid and satisfied, without the Consent in Writing of the Lords Commissioners of Her Majesty's Treasury, or any Three or more of them, for that Purpose first had and obtained.

Trustees empowered to receive Money to rebuild Bridge, or to free the same from Toll.

V. And whereas it would tend to the eventual Abolition of the Tolls now taken on the said Bridge, or to the Erection of a more permanent Bridge, and rendering the Passage over the said Ferry wholly free, if the said Trustees of the *Londonderry Bridge* were empowered to receive Contributions, and to invest the same, and the Interest of the said Money, from Time to Time, for the Purpose of creating a Fund for the Accomplishment and Completion of such Objects, or to apply the same, from Time to Time as the same should be received, in the Payment or part Payment of the Debts of the said Corporation charged on the said Bridge; be it therefore enacted, That so soon as and immediately after the said Bridge, Tolls, Toll Houses, Works, and Buildings connected therewith or appertaining thereto, with the Right of Ferry of the said Mayor, Commonalty, and Citizens of *Londonderry* across the said River, shall in the Manner herein-before mentioned be vested in the said Trustees of the *Londonderry Bridge*, it shall and may be lawful for the said Trustees of the *Londonderry Bridge*, and their Successors, to receive and take, as well the Monies receivable under this Act as those given or presented by any Person or Persons, Body or Bodies Corporate, Lay or Ecclesiastical, legally entitled to give or present the same, to or for the Purpose or Purposes of paying off and discharging any Debt or Debts hereby charged on the said Bridge or the Tolls thereof, or the Right of Ferry over the said River *Foyle*, or to or for the Creation of a Fund or Funds to be applied to the Purposes of rendering the Passage over the said Bridge or Ferry-free, or of erecting a new and more durable Bridge, or for each or all of the said Purposes; and that it shall and may be lawful for the said Trustees of the *Londonderry Bridge*, and their Successors, to apply the same in the Payment or part Payment of the Debts of the said Corporation charged on the said Bridge, or to invest

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the said Sum or Sums of Money either in Government Stock in *Great Britain* or *Ireland*, and to receive, and in like Manner apply or invest, the Interest, Income, or other annual Proceeds thereof in the like Securities, from Time to Time, for the Purpose of being applied either to pay off and discharge any Debt or Debts of the Mayor, Commonalty, and Citizens charged as aforesaid on the said Bridge and Ferry, or to the Erection of a new and more permanent Bridge over and across the said Ferry, or of rendering the Passage over the said Bridge and Ferry free; and that the said Trustees of the said *Londonderry Bridge*, and their Successors, shall be seised and possessed of such Property, and the Interest, Produce, and Income arising thereon, and the Stocks, Securities, Dividends, and Interest thereof, upon Trust and to and for the foregoing Purposes, and none other; and it shall and may be lawful for the said Trustees of the *Londonderry Bridge* and their Successors to sell out the said Stock, or any Part or Portion thereof as shall be necessary, for all or any of the said Purposes, at the Discretion of the said Trustees and their Successors, and to apply the Sum or Sums produced by such Sale to or for all or any of the herein-before last-mentioned Purposes, as to the said Trustees or their Successors shall be deemed most advantageous to the Interests and Convenience of the Inhabitants of the said City and County of *Londonderry*.

Trustees of Bridge to furnish Accounts.

VI. And be it further enacted, That the said Trustees of the *Londonderry Bridge* and their Successors shall, on or immediately after the Thirty-first Day of *December* in each and every Year from and after and succeeding such Time as the Right, Title, and Interest of the Mayor, Commonalty, and Citizens in and to the said Bridge and Ferry shall be vested in them in manner aforesaid, and they are hereby required to furnish or cause to be furnished such Accounts as are directed by the said recited Act of the Fifth and Sixth Year of the Reign of His said late Majesty, and also an Account of all Monies, and other annual Produce, Income, and Interest thereof, granted, assigned, paid to, and received and applied by the said Trustees of the *Londonderry Bridge* under and by virtue of this Act; and that such Account shall be kept in the same Manner and furnished at same Time and to the same Persons as the said Accounts are directed to be kept and furnished by the said last-mentioned Act; and it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* to refer such Account as directed to be furnished by the said Act as that under this Act to such Person or Persons as he or they shall deem right or proper, to examine and audit the said Account, and to require the same to be duly vouched.

To appoint Officers.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees of the *Londonderry Bridge* and their Successors to elect and appoint a proper Person to be Receiver of the Rents or other annual Income of the said Trust Property, and Treasurer to the said Trustees of the Bridge, and also a Person to act as Clerk to the said Trustees, at a reasonable Salary, and such Person shall attend all the Meetings of the said Trustees and their Successors, and keep such Books and such Accounts of the said Trustees, and

perform all or singular the Duties of such Officers as they shall by the said Trustees be directed, and shall in every respect conform and be subject to the Control and Direction of the said Trustees, and shall be removeable at their Pleasure: Provided always, that every Person or Persons who shall be elected and appointed to such Offices of Clerk and Treasurer respectively shall, before such Clerk and Treasurer shall enter upon their said respective Offices, or be permitted to perform any of the Duties thereof, give to the said Trustees and their Successors good and sufficient Security by himself or themselves and Two solvent Persons as Securities for the due Performance of the Duties of the said Offices of Clerk and Treasurer respectively, and for the due and proper Application of all Monies and other Properties which may be intrusted to him or them or either of them.

Clerk and Treasurer not to be same Person.

VIII. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person who has been or may be appointed their Clerk in the Execution of the said Acts or this Act, or the Partner of any such Clerk, or the Clerk or any other Person in the Service or Employ of any such Clerk or of the Partner of any such Clerk, to be the Treasurer for the Purposes of the said Acts or this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any other Person in the Service or Employ of any such Treasurer or of the Partner of any such Treasurer, to be the Clerk for the Purposes of the said Acts or this Act; and if any Person shall act in both Capacities of Clerk and Treasurer for the Purposes of the said Acts or this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any other Person in the Service or Employ of any such Clerk or of the Partner of any such Clerk, shall act as Treasurer, or as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or any other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk, or shall act as Deputy of the Clerk, or in any Manner officiate for the Clerk in the Execution of the said Acts or of this Act, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Minutes of Proceedings to be kept.

IX. And be it further enacted, That the said Trustees of the *Londonderry Bridge* and their Successors shall cause One or more Book or Books to be provided and kept, and shall cause fair and regular Entries to be made therein of the several Meetings and Names of the Members attending such Meetings, and of the Nomination of all Officers and Persons, and of all Acts, Orders, and Proceedings relative to the Execution of this Act, or of any of the herein-before recited Acts; and the Chairman for the Time being, and the Clerk attending such Meeting, and any Two of the Members present, shall subscribe their Names to the Proceedings of every such Meeting; and all

all Entries in such Books, being signed as aforesaid, shall be deemed Originals, and they, or compared or examined Copies of the same, shall be admitted to be read in Evidence in all Causes, Suits, and Actions touching any thing to be done in pursuance and by virtue of the said recited Acts or this Act.

The Agent of the Irish Society to be a Trustee.

X. And be it further enacted, That in addition to the Trustees nominated and appointed under the Powers and Provisions of the said Act of the Fifth and Sixth Year of the Reign of *King William* the Fourth, for carrying into execution the Purposes of the Acts therein recited and the said Act, the general Agent of the Honourable Society of the Governor and Assistants of *London* of the new Plantation in *Ulster* for the Time being shall be a Trustee for the Purposes aforesaid, with the same Powers and Authorities as if he had been appointed a Trustee by virtue of the Provisions of the said Act, and shall have full Power and Authority to act, without having any Qualification required by the said Act.

Trustees to make Rules and Regulations for the Management of the Trust Property.

XI. And be it further enacted, That it shall and may be lawful for a Majority of the said last-mentioned Trustees and their Successors, at all or any of their General Meetings, at which not less than Seven Trustees shall be present, to make such Rules and Regulations for the Management, Application, Investment, and Security of the Trust Property intrusted to them as they shall deem necessary and expedient, and also to revoke and alter the same at their Discretion: Provided always, that every such Meeting of the said Trustees shall be convened by public Advertisement to be inserted at least Fourteen Days before the intended Day of Meeting in at least One of the Newspapers published in the City of *Londonderry*, and also by Letter to be addressed to each of the said Trustees, and forwarded to their respective Places of Abode at least Ten Days before the said intended Meeting: Provided also, that nothing herein contained shall authorize the said Trustees to interfere with or alter the Order or Priority of the Payment of the Creditors of the said Mayor, Commonalty, and Citizens as directed by the said Indenture of the First Day of *January* One thousand eight hundred and thirty-four.

Repealing so much of 48 G. 3. as requires the Pipe Water Committee to raise a Sum of Money sufficient to pay Interest on the Sum of 8,000*l.* therein mentioned.

XII. And whereas it was by the said recited Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third provided that the Pipe Water Committee for the said City of *Londonderry*, as created and constituted by the said Act, should in manner therein mentioned ascertain the Amount of all such Sum or Sums as should be necessary to be raised for the Payment of the Interest after the Rate of Six Pounds *per Centum per Annum* upon the Sum of Eight thousand Pounds therein mentioned, and when ascertained it was provided by the said Act that the said Sum was to be applotted, raised, and levied in the Manner in the said Act mentioned: And whereas all the Right, Title, and Interest of the said Mayor, Commonalty, and Citizens in and to the said Sum of Eight thousand Pounds and the Interest thereof was, under and by virtue of the said herein-before mentioned Indenture of the First Day of *January* One thousand eight hundred and thirty-four, assigned and made over to the Trustees in the said Indenture named, upon the Trusts

Trusts and to and for the Uses therein mentioned, and amongst others to be applied in payment and discharge of certain Debts incurred by the said Mayor, Commonalty, and Citizens in building the said Bridge, and in other Improvements of the said City and Suburbs of *Londonderry*: And whereas at a Meeting of the Inhabitants of the said City of *Londonderry* convened by public Notice and held on the Fifteenth Day of *January* One thousand eight hundred and thirty-eight it was resolved, that in lieu of the Interest on the said Sum of Eight thousand Pounds, and in full Discharge of the Principal of the said Debt, an annual Sum of Five hundred and fifty Pounds should be raised, levied, and applotted upon the Inhabitants of the said City for a Period not exceeding the Term of Fifteen Years; be it therefore enacted, That so much of the said last-mentioned Act as requires the Pipe Water Committee in manner therein mentioned to ascertain the Amount of all Sums of Money necessary to be raised for the Payment of One Year's Interest after the Rate of Six Pounds *per Centum per Annum* upon the said Sum of Eight thousand Pounds, and for the Payment of the several Expences which shall have been incurred in the previous Year for superintending and managing the Supply of Water to the said City of *Londonderry*, and as regulates the Mode of appointing Applotters for the Purpose of levying the same, and as directs the said Applotters to estimate the yearly Value of the several Lands, Dwelling Houses, Outhouses, Offices, Cellars, Stables, and Yards within the said City and Suburbs, together with such new Houses, Outhouses, and Premises as should from Time to Time thereafter be built, erected, and established within the said City, and to applot the Money to be raised upon the several Inhabitants and Occupiers of all such Lands, Dwelling Houses, Outhouses, Offices, and Premises as they should value at an annual Rent of Five Pounds or upwards, by a proportionable Poundage or otherwise, according to the Value at which such Houses and other Premises should be valued, and as specifies the respective Rates and Sums of Money to be assessed on and paid by the respective Owners of such Premises, shall be and the same are hereby repealed, save and except as to the Applotment and Recovery of any Sum ordered to be levied and raised previous to the passing of this Act.

Pipe Water Committee to raise an annual Sum of 550*l.* for a limited Period, in discharge of the said Sum of 8,000*l.* and Interest.

XIII. And be it further enacted, That it shall and may be lawful for the said Pipe Water Committee, and they are hereby required, authorized, and empowered, to raise and levy, or cause to be raised or levied, yearly and every Year, the annual Sum of Five hundred and fifty Pounds in the Manner and by the Means and for the Time hereinafter mentioned, and to inquire into and ascertain the Amount of all such Sum or Sums of Money as shall be necessary to be raised, in addition thereto, for Payment of any Arrear of the said Sum of Five hundred and fifty Pounds, and of the Expences which shall have been incurred during the preceding Year, or as shall be estimated to be necessary for the ensuing Year, in keeping the said Reservoirs, Basins, Pipes, and other Works in repair, and for Payment of all Expences incidental thereto, and for the Maintenance, Repair, and Improvement of the same, and for providing such additional Reservoirs as may be necessary for the due Supply of Water, and for paying fit and proper Persons

Persons for superintending, managing, and taking care of the same, and for attending to the Distribution of the Water, and in doing other Matters and Things requisite and necessary for the due and regular Supply of the said Water to the Inhabitants of the said City; and after the Amount of such Sum or Sums shall on such Inquiry have been ascertained for the said Purposes it shall be lawful for the said Pipe Water Committee on some Day in the Month of *November* which shall first happen after the passing of this Act, and in every succeeding Month of *November*, to nominate and appoint not more than Twelve or less than Four Inhabitants of the said City and Suburbs to be Applotters of the said Sum of Five hundred and fifty Pounds, and such other Sum as shall be ascertained to be necessary to be raised for the Purposes aforesaid upon the Inhabitants of the said City and Suburbs in manner herein-after mentioned; and the Mayor of the said City for the Time being shall and he is hereby empowered and required by Warrant or Warrants under his Hand and Seal to authorize and require the said Applotters to applot in manner required by this Act the said Sum of Five hundred and fifty Pounds, and all such other Sum or Sums as shall be so ascertained as aforesaid, and as the said Pipe Water Committee shall direct to be applotted and levied for the Purposes aforesaid.

Power of Applotment.

XIV. And be it further enacted, That the said Applotters or any Three or more of them shall and may and they are hereby required, within Ten Days next after such their Appointment, to proceed to value and estimate the yearly Value of the several Lands, Dwelling Houses, Outhouses, Offices, Cellars, Stables, and Yards within the said City and Suburbs being, standing, or existing at the Time of such Valuation and Estimate, and being of the annual Value of Five Pounds and upwards, and to applot the said Sum of Five hundred and fifty Pounds, together with the said Sum or Sums to be raised and paid for the Purposes aforesaid, according to the Direction of the said Committee, upon the several Inhabitants and Occupiers of all such Lands, Dwelling Houses, Outhouses, Offices, and Premises, by a proportionable Poundage according to the Value at which such Lands, Houses, and other Premises shall be valued, specifying on such Applotment the Names of the different Persons inhabiting or possessing the same who are to be liable thereto: Provided always, that the annual Sums to be assessed on or paid by the respective Occupiers of any Lands, Houses, or other Premises shall in no Case (except in the Case of Innkeepers, Brewers, and other Persons requiring an extraordinary Supply of Water, and who shall pay and be chargeable with such Sums as the said Committee shall consider to be fair and reasonable, or as shall be agreed on between them and the said Committee,) exceed the Sum of One Shilling in the Pound of the Valuation to be made by virtue this Act; and the said several Sums, when applotted, shall be due and payable, either yearly or half yearly, as the said Pipe Water Committee may direct, upon such Applotment being made and perfected, and shall be recovered, by Warrant under the Hand and Seal of the Mayor of the said City, in the same Manner as is directed by the said Act passed in the Forty-eighth Year of the Reign of His said Majesty King *George* the Third.

XV. And

Pipe Water Committee to pay over the said Sum of 550*l.* to the Trustees of the Corporation.

XV. And be it further enacted, That it shall and may be lawful for the said Pipe Water Committee for the Time being, and they are hereby empowered and required, to pay over the said Sum of Five hundred and fifty Pounds upon the First Day of *November* in this Year, or as soon after as the same shall be raised as aforesaid, and the said Sum of Five hundred and fifty Pounds annually on the First Day of *October* in each and every succeeding Year, to the Trustees of the *Londonderry Bridge* for a Period of Fifteen Years: Provided always, that in case the said Debts of the said Corporation so charged on the said Bridge, and any Sum or Sums of Money raised for the Purpose of discharging the said Debts, shall be paid off and discharged before the Expiration of the said Period of Fifteen Years from the passing of this Act, that then and in such Cases the said annual Sum of Five hundred and fifty Pounds which the said Pipe Water Committee are authorized by this Act to levy, collect, and raise shall no longer be collected, levied, and raised.

Punishing Persons damaging Works, &c.

XVI. And whereas considerable Injury has been wilfully and maliciously done to the Buoys and other Works of the said Port of *Londonderry*; be it therefore enacted, That if any Person shall wilfully or maliciously destroy, injure, or damage any Buoy, Beacon, or other Work the Property of the said Ballast Office Committee, every such Person shall upon being convicted thereof be deemed guilty of and suffer the like Pains and Penalties as in Cases of Misdemeanor.

Names of Owners to be painted on all Waggons, &c. in the Manner herein mentioned.

XVII. And be it further enacted, That the Owner of every Waggon, Cart, or other Carriage without Springs shall paint or cause to be painted in One or more straight Line or Lines upon some conspicuous Part of the Right or Off Side of his Waggon, Cart, or other such Carriage, or upon the Off Side Shafts thereof, before the same shall be used upon the said Bridge, or on any Highway, Street, Lane, or Place in the said City of *Londonderry*, his Christian Name and Surname, or the Style and Title by which he is commonly designated, and the Place of his Trade or Abode, or the Christian and Surname and Place of Trade or Abode of a Partner or Owner thereof, at full Length, in large legible Letters in White upon Black or Black upon White, not less than One Inch in Height, and continue the same thereupon so long as such Waggon, Cart, or other such Carriage shall be used upon the said Bridge, or upon any Highway, Street, Lane, or Place within the said City; and every Owner of any Waggon, Cart, or other such Carriage who shall use or allow the same to be used on any such Bridge, Highway, Street, Lane, or Place without the Name and Description painted thereon as aforesaid, or who shall suffer the same to become illegible, or who shall paint or cause to be painted any false or fictitious Name or Place of Trade or Abode on such Waggon or Cart or other such Carriage, shall forfeit and pay on Conviction for every such Offence any Sum not exceeding Five Shillings, to be levied and recovered in the same Manner as other Penalties are directed to be levied and recovered by virtue of the said recited Act passed in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth.

Two Sums of 500*l.* to be transferred to the Trustees.

XVIII. And be it enacted, That so much of the herein-before recited Act passed in the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, and of the Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, as directed the Mode of Application of Two several Sums of Five hundred Pounds invested in Government Securities in the Name of *John Thomas Thorpe* and *James Gregg* Esquires, shall be and the same is hereby repealed; and that from and after the First Day of *August* One thousand eight hundred and thirty-eight it shall and may be lawful for the said *John Thomas Thorpe* and the said *James Gregg*, and the Survivor of them, or the Executors or Administrators of such Survivor, and he and they are hereby required, to transfer and pay over the said Two Sums of Five hundred Pounds and the Interest and Dividends due thereon to the Trustees of *Londonderry Bridge* aforesaid, or to any Person authorized by them to receive the same.

Expeenes of the Act 5 & 6. W. 4. and this Act how to be paid.

XIX. And be it further enacted, That the said Trustees of *Londonderry Bridge* are hereby authorized, empowered, and required, out of any Funds which may come into their Hands, or out of the Tolls arising from the said Bridge, to pay and satisfy the Costs, Charges, and Expences of preparing, applying for, obtaining, and passing this Act and the said recited Act passed in the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, and all Charges and Expences incidental or incident thereto.

Saving the Rights of the Irish Society.

XX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Honourable Society of the Governor and Assistants, *London*, of the New Plantation in *Ulster* within the Realm of *Ireland*, under or by virtue of any Charter or Charters heretofore granted to them by the Crown, or of any Statute or Statutes in anywise relating thereto.

Public Act.

XXI. And be it further enacted, That this Act shall be deemed and taken as a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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