ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. cvi.

An Act for the Construction of a new Bridge over the River *Foyle* at *Londonderry*, and Approaches thereto. [17th *June* 1852.]

WHEREAS an Act was passed in the Parliament of *Ireland* in the Thirtieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for building a Bridge over the River* Foyle *at the City of* Londonderry *and the Suburbs thereof, and for certain Regulations relative to the same City;* and another Act was passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His said Majesty, intituled *An Act for amending an Act passed in the Thirtieth Year of His Majesty's Reign, intituled* " *An Act for building a Bridge over the River* Foyle *at the City of* " Londonderry *and the Suburbs thereof, and for certain Regulations* " *relative to the said City;*" and another Act was passed in the Fifty-fourth Year of the Reign of His said Majesty, intituled *An Act for rebuilding or repairing the Bridge across the River* Foyle *or Lough* 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 Racecourse there;* and another Act was passed in the Session of Parliament held

30 G. 3. c. 31. (I.)

40 G. 3. c. 41. (I.)

54 G. 3. c. 230.

2 & 3 W 4. c. 107.

5 & 6 W. 4. c. 74.

1 & 2 Vict. c. 32.

6 & 7 Vict. c. 77.

in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *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 was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His said 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 another Act was passed in the First Year of the Reign of Her present Majesty, intituled *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: And whereas another Act was passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for amending several Acts relating to* Londonderry Bridge: And whereas, in pursuance of the said recited Act of the Fifth and Sixth Year of the Reign of His said late Majesty King *William* the Fourth, certain Persons were duly nominated Trustees of the said Bridge, and incorporated, with a perpetual Succession and a Common Seal, for carrying into execution the Purposes of the said Act; and by the said recited Act of the First Year of the Reign of Her present Majesty the 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 respectively of the Mayor and Commonalty and Citizens of *Londonderry* and their Trustees, named in a certain Indenture bearing Date the First Day of *January* One thousand eight hundred and thirty-four, were from and after the First Day of *August* One thousand eight hundred and thirty-eight 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 should 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 Indenture of the First Day of *January* One thousand eight hundred and thirty-four, or the Schedules thereto annexed; and by the same Act certain Powers with reference to the Control and Management of the said Bridge were conferred upon the said Trustees: And whereas by the said Acts the said Trustees were empowered, when the whole of the Debts and Annuities upon the said Bridge had been paid off, to form a Fund for the Erection of a new and more permanent Bridge,

and to invest in Government Securities a Sum adequate to the Maintenance and future Repair of the same: And whereas the said Trustees of *Londonderry Bridge* have, in the Execution of the Trusts reposed in them, continued to receive the Tolls authorized to be taken by the said recited Acts for the Passage across the said Bridge of Persons, Carriages, and Cattle using the same, and have discharged thereout or provided for the whole of the Sums of Money and Annuities specified in the said Indenture of the First Day of *January* One thousand eight hundred and thirty-four, amounting to Forty-three thousand Pounds and upwards, and have expended annually the Sums required for the Repair and Maintenance of the said Bridge: And whereas the said Bridge is built of Wood; and it is expedient that a new and more permanent Bridge should be erected in lieu thereof, and that proper Approaches should be formed to communicate with the said new Bridge: And whereas Plans and Sections of the intended new Bridge and Approaches, showing the Situation thereof, and also a Book of Reference to the said Plans, have been deposited with the Clerk of the Peace for the City and County of *Londonderry*: And whereas it is expedient that the Powers and Provisions of the said recited Acts should be altered and amended, and the same would be most conveniently effected if the said recited Acts, so far as the same relate to the said Bridge, were repealed, and other Powers and Provisions granted in lieu thereof: And whereas the Mayor, Aldermen, and Burgesses of the City of *Londonderry* and the said Trustees are willing that Commissioners should be appointed for carrying into execution the Powers and Provisions of this Act, and it is expedient that such Commissioners should be appointed, and should be authorized, with and out of the Monies and Funds to be raised under this Act, to construct, maintain, and regulate, in manner herein-after mentioned, the said new Bridge over the River *Foyle*, and the Approaches thereto, and that all necessary Powers should be granted to them for such Purposes: And whereas in pursuance of Four several Acts of Parliament incorporating and regulating the *Londonderry and Enniskillen* Railway Company, and passed respectively in the Sessions of Parliament held in the Eighth and Ninth, Ninth and Tenth, Eleventh and Twelfth, and Thirteenth and Fourteenth Years of the Reign of Her present Majesty, the said Company have constructed a Railway from the Terminus thereof on the North-western Shore of the River *Foyle*, close to the present Bridge over the said River at *Londonderry* aforesaid, to the Town of *Strabane*, and a further Portion of the said Railway will shortly be open to the Public; and in pursuance of Three other Acts of Parliament incorporating and regulating the *Londonderry and Coleraine* Railway Company, and passed respectively in the Sessions of Parliament held in the Eighth and Ninth, Eleventh and Twelfth, and Thirteenth and Fourteenth Years of the

Reign

The Londonderry Bridge Act, 1852.

Reign of Her present Majesty, the said last-mentioned Company have constructed a Railway from the Terminus thereof on the South-eastern Shore of the said River, and closely adjacent to the said present Bridge, to the Town of *Newtownlimavady*; and it is expedient that the Commissioners appointed by this Act should be authorized to enter into Contracts with the said Railway Companies respectively with reference to the Contribution by the said Companies towards the Expense of erecting and maintaining a new Bridge, and the Use of the same by the said Companies: And whereas the several beneficial Objects and Purposes aforesaid cannot be effected 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,

Recited Acts repealed, and Incorporation of Trustees dissolved.

I. That the Trustees incorporated as herein-before mentioned shall, from and after the Commencement of this Act, be and the same are hereby dissolved, and the said several recited Acts of the Thirtieth, Fortieth, and Fifty-fourth Years of the Reign of His Majesty King *George* the Third, of the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, and of the First and Sixth and Seventh Years of the Reign of Her present Majesty, so far as the said Acts respectively relate to the Bridge over the River *Foyle*, shall be and the same are hereby repealed: Provided always,

Present Tolls to continue until 31st Dec. 1852.

that notwithstanding the Repeal of the said recited Acts, or any of them, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates of the said Bridge to the present Lessee of the said Tolls until the Thirty-first Day of *December* One thousand eight hundred and fifty-two inclusive.

As to the Term "Commissioners."

II. That in this Act and any Act the whole or any Part whereof is incorporated herewith, the Word "Commissioners" shall mean the Commissioners appointed for carrying this Act into execution.

8 & 9 Vict. c. 18.;

III. That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

and 10 & 11 Vict. c. 16. incorporated with this Act.

IV. That "The Commissioners Clauses Act, 1847," except the Clauses thereof with respect to the Election and Rotation of Commissioners, and except the Clauses with respect to Commissioners neglecting to act, to Attendance at the Office of the Commissioners, and to the Appointment of Auditors, and which are numbered respectively Sixteen, Fifty-four, and Ninety-two, shall, so far as the same are not varied by the Provisions of this Act, be incorporated

porated with this Act, and be applicable to the Objects and Purposes thereof.

Short Title.

V. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Londonderry Bridge* Act, 1852."

When Act to come into operation.

VI. That this Act shall come into operation on the passing thereof for the Appointment of Commissioners only, and for all other Purposes of this Act shall come into operation on the First Day of *November* One thousand eight hundred and fifty-two.

Commissioners for executing Act.

VII. That Fifteen Persons shall be nominated Commissioners for carrying into execution the Provisions of this Act in the Manner and at the Times herein-after mentioned; that is to say, Five Commissioners shall be appointed by the Grand Jury of the City and County of *Londonderry*, One other Commissioner shall be appointed by the Grand Jury of the County of *Tyrone*, One other Commissioner shall be appointed by the Grand Jury of the County of *Donegal*, Five other Commissioners shall be appointed by the Mayor, Aldermen, and Burgesses of the Borough of *Londonderry*, One other Commissioner shall be appointed by the Directors of the *Londonderry and Enniskillen* Railway Company, One other Commissioner shall be appointed by the Directors of the *Londonderry and Coleraine* Railway Company, and the remaining One other Commissioner shall be the General Agent of the Honourable Society of the Governor and Assistants, *London*, of the New Plantation of *Ulster* for the Time being; and the Commissioners to be so appointed, and qualified as herein-after mentioned, shall be the Commissioners for the Purposes of this Act, and shall be called "The *Londonderry Bridge* Commissioners:" Provided always, that the said Commissioners to be appointed by the said Railway Companies respectively shall not be entitled to attend, act, or vote at any Meeting of the said Commissioners, unless and until the said Railway Companies shall have agreed to make the Contributions towards the Expense of erecting and maintaining the Bridge and Works by this Act authorized in the Manner herein-after provided.

Commissioners incorporated.

VIII. That the Commissioners for the Time being, acting in the Execution of this Act, shall be a Corporation, with perpetual Succession, under the Name of "The *Londonderry Bridge* Commissioners," and shall, as such, have Power to sue and be sued through their Clerk, and to purchase and hold Lands, subject to the Provisions herein contained.

Appointment of Commissioners

IX. That the Grand Jury of each of the said Counties of *Londonderry*, *Tyrone*, and *Donegal* assembled at the Assizes which shall be

by the Grand Juries.

be held next after the passing of this Act shall and they are hereby required to appoint respectively the Number of Persons authorized by this Act to be appointed Commissioners by each of the said Grand Juries, and such Persons so appointed by each of the said Grand Juries, and duly qualified, shall continue in Office for Three Years, and until their Successors shall be appointed; and at the Expiration of every succeeding Three Years, or at the respective Assizes which may then next follow, other Persons shall in like Manner be appointed by the Grand Juries respectively to be Commissioners, who shall continue in Office for Three Years, and until their Successors shall in like Manner be appointed to act in the Place of such Commissioners going out of Office: Provided always, that if the Grand Juries aforesaid, or any of them, assembled at the Assizes to be held for such Counties as aforesaid shall not make the First Appointment of such Commissioners on or before the First Day of *September* next after the passing of this Act, then and in such Case it shall be lawful for the Justices assembled at the General or Quarter Sessions held for the Divisions of the said Counties respectively in which the County Towns are situate, and they are hereby required, to appoint the Number of fit and proper Persons herein-before authorized to be appointed Commissioners for the said Counties respectively, and such Commissioners so appointed shall continue in Office until such Grand Juries shall assemble at the next or any subsequent Assizes to be held for each of such Counties, and shall appoint the same or other fit and proper Persons in their Place and Stead, and such last-mentioned Commissioners shall continue in Office for Three Years, and until their Successors shall in the Manner aforesaid be appointed.

Appointment of Commissioners for Corporation of Londonderry.

X. That the Council of the said Borough of *Londonderry* at the Meeting of such Council held first after the passing of this Act, or at any subsequent Meeting thereof, shall appoint the Number of Persons herein-before authorized to be appointed by the said Council as Commissioners, and each of the Persons so from Time to Time appointed a Commissioner shall continue in Office for Three Years, and until their Successors shall have been appointed; and at the Expiration of every succeeding Three Years other Persons shall in like Manner be appointed by the said Council to be Commissioners, who shall continue in Office for Three Years, and until their Successors shall in like Manner be appointed to act in the Place of such Commissioners going out of Office.

Appointment of Commissioners for Railway Companies.

XI. That the Directors of the *Londonderry and Enniskillen* Railway Company and the Directors of the *Londonderry and Coleraine* Railway Company respectively, at the next Meeting of such Directors respectively held after the passing of this Act, or any subsequent Meetings, shall appoint the Number of Persons herein-before

before authorized to be appointed Commissioners by the Directors of the respective Companies, and each of the Persons so appointed a Commissioner shall continue in Office for Three Years, and until their Successors shall be appointed; and at the Expiration of every succeeding Three Years other Persons shall in like Manner be appointed by the Directors of the respective Companies aforesaid to be Commissioners, who shall continue in Office for Three Years, and until their Successors shall in like Manner be appointed to act in the Place of such Commissioners going out of Office.

Commissioners going out of Office may be re-appointed.

XII. That every Commissioner appointed under the Provisions of this Act may, at the Expiration of the Period of his holding Office, if qualified, be re-appointed.

Provision for supplying Vacancies.

XIII. That whenever any Commissioner shall die, resign, or become disqualified, the Council, Directors, or Grand Jury by whom he was appointed shall, with all convenient Speed, appoint another qualified Person to be a Commissioner in his Place, and every Person so appointed shall continue in Office only so long as the Person in whose Place he is elected would have been entitled to continue in Office.

Qualification of Commissioners.

XIV. That no Person, except as herein mentioned, shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall in his own Right, or in right of his Wife, be seised or possessed of or shall occupy Lands, Tenements, or Hereditaments within the Counties of *Londonderry*, *Tyrone*, or *Donegal*, or one of them, of the annual Value of Fifty Pounds or upwards according to the Assessment under any of the Acts for the Relief of the Poor in *Ireland*: Provided always, that the General Agent of the Honourable Society of the Governor and Assistants, *London*, of the New Plantation of *Ulster* and the Commissioners appointed by the Directors of the Railway Companies shall have Power and Authority to act as Commissioners without having the Qualification herein mentioned.

Meetings of the Commissioners.

XV. That the Commissioners shall hold their Meetings in the City of *Londonderry*, and their First Meeting shall take place on the First *Wednesday* in the Month of *November* One thousand eight hundred and fifty-two; and the Commissioners shall hold an Annual Meeting in the said City in the Second Week in the Month of *January* in each Year after the Commencement of this Act; and they shall also hold Quarterly Meetings for the Transaction of General Business, and such Quarterly Meetings shall be held on such Day and Hour in each Quarter as the Commissioners shall from Time to Time appoint; and when any such Appointment is made the Clerk shall give Notice thereof to each of the Commissioners.

XVI. That

Defining certain Provisions in 10 & 11 Vict. c. 16.

XVI. That so much of the Provisions of "The Commissioners Clauses Act, 1847," as relate to the Meetings of Commissioners which may be adjourned from Time to Time, and also Meetings which shall be held for transacting the ordinary Business, and also that no extraordinary Business shall be transacted at monthly Meetings unless Notice be given, shall be construed as if such Meetings were required to be held quarterly, as in the Provision herein-before mentioned.

Provision in case of Commissioners neglecting to act.

XVII. That every Commissioner who for the Space of Twelve Months after his Appointment neglects to make and subscribe the Declaration by "The Commissioners Clauses Act, 1847," required, or who for Twelve Months in succession is absent from all Meetings of the Commissioners and neglects to act in the Execution of this Act, shall be deemed to have refused to act, and shall cease to be a Commissioner.

Appointment of Auditors.

XVIII. That the Grand Jury of the County of *Londonderry*, assembled at the Assizes which shall be held next after the passing of this Act, or at any Adjournment thereof, shall appoint One Person, not being a Commissioner, to be an Auditor of the Accounts of the said Commissioners; and the Council of the said Borough, at their First Meeting which shall be held next after the passing of this Act, or any subsequent Meeting thereof, shall appoint One other Person, not being a Commissioner, to be an Auditor of the Accounts of the said Commissioners; and such Auditors shall remain in Office until their Successors shall be appointed; and at the Assizes and Meeting of the said Council which shall be respectively held next after the First and every succeeding Annual Meeting of the Commissioners, the said Grand Jury and the said Council shall in like Manner respectively appoint an Auditor of the ensuing Year, who shall continue in Office until his Successor shall be appointed: Provided always, that every Auditor going out of Office shall, if qualified, be eligible for Reappointment.

Qualification of Auditors.

XIX. That the Persons to be so appointed Auditors shall have the like Qualification as the Commissioners appointed by the said Grand Juries and the said Council, and shall be subject to the like Disqualification or Disability as the Commissioners; and before entering on their Office they shall make and sign before a Justice a solemn Declaration of the like Purport and Effect to that required to be signed by the Commissioners; and the Auditors shall receive a reasonable Remuneration for their Time and Trouble, not exceeding Three Guineas each for every such Audit.

XX. That

Publication of Notices.

XX. That all Public Notices required to be given by Advertisement under the Provisions of this Act shall be inserted in some One Newspaper published in the City of *Londonderry*.

Bridge and other Property vested in Commissioners.

XXI. That from and after the Commencement of this Act 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, and the Right of Ferry, and all Interest therein of the said Trustees, together with all Bonds and Securities given to the said Trustees to secure the Tolls, or for any other Purpose connected with the said Bridge, shall be vested in the said Commissioners, freed and discharged of and from all Claim, Right, and Interest of the said Trustees; and it shall be lawful for the said Commissioners, until such Time as the new Bridge by this Act authorized to be erected shall be completed and thrown open to the Public, to demand and take, save as aforesaid, at the Toll Gate of the present Bridge, the same Tolls as are by this Act authorized to be demanded and taken in respect of the Use of the said new Bridge; and all the Clauses and Provisions of this Act relating to Offences on the Bridge, and to the Collection and leasing of and Exemptions from Tolls, shall be applicable to the present Bridge in like Manner as if the same Bridge had been therein referred to instead of the new Bridge by this Act authorized to be erected.

Monies, &c. vested in the Commissioners.

XXII. That from and after the Commencement of this Act all Monies, Securities for Money, Deeds, Books, Writings, Maps, Plans, and Personal Estate whatsoever, and the Benefit of all Covenants and all Claims which shall then belong to or be vested in the said Trustees under the said recited Acts, or any or either of them, shall be and the same are hereby vested in the said Commissioners, and shall and may be enforced and recovered by them in like Manner as the same might have been enforced and recovered by the said Trustees if this Act had not been passed; and all Persons who shall then owe or be subject to any Liability, whether immediate or future, to pay any Money to the said Trustees, shall pay the same with all Interest (if any) due or to accrue due thereon to the said Commissioners or such Person as shall be appointed by them to receive the same.

Debts of Trustees under recited Acts to be paid by Commissioners.

XXIII. That from and after the Commencement of this Act all Bonds, Debts, Mortgages, Annuities, Monies, and Securities for Money which before the passing of this Act were given, contracted, and payable by the said Trustees under the Powers and Provisions of the said recited Acts, or any or either of them, shall, together with all Interest due or to accrue due thereon, be paid by the said Commissioners out of the Tolls, Rates, and Duties by this Act authorized to

be levied, or out of the Monies, Tolls, and other Property hereby transferred to and vested in or authorized to be raised and received by them, and shall have the same Priority, and shall be recovered from them in like Manner as the same could have been recovered from the said Trustees previously to the passing of this Act.

Persons who have acted under recited Acts to account for Monies and deliver up Books.

XXIV. That all Persons acting or who have acted under the said recited Acts, or any or either of them, who shall have in their Custody, Power, or Possession any Money collected by virtue of the said Acts, or any or either of them, or any Books, Papers, or Writings relating to the Execution of any or either of the same Acts, shall forthwith pay and deliver up the same to the said Commissioners, or to such Person as they shall appoint to receive the same; and in case of Neglect or Refusal, the Persons so neglecting or refusing shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds, and shall also be liable to such Actions as the said Commissioners may commence for the Recovery of the Money, Books, Papers, and Writings so refused or neglected to be paid or delivered up as aforesaid.

Contracts subsisting at Commencement of this Act may be enforced against Commissioners.

XXV. That from and after the Commencement of this Act all Contracts, Bonds, Assurances, Engagements, Acts, and Proceedings entered into, made, done, or transacted by virtue and under the Authority of either of the said recited Acts previously to the Commencement of this Act, and all Forfeitures, Penalties, and other Obligations theretofore imposed on or incurred by the said Trustees under or by virtue of the same Acts, or any or either of them, shall be binding on and enforced by and against and incumbent on the Commissioners and all Persons interested therein, as fully as they would have been binding or enforceable by and against and incumbent on the said Trustees, or any of them, or on any other Persons, if the said several Acts, so far as the same relate to the said Bridge, had not been repealed.

Books of Trustees to be Evidence.

XXVI. That all Books whatsoever of the Trustees under the said recited Acts, kept according to the said Acts, or either of them, and made Evidence thereby, or which might have been received as Evidence at the Time of the Commencement of this Act, shall at all Times hereafter be admitted in all Courts by all Judges, Justices, Commissioners, Arbitrators, and others as the same might have been admitted in Evidence if this Act had not been passed.

Actions brought by or against Trustees not to abate.

XXVII. That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced by or against the said Trustees acting in execution of any or either of the said recited Acts shall abate, cease, or be discontinued or prejudicially affected by this Act, but the same

same shall continue and take effect both in favour of and against the Commissioners in the same Manner in all respects as the same would have continued and taken effect in relation to the said Trustees under the said recited Acts, or any or either of them, if this Act had not been passed; and that all Persons who before the Commencement of this Act shall have committed any Offence, or incurred any Penalty or Forfeiture under the Provisions of any of the said recited Acts, may be sued and prosecuted for such Offences, or for the Recovery of such Penalties and Forfeitures, in such and the like Manner as they might have been sued and prosecuted respectively if this Act had not been passed, the Commissioners being in reference to the Matters aforesaid in all respects substituted in place of the Trustees under the said recited Acts, or any or either of them.

Officers, &c. to hold their Situations until removed.

XXVIII. That the Clerks, Surveyors, Collectors, and all other Officers and Servants shall hold and enjoy their several and respective Offices and Employments, together with their several and respective Salaries, Gratuities, and Allowances thereto annexed, until they shall be removed therefrom respectively by the Commissioners; and every such Clerk, Collector, Surveyor, and other Officer and Servant shall while he shall continue in Office have the same Powers and be subject to the like Pains and Penalties, and Powers of Removal, and to the like Rules and Regulations, as if he had been appointed by virtue of this Act.

Power to borrow on Mortgage.

XXIX. That it shall be lawful for the Commissioners from Time to Time to borrow at Interest, on Mortgage of the Rates, Tolls, and Duties to be levied under and applied for the Purposes of this Act, or any Part thereof, any Sum or Sums of Money not exceeding Seventy thousand Pounds; and in the event of any Part of such Money being repaid, the Commissioners may reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid at any One and the same Time a greater Sum than Seventy thousand Pounds; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners may mortgage the said Tolls, Rates, and Duties, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money to be so borrowed, together with Interest for the same: Provided always, that the Commissioners shall not reborrow any Money which shall have been paid off by the Sinking Fund herein-after mentioned, except for the Purpose of reinstating or repairing any Portion of the said Bridge and Works which shall have been damaged or destroyed by Storm, Wind, or other Accident.

XXX. That

Payment of Arrears may be enforced by the Appointment of a Receiver.

XXX. That it shall be lawful for the Mortgagees of the Commissioners to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies or Interest due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Five hundred Pounds.

Sinking Fund.

XXXI. That the Sum to be set apart and appropriated out of the Tolls, Rates, and Duties by this Act authorized to be levied and raised for the Purpose of paying off the Principal Monies which shall have been borrowed or secured on Mortgage, shall be in each Year not less than One Fortieth of the Monies from Time to Time so borrowed and secured, the same not to commence until the Year One thousand eight hundred and fifty-seven.

Power to make Bridge and Approaches.

XXXII. That, subject to the Provisions in the Act incorporated herewith contained, it shall be lawful for the Commissioners to build, construct, lay out, make, and maintain the Bridge, Approaches, and Works, and all Fences, Walls, and other Conveniences connected therewith respectively, in the Line and upon the Lands and within the Limits of Deviation delineated on the Plans deposited with the Clerk of the Peace for the City and County of *Londonderry*, and described in the Book of Reference deposited therewith, and to enter upon, take, and use such of the said Lands as shall be necessary for the several Purposes aforesaid.

As to Construction of Bridge.

XXXIII. That the said Bridge shall be constructed as an Opening Swing or Draw Bridge, with a clear Opening of not less than Thirty Feet in Width for the Passage of Vessels with fixed Masts through the same, with a Headway under the Soffit of the said Bridge of not less than Eight Feet at High Water, and Eighteen Feet at Low Water, of ordinary Spring Tides; and during the Construction or Repair of such Bridge the Navigation of the said River shall be kept clear.

Navigation not to be impeded.

Errors and Omissions in Plans may be corrected by Justices, who shall certify the same.

XXXIV. That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands delineated on the said Plans, and described in the said Book of Reference, or of the Owners, Lessees, or Occupiers thereof, it shall be lawful for the Commissioners to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that the Omission or Mis-statement or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall

shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the said City and County of *Londonderry*, and such Certificate shall be kept by such Clerk of the Peace along with the other Documents to which it relates, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Commissioners to make the Works in accordance with such Certificate. Certificate to be deposited.

XXXV. That it shall be lawful for the Commissioners to deviate from the Line of such Works to the Extent delineated on the said Plans, but not to any greater Extent, unless with the previous Consent in Writing of the Owners and Occupiers of the Land into which such Deviation may extend, nor into the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the Book of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner provided by this Act in Cases of Errors in the said Book of Reference. As to Powers of Deviation.

XXXVI. That it shall be lawful for the Commissioners and they are hereby empowered, from Time to Time, to cause such and so many Lamp Irons or Lamp Posts to be put up or affixed in, upon, or along the Sides of the said Bridge hereby authorized to be constructed, and to cause such Number of Lamps of such Sizes and Sorts to be provided and affixed or put upon such Lamp Irons and Lamp Posts as they shall think necessary for lighting the same Bridge, and every or any Part thereof, and to cause the said Lamps to be lighted as and when they shall think proper. Power to fix Lamp Irons, &c.

XXXVII. That it shall be lawful for the Commissioners from Time to Time to contract and agree with any Company of Proprietors, or with any other Person or Persons, to light the said Bridge hereby authorized to be constructed with Gas, Oil, or otherwise, as to the Commissioners shall from Time to Time seem proper and expedient, and to provide and set up such Lamp Posts and other Things as may be necessary for such Purposes. Power to contract for lighting the Bridge.

XXXVIII. That during the Construction of the said Bridge and the Works connected therewith the said Commissioners shall cause to be hung out or exhibited every Night, from Sunset to Sunrise, a Light, to be kept burning by and at the Expense of the Commissioners, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of the said Bridge, whilst the same shall be under their Control, which Light shall be from Time to Time altered by During Construction of Bridge a Light to be exhibited, and afterwards to be continued by Commissioners.

by the said Commissioners in such Manner, and be of such a Description, and be so used, as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall, by Writing under the Hand of the Secretary of the Admiralty, approve of; and in case the said Commissioners shall neglect to exhibit and keep such Light burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Penalty for Neglect.

Position of Bridge, as shown on deposited Plan, not to be deviated from without Consent of Admiralty.

XXXIX. That the Position and Levels of the said Bridge shall not be deviated from those shown on the Plan now deposited at the Admiralty Office without the Consent of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, such Consent being signified in Writing under the Hand of the Secretary of the Admiralty.

Vessels not to be detained at the Bridge, nor any Toll to be demanded for passing the same.

XL. That it shall not be lawful for the Commissioners, or any Person or Persons acting under them, to detain any Vessel, Barge, or Boat navigating the River *Foyle* for a longer Space of Time than may be sufficient to admit of any Carriages, Persons, or Cattle using the Roadway Portion of the said Bridge, or any Carriages or Trains regularly traversing the said Railway and approaching the said Bridge, to cross the said River *Foyle*, and for opening the said Bridge to admit such Vessel, Barge, or Boat to pass; and in case the Commissioners, or any Person or Persons acting under them, shall detain any such Vessel, Barge, or Boat contrary to the Provisions of this Act, or demand, take, or receive any Toll for the Passage of any Person or Persons, Vessel, Barge, or Boat, the said Commissioners or every Person so offending shall in every such Case forfeit and pay the Sum of Ten Pounds; but nothing in this Act shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

Commissioners to deposit with Admiralty Plans, &c. for their Approval, previously to commencing the Bridge.

XLI. That previously to commencing the said Bridge, or any of the Works connected therewith, the Commissioners shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Bridge and Works connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and such Bridge and Works shall be constructed only in accordance with such Approval; and that the opening Span of the Bridge be not less than Thirty Feet wide in the clear.

Works not to be executed without the

XLII. That it shall not be lawful for the Commissioners to construct the said Bridge hereby authorized to be made, or any

Consent of the Admiralty.

Works connected therewith, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan, and under such Restrictions and Regulations, as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve, such Approval being signified as last aforesaid; and when such Bridge or Works shall have been constructed, it shall not be lawful for the Commissioners at any Time to alter or extend the same, without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if such Bridge or Works shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, if he or they think fit, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Commissioners, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly, with Costs of Suit.

Admiralty may order a local Survey at Expense of Commissioners.

XLIII. That if, after Working Drawings of the Works hereby authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works or of the intended Site thereof, the Commissioners under this Act shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the same Commissioners, and, if not paid upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the same Commissioners.

Admiralty may remove Works that are abandoned, &c. at the Expense of Commissioners.

XLIV. That if the said Bridge or any of the Works connected therewith shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition at the Cost and Charge of the Commissioners, and the Amount thereof shall be a Debt due from the Commissioners to the Crown, and be recoverable accordingly, with Costs of Suit.

XLV. That

Power to enter into Contracts with Railway Companies.

XLV. That it shall be lawful for the Commissioners to receive from the *Londonderry and Enniskillen* Railway Company and the *Londonderry and Coleraine* Railway Company respectively Contributions towards the Expense of erecting and maintaining the said Bridge and Works, and the Conveniences connected therewith, upon such Terms and Conditions as may be mutually agreed upon, and thereafter for the said Companies respectively to use the said Bridge for the Passage over and along the same of any Engines, Carriages, or Waggons belonging to such Companies respectively upon the Payment of the Tolls herein-after mentioned.

Power to remove the present Bridge and dispose of the Materials.

XLVI. That as soon as practicable after the Bridge, Approaches, and Works by this Act authorized to be erected and made shall have been completed and thrown open to the Public, the said Commissioners shall and they are hereby required to take down and remove the present Bridge across the River *Foyle* at the said City of *Londonderry*, and to dispose of the same, or the Materials thereof, in such Manner as they shall think fit, and remove all Impediments to the Navigation of the said River caused by the said present Bridge, or the Foundations, Piers, or Abutments thereof.

Period within which Lands are to be purchased.

XLVII. That the Powers of the Commissioners for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the Commencement of this Act.

Period for Completion of Works.

XLVIII. That the Bridge, with the Approaches thereto, shall be completed within Seven Years from the Commencement of this Act, and on the Expiration of such Period the Powers by this Act and the Acts incorporated therewith granted to the Commissioners for making the said Bridge, Approaches, and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Power to use Lands within Limits of Deviation for depositing Materials, &c.

XLIX. That it shall be lawful for the Commissioners, in or upon any Lands within the Limits of the Deviation, to deposit and work Materials for building and repairing the Bridge, and to make any temporary Erections necessary for constructing or repairing the Bridge, doing as little Damage as may be, and making Satisfaction for such Damage to the Owners and Occupiers of such Lands in manner provided by "The Lands Clauses Consolidation Act, 1845."

Communications not to be made without Consent.

L. That it shall not be lawful for any Person to remove any Wall, Fence, Rail, Building, or Footway of the Commissioners for the Purpose of making any Communication with or Opening into or upon the said Bridge or Approaches, without the Consent in Writing of the said

said Commissioners, under their Common Seal, previously obtained for that Purpose.

Penalty on Persons committing any of the Offences herein named.

LI. That every Person who, on the Bridge or in any of the Approaches thereto, commits any of the following Offences shall be liable to a Penalty not exceeding Forty Shillings for each Offence; (that is to say,)

Every Person who wilfully or negligently destroys or damages, or rides, drives, or leads any Horse, Beast, Cattle, or Carriage over or upon the Footpath or Causeway on either Side of the Bridge and Approaches, or wilfully obstructs the Passage thereof, or leaves on the Bridge or Approaches any Waggon, Wain, Cart, or Carriage, Horse or Thing, without some reasonable Cause, or lays, places, or leaves any Rubbish or other Annoyance whatsoever upon any Part of the Bridge or Approaches, to the Prejudice thereof, or to the Annoyance or Interruption of any Person travelling thereon:

Every Person who wilfully pulls down, breaks, injures, or damages any Table of Tolls put up or fixed at any Toll Gate or Bar of the said Commissioners, or wilfully or designedly defaces or obliterates any of the Inscriptions, Letters, Figures, or Marks thereon:

Every Person who wilfully pulls up, throws down, breaks, injures, or damages any Posts, Rails, Walls, Buildings, Gates, Lamp Posts, Lamp Irons, Lamps, Pavement, Flags, Drains, or Fences to be erected, placed, or put up by the Commissioners or their Surveyor:

Every Person who casts or throws any Earth or Rubbish, or other Matter or Thing into any Drain, Ditch, Culvert, Tunnel, or other Watercourse made by virtue of this Act, so as to obstruct the Water from running or draining off the said Bridge or Approaches:

Every Person who, without being authorized by the Commissioners or their Surveyor for the Time being, shovels up, scrapes, gathers, or carries away any Stones, Gravel, Sand, or other Materials, Slutch, Dirt, Mire, Drift, or Soil from off the said Bridge and Approaches, or any Part thereof:

Every Person who in any Manner wilfully prevents any other Persons from passing him or any Carriage under his Care upon the said Bridge or Approaches.

Power to erect Toll Gates, and take Tolls at Bridge.

LII. That it shall be lawful for the Commissioners to cause to be erected and set up a Toll Gate upon or adjoining the Bridge, and from Time to Time to erect, provide, and maintain such Toll House or Toll Houses and other Conveniences near or adjoining to the said Toll Gate as the Commissioners shall think proper; and as soon as

the Bridge shall be completed and made passable for Passengers, the respective Tolls following shall or may be demanded and taken at the Toll Gate to be erected as aforesaid by such Person as the Commissioners shall from Time to Time appoint to receive the same; (that is to say,)

For every Horse or Beast drawing any Coach, Stage Coach, Chariot, Landau, Barouche, Sociable, Hearse, Litter, Break, Chaise, Curricle, Gig, Car, or other such Carriage, any Sum not exceeding Threepence:

For One Horse or Beast drawing any Cart, Dray, or other such Carriage with less than Four Wheels, any Sum not exceeding Twopence; but if the same shall be drawn by more than One Horse or other Beast, then for the Second and every additional Horse or other Beast any Sum not exceeding Twopence:

For One Horse or Beast drawing any Waggon, Wain, Van, Caravan, or other such Carriage with Four Wheels, any Sum not exceeding Sixpence; but if the same shall be drawn by more than One Horse or Beast, then for the Second and every additional Horse or Beast any Sum not exceeding Threepence:

For every Horse or Beast laden or unladen, and not drawing any Carriage, any Sum not exceeding One Penny:

For every Truck or other Vehicle drawn or wheeled by a Man, any Sum not exceeding One Penny:

For every Score of Cattle (Calves excepted), any Sum not exceeding One Shilling and Eightpence, and so on in proportion for any less Number:

For every Score of Calves, Pigs, or Sheep, any Sum not exceeding Tenpence, and so in proportion for any less Number:

For every Foot Passenger passing along the Bridge, the Sum of One Halfpenny:

For every Carriage, of whatever Description, adapted for common Roads, and moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding Sixpence *per* Ton for each and every Ton Weight of such Carriage, and of the Things in or upon the same:

Which respective Tolls shall be paid every Time of passing before any such Person, Horse, Cattle, Beast, or any other such Carriage as aforesaid shall be entitled to pass through such Toll Gate, and the same Tolls shall be vested in the Commissioners for Purposes of this Act.

As to the fractional Part of a Halfpenny.

LIII. That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls by this Act authorized to be taken, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

LIV. That

Tolls to be charged equally.

LIV. That the aforesaid Tolls shall at all Times be charged equally upon all Persons for or in respect of Persons and Things under the same Circumstances, and no Reduction, Exemption, or Advancement in the said Tolls shall, either directly or indirectly, be made partially or in favour of or against any particular Person.

Exemptions from Tolls on Bridge.

LV. That from and after the Thirty-first Day of *December* One thousand eight hundred and fifty-two no Pontage Toll or Duty shall be demanded or taken by virtue of this Act in respect of the Use of or Passage over the said Bridge, or any Bridge which shall be hereafter built in lieu thereof, or any Ferry which may be used in lieu of such Bridge, or of any Bridge to be hereafter built, for any Mail Carriage provided by Her Majesty's Postmaster General, or by any Person contracting with the said Postmaster General to provide the same, or for any Horse or Beast drawing the same; or for any Horse or Beast not drawing and employed in carrying, or any Person employed in conveying, Mails or Expresses under the Authority of Her Majesty's Postmaster General, either when employed in carrying, conveying, fetching, or guarding such Mail or Expresses, or returning back from carrying, conveying, or guarding the same; or for any Officers or Soldiers, or the Horse or Horses of any Officers or Soldiers, on their March or on Duty; or for any Horse or Horses or other Beast, or any Person, or Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty having been employed only in carrying or conveying, any sick, wounded, or disabled Officers or Soldiers; or for any Person, Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying, fetching, or guarding any Ordnance, or Barrack, or Commissariat, or other Provisions or public Stores of or belonging to Her Majesty, or for the exclusive Use of Her Majesty's Forces, or returning empty from having been so employed; or for any Officer or Soldier, or the Wife of any Soldier, quartered in the said City of *Londonderry* or in the *Ebrington* Barracks on the Right Bank of the said River; or for any Officer, Soldier, or the Wife of any Soldier, or other Person belonging to any of the Ordnance Military Corps, or of or belonging to any Civil or Military Service of Her Majesty in the Departments of Her Majesty's Ordnance or Commissariat, or employed in the Ordnance Survey, or for any Horse, Beast, Cart, Carriage, Baggage, Stores, Goods, or Chattels whatsoever belonging to any such Officer, Soldier, or other Person; or for any Horse, Carriage, Waggon, or Vehicle of any Description, Arms, Ammunition, or other public Stores belonging to or for the exclusive Use of Her Majesty's Ordnance or Commissariat, or for any Person conducting the same respectively; or for any Carriage conveying Volunteer Infantry, or for any Horse ridden by any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry,

or

or going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other public Duty, provided that such Member of such Corps shall be dressed in the Uniform of his Corps at the Time of claiming the Exemption: Provided always, that nothing herein contained shall exempt from Toll any Common Stage Coach by which Mail Bags are now or may hereafter be conveyed over the said Bridge or Ferry.

List of Tolls to be exhibited on a Board.

LVI. That a List of all the Tolls authorized by this Act to be taken, and which shall be executed by the Commissioners, shall be published by the same being painted upon One Toll Board or more in distinct Black Letters on a White Ground, or White Letters on a Black Ground, or by the same being printed in legible Characters on Paper affixed to such Board, and such Board shall be exhibited at every Toll Gate where such Tolls shall be made payable.

Tolls to be taken only whilst Board exhibited.

LVII. That no Tolls shall be demanded or taken by the Commissioners during any Time at which the Boards herein-before directed to be exhibited shall not be so exhibited.

Power to vary or reduce Tolls.

LVIII. That it shall be lawful for the Commissioners from Time to Time to vary or reduce all or any of the Tolls hereby granted for such Time as they shall think proper, and again to raise the Tolls so varied or reduced, or any Part thereof, so that the same do not exceed the Tolls hereby granted; and the Tolls so varied, reduced, or again raised shall be collected and recovered in the same Manner as the Tolls hereby granted are authorized or directed to be collected and recovered.

Power to stop Persons refusing to pay Toll.

LIX. That if any Person subject to the Payment of the Tolls hereby made payable, or any of them, or any Person having charge of any Horse, Beast, Carriage, or Thing in respect of which Toll is payable under this Act, shall, after Demand made thereof by any Collector appointed to receive Toll, neglect or refuse to pay the same or any Part thereof, it shall be lawful for such Collector, by himself or taking such Assistance as he shall think necessary, to stop and prevent the Passage of the Person so neglecting or refusing, or of the Horse, Beast, Cattle, Carriage, or Truck for or in respect of which such Tolls ought to have been paid, until full Payment thereof, or to seize and distrain any Horses or other Cattle or Beast, together with the Bridles, Saddles, Gears, Harness, and Accoutrements thereunto belonging, or any Carriage drawn by any such Horse, Cattle, or Beast, or any Article or Thing in or upon the same or belonging to such Person; and if such Tolls and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Four Days next after any such Seizure and Distress made, the Person so seizing and

and distraining shall and may sell the Horse or Horses, Cattle, Carriages, Goods, Chattels, or Things so seized or distrained, or any Part thereof, returning the Surplus (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted.

Penalty for evading Toll.

LX. That if any Person shall evade the Payment of the Tolls by this Act authorized to be demanded by any Means whatever, or shall forcibly pass along the said Bridge or through the Toll Gate without having paid the said Tolls, or shall assault, interrupt, or obstruct any Person employed in the Collection of the said Tolls, every Person offending in any of such Cases shall for every such Offence forfeit any Sum not exceeding Five Pounds.

For punishing Toll Collectors misbehaving.

LXI. That every Collector of the Tolls by this Act granted shall place his Christian and Surname, painted on a Board in distinct and legible Characters, on some conspicuous Part of the Toll House or Toll Gate whereat he shall be on Duty immediately on his coming on Duty, and shall continue the same so placed during the whole of the Time he shall be on Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid and keep the same there during the Time he shall be on Duty as aforesaid, or shall demand or take a greater or less Toll than he shall be authorized to do by virtue of the Powers of this Act and of the Orders of the Commissioners made in pursuance thereof, or shall demand or take a Toll from any Person who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit, or shall not permit, any Person to read, or shall in anywise hinder any Person from reading, the Inscriptions on the Boards to be affixed and placed as aforesaid, and who shall have paid the legal Toll, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Horse, Beast, Cattle, Carriage, or any Person from passing upon or along the Bridge, or shall make use of any scurrilous or abusive Language to any Officer or Servant of the Commissioners, or to any Passenger upon the Bridge, then and in every such Case every such Collector shall forfeit any Sum not exceeding Five Pounds for every such Offence.

Delivery of Matters in possession or custody of Toll Collector at Removal.

LXII. That if any Collector of Toll or other Officer employed by the Commissioners be discharged or suspended from his Office, or die, or abscond, or absent himself, and if such Collector or other Officer, or the Wife, Widow, or any of the Family or Representative of any such Collector or other Officer, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the Commissioners, or to any Person appointed by them for that Purpose, any Dwelling

House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the Commissioners in the Possession or Custody of any such Collector or Officer at the Occurrence of any such Event as aforesaid, then, upon Application being made by the Commissioners to any Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon such Dwelling House, Office, or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the Commissioners or any Person appointed by them for that Purpose.

If Railway Companies contribute towards Construction of Bridge, and it is made fit for Traffic, the Tolls herein specified to be paid.

LXIII. That in case the said Railway Companies shall contribute towards the Construction of the Bridge as authorized by this Act, and that such Bridge shall be adapted, not only for the ordinary Traffic, but also for the Passage of Locomotive Engines and Carriages, it shall be lawful for the Commissioners to demand and take of and from the said Railway Companies, or either of them, as soon as the Bridge shall be completed and made passable for the Locomotives and Carriages of the said Railway Companies, the respective Tolls following, to be paid every Time of passing; (that is to say,)

For Coal and other Articles classed therewith in the Acts relating to the said Companies, Twopence *per* Ton:

For Coke and other Articles classed therewith in the Acts relating to the said Companies, Twopence Halfpenny *per* Ton:

For Sugar and other Articles classed therewith in the Acts relating to the said Companies, Threepence *per* Ton:

For Cotton and other Goods and Articles classed therewith in the Acts relating to the said Companies, Fourpence *per* Ton:

For every Passenger conveyed in a First or a Second Class Carriage, One Halfpenny:

For every Passenger conveyed in a Third-class Carriage, One Farthing:

For every Horse or other Beast of Draught or Burden, Threepence:

For Neat Cattle, One Shilling and Threepence *per* Score:

For Calves and Pigs, Sixpence *per* Score:

For Sheep, Lambs, and other small Animals, Fourpence *per* Score:

For every Four-wheeled Carriage conveyed on Trucks by the said Railway Companies, Threepence:

For every Two-wheeled Carriage conveyed on Trucks by the said Railway Companies, Twopence.

For ascertaining the Traffic of the Companies crossing the Bridge.

LXIV. That for the Purpose of ascertaining the Traffic of the said Railway Companies which shall be liable to Toll, the said respective Companies shall keep an Account of the Goods, Passengers, Cattle, and Carriages liable to the Payment of Toll for crossing the said Bridge,

Bridge, which Account shall be open to Inspection at all Times to the Commissioners or their Servants; and the said respective Companies shall also make a Return to the said Commissioners once at least every Month, certified by the Signature of the Secretary of such Company, or any Officer of such Company authorized to act on his Behalf, of the Goods, Passengers, Cattle, and Carriages so liable to the Payment of Toll, and any Party acting in any way contrary to or fraudulently evading this Provision shall be liable to a Penalty not exceeding Twenty Pounds for each Offence.

Power to lease the Tolls.

LXV. That it shall be lawful for the Commissioners from Time to Time by Lease, to take effect in possession within Three Months from the Letting thereof, to let the Tolls to be collected by virtue of this Act to any Party for any Period not exceeding Three Years from the Commencement of any such Lease: Provided always, that no such Letting shall take place unless public Notice of the Intention to let the Tolls shall have been given by the Commissioners by Advertisement at least Fourteen Days prior to the Meeting of the Commissioners at which it shall be intended to let the Tolls.

Lessees to be deemed Collectors.

LXVI. That during the Continuance of any such Lease the respective Lessees named therein, and also all Persons appointed by them to collect the Tolls so let, shall be deemed Collectors of the Tolls so let, and they shall have the same Power to collect and recover such Tolls, and be subject to the same Rules, Duties, and Penalties in reference thereto, as if they had been appointed for that Purpose by the Commissioners.

Power to determine Lease of Tolls.

LXVII. That if any such Lease shall have become void or voidable according to any Stipulations therein contained for that Purpose, by reason of the Failure on the Part of the Lessee to comply with any of the Terms of such Lease, or if all or any Part of the Rent thereby reserved shall be in arrear or unpaid for Twenty-one Days after the same shall have become payable, it shall be lawful for the Commissioners to determine such Lease: Provided always, that Ten Days Notice in Writing shall be given by the Clerk of the said Commissioners to such Lessee, or left at his last known Place of Abode, or posted upon the Toll Gate, of the Day on which such Lease shall so determine, and the same shall accordingly be utterly void, except as to the Remedies of the Lessors for Payment of the Rent due, or in respect of unperformed or broken Obligations or Conditions on the Lessee's Part, all which Remedies shall remain in full force; and in every such Case the Commissioners may again let the Tolls to the same or any other Person, or cause them to be collected, in the same Manner as if no such former Lease had been made relative thereto.

LXVIII. That

Lessees making default to be removed.

LXVIII. That upon the Determination of any such Lease it shall be lawful for any Justice, upon Application made by the Commissioners, to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, Weighing Machine, or other Building, with the Appurtenances thereto, belonging to the Commissioners, and remove from the same the Lessee or Collector, or other Person found therein, together with his Goods, and take possession thereof and of the Property found therein belonging to the Commissioners, and deliver the same to them or any Person appointed by them for that Purpose.

Weights allowed to be carried over the Bridge.

LXIX. That no Waggon, Cart, or other Carriage or Engine, save and except the Locomotives and Carriages of the said Railway Companies, shall be allowed to come upon or pass along the Bridge with a greater Weight than Ten Tons, including the Weight of such Waggon, Cart, or other Carriage, without the special Permission of the Commissioners first obtained, under a Penalty not exceeding the Sum of Forty Shillings, to be forfeited and paid by the Owner of such Waggon, Cart, or other Carriage to the Commissioners for every Time such Waggon, Cart, or other Carriage shall come upon or pass along the Bridge with a greater Weight than Ten Tons, including the Weight of such Waggon, Cart, or other Carriage or Engine.

Power to erect Weighing Machine.

LXX. That it shall be lawful for the Commissioners to cause to be erected at or near the Bridge, or at such Distance as they shall think most expedient, One or more Cranes or Weighing Machines proper for the weighing of Waggons and other Carriages conveying Goods, Wares, or other Articles, provided that such Cranes or Weighing Machines be placed in such Situation as shall not impede the free Passage of Persons using the Approaches and not going along the Bridge.

Tollkeeper may weigh Carriages, &c.

LXXI. That the Keeper of the said Weighing Machine or Toll Gate, or any other Person to be appointed by the Commissioners or by their Lessee, shall or may require every Driver or Conductor of any Waggon, Cart, or other Carriage or Engine, save as aforesaid, which shall come upon or pass along the Bridge, and which he shall suspect to be a greater Weight than Ten Tons, including the Loading thereof, to be weighed at such Crane or Weighing Machine as aforesaid; and if any such Driver, Conductor, or Owner of such Waggon, Cart, or other Carriage or Engine shall refuse to allow the same to be weighed, or shall resist any Gatekeeper, Tollkeeper, or Toll Collector in weighing the same, every such Owner, Driver, or Conductor shall forfeit and pay to the Commissioners any Sum not exceeding Five Pounds.

LXXII. That

Annual Account to be made up and transmitted to the Clerk of the Peace, and to be open to Inspection.

LXXII. That the Commissioners shall every Year cause an Account in abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *December*, or some other convenient Day, in each Year, under the several distinct Heads of Receipt and Expenditure, with the Statement of the Balance of such Account duly audited and certified by the Commissioners or some of them, and by the Auditors, and shall, within One Month after such annual Account shall be duly audited and certified, transmit Copies thereof, free of Charge, to the Clerk of the Peace of the City and County of *Londonderry*, the Secretaries of the Grand Juries of the Counties of *Tyrone*, *Donegal*, and *Londonderry*, and the Secretary of the Honourable the *Irish* Society, and shall also within the same Period publish such Account in some One Newspaper published in the City of *Londonderry*, and the Copies so transmitted to the Clerk of the Peace and Secretaries of the Grand Juries shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the Commissioners shall omit to prepare or transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Five Pounds.

Application of Monies, Tolls, &c.

LXXIII. That the whole of the Tolls, Rates, and Duties levied and received by the said Commissioners under the Authority of this Act shall be applied by them in manner following; that is to say, in the first place, in Payment of the Costs, Charges, and Expenses connected with the applying for, procuring, and passing of this Act, or preparatory or incidental thereto, as well as the Costs, Charges, and Expenses incurred by the Trustees of the *Londonderry Bridge* hereby dissolved in relation to the same; in the second place, in paying annually to the Honourable Society of the Governor and Assistants, *London*, of the New Plantation of *Ulster* within the Realm of *Ireland*, and for ever, the Sum of Eighteen Pounds Nine Shillings and Twopence; in the third place, in Payment of the annual Interest of the Monies borrowed, and due and owing, under the Authority of this Act, on the Credit of the said Tolls, Rates, and Duties; in the fourth place, in maintaining, lighting, watching, and cleansing the Bridge and Works hereby authorized, and otherwise in carrying into effect all or any of the Provisions of this Act; in the fifth place, in repaying the Principal Monies to be borrowed under the Provisions of this Act; and, lastly, the Residue of such Tolls, Rates, and Duties shall from Time to Time be invested in Government Securities, in the Names of the Commissioners, and shall be applied by them in forming a Fund for repairing and maintaining the said Bridge to the end that the same may become Toll-free.

Tolls, &c. to be reduced when borrowed Monies repaid.

LXXIV. That when and so soon as all the Works hereby authorized shall be fully completed, and all the Sums of Money due and owing in respect of such Works, or borrowed and to be borrowed by the Commissioners under or by virtue of this Act, together with Interest for the same, shall be fully repaid and satisfied, all and singular the Tolls, Rates, and Duties hereby authorized to be levied shall be reduced and levied to an Amount only sufficient for the Maintenance of the Bridge and Works, and for Payment of the current Expenses thereof, and for the laying by of a Sum adequate for the future Repair and Maintenance of the said Bridge and Works, and for the Payment annually of the Sum of Eighteen Pounds Nine Shillings and Twopence for ever to the Honourable the Governor and Assistants, *London*, of the New Plantation of *Ulster* within the Realm of *Ireland* aforesaid; and the Commissioners are hereby required from Time to Time to invest in Government Securities a Portion of the said Tolls, Rates, and Duties until the same shall be sufficient for the Purposes aforesaid, and thereupon the Tolls, Rates, and Duties by this Act authorized to be levied and received shall cease and determine.

Saving the Rights of the Irish Society.

LXXV. That nothing in this Act or in the Acts incorporated herewith contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Honourable the *Irish* Society, the Governor and Assistants, *London*, of the New Plantation of *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, or in any Manner to injure, lessen, or defeat the Right and Title of the said Society to the said Sum of Eighteen Pounds Nine Shillings and Twopence *per Annum* for ever, being the Equivalent for Twenty Pounds late *Irish* Currency, payable out of the Tolls of the said Bridge under the Lease or Grant made of the Ferry across the said River to the Mayor, Aldermen, and Burgesses of the City of *Londonderry* or their Predecessors, or any Covenant or Agreement entered into between them and the said Society in case the said Bridge shall not be built or shall be suffered to become ruinous and impassable.

Saving the Rights of the Crown.

LXXVI. That nothing whatsoever contained in this Act, or in any of the Acts herein recited or referred to, shall extend to authorize the said Commissioners to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues having the Management and Direction of the same Premises

mises first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are, or hereafter may be, or but for the Provisions of the same Act or Acts might have been, vested in or enjoyed by Her Majesty, Her Heirs or Successors.

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