CHAPTER cxcvi.

An Act for authorising the Discharge of the Debt of the Londonderry Bridge Commissioners by Loans secured on Rates in the City and County of Londonderry and the County of Tyrone; and for other purposes. A.D. 1877.

[2d August 1877.]

WHEREAS by the Londonderry Bridge Act, 1852, (in this Act called "the Act of 1852,") the Acts then relating to the bridge over the River Foyle at Londonderry were repealed, and the Londonderry Bridge Commissioners (in this Act called "the Bridge Commissioners") were constituted, with power to make a new bridge in lieu of the then existing bridge, and the property of the trustees for executing the repealed Acts (including certain rights of ferry over the River Foyle) were vested in the Bridge Commissioners:

And whereas by the Londonderry Bridge Act, 1854, (in this Act called "the Act of 1854,") the powers of the Act of 1852 for constructing the bridge and works by that Act authorised were repealed, and powers were conferred on the Bridge Commissioners for the construction of another bridge in lieu thereof:

And whereas by the Londonderry Bridge Act, 1859, (in this Act called "the Act of 1859,") the Acts of 1852 and 1854 were repealed, and the Bridge Commissioners were reconstituted, and their property (including the said rights of ferry) revested in them, and they were empowered to remove the then existing bridge, and to construct in lieu thereof a new bridge with two separate roadways, the upper roadway being appropriated exclusively to general traffic, and the lower roadway being adapted to the purpose of railway traffic:

And whereas by the Act of 1859 the Bridge Commissioners were authorised to levy tolls for the use of the bridge, and to borrow on mortgage of the tolls not exceeding ninety thousand pounds as in that Act mentioned:

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And whereas the Bridge Commissioners have constructed the new bridge authorised by the Act of 1859 (herein-after referred to as "the bridge") with two separate roadways, the lower roadway being used for railway traffic, and the upper roadway being adapted for general traffic, and have under that Act borrowed moneys on mortgage to the full extent to which they were thereby empowered on the credit of the tolls:

And whereas, by means of the sinking fund set apart pursuant to the provisions of the Act of 1859, and of a grant of a sum of ten thousand pounds made by the Society of the Governor and Assistants, London, of the New Plantation in Ulster, within the realm of Ireland, commonly and herein-after called "the Irish Society," to be applied in reduction of the mortgage debts of the Bridge Commissioners, the said mortgage debts have been reduced, and on the thirty-first December one thousand eight hundred and seventy-six stood at the sum of seventy-four thousand one hundred and ninety-two pounds:

And whereas the Irish Society have proposed to contribute one moiety of the cost of freeing the bridge from toll (except for railway traffic), such cost to include all expenses up to the time when the bridge shall be made free, conditionally upon the other moneys necessary to be raised for such purpose being provided out of the county cess or grand jury rate of parts of the city and county of Londonderry, and of the county of Tyrone, as herein-after provided:

And whereas it is expedient that facilities should be afforded by this Act to the Irish Society for carrying out such proposal and raising the moiety proposed to be contributed by them:

And whereas the levying of tolls on the upper roadway of the bridge has been injurious to the public in the neighbourhood of the bridge, and it would be of great advantage to the inhabitants of a large district, comprising portions of the city and county of Londonderry and the county of Tyrone, if the upper roadway of the bridge were at once made toll-free:

And whereas it is expedient that the Bridge Commissioners should be empowered to borrow, and that any commissioners, corporation, company, body, or person should be empowered to advance or lend moneys in order to make the upper roadway of the bridge toll-free:

And whereas it is expedient that, in the event of the upper roadway of the bridge being made toll-free, and a loan of not exceeding forty thousand pounds being obtained by the Bridge Commissioners from any commissioners, corporation, company, body, or person towards that object, the repayment of the said loan

and interest by presentments, as by this Act provided, should be guaranteed by the grand juries of the city and county of Londonderry and of the county of Tyrone respectively:

And whereas it is expedient that, in the event of the said loan being obtained, the upper roadway of the bridge be made toll-free, and that further provision be made for the future maintenance and management of the bridge by the Bridge Commissioners, and for the exemption thereof from local rates:

And whereas it would be of public advantage if the Bridge Commissioners were authorised to acquire and work or lease steam ferries across the River Foyle within the present municipal limits of the city of Londonderry:

And whereas it is expedient that the several railway companies whose railways are connected with the lower roadway of the bridge should be empowered to contribute towards the reduction or redemption of the tolls now payable by them in respect of the use of the lower roadway of the bridge, and to enter into and make agreements with the Bridge Commissioners relative thereto:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may for all purposes be cited as the "Londonderry Bridge Act, 1877."

Irish Society may agree to give a contribution towards freeing the bridge from toll.

2. At any time after the passing of this Act the Irish Society may, in exercise of any power enabling them in that behalf, enter into a contract or agreement with the Bridge Commissioners binding themselves to contribute any sum, not exceeding in the whole the sum of forty thousand pounds, towards paying off in manner herein-after provided the mortgage debt of the Bridge Commissioners, and freeing the upper roadway of the bridge from toll, including the expenses of carrying this Act into execution; and such agreement may either be an absolute undertaking or may be upon condition that the remainder of the sum necessary for effecting the above purposes shall be borrowed by the Bridge Commissioners within a reasonable time, which sum, not exceeding forty thousand pounds, the Bridge Commissioners are hereby authorised to borrow, and any such contract or agreement shall be valid and binding upon the said Bridge Commissioners and Irish Society respectively.

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Bridge Commissioners may give notice of intention to pay off mortgages.

3. It shall be lawful for the Bridge Commissioners, at any time after the passing of this Act, to give notice in writing to every registered mortgagee of the Bridge Commissioners whose mortgages will not in the ordinary course have been paid off prior to the day to be fixed as herein-after mentioned, such notice to be addressed to the registered address of such mortgagee and sent by post in the usual way, of their desire and intention, if such mortgagee shall consent thereto, to pay off upon a day to be fixed by the Bridge Commissioners and named in such notice, not being less than three months nor more than twelve months subsequent to the date of the said notice, the whole amount of the principal, with all arrears of interest due upon any mortgage held by such mortgagee, notwithstanding that by the terms of such mortgage the amount of such principal should not be payable by the Bridge Commissioners till a day subsequent to the day to be named in such notice for paying off such principal and interest, and naming a day, not less than one calendar month from the date of such notice, within which any written objection to receive such principal and interest or any part thereof shall be served upon the secretary to the Bridge Commissioners, or sent by post to their office in Londonderry.

Mortgagees who do not object, to be deemed to consent to payment.

4. If, at the expiration of the period within which such objection as aforesaid shall be required to be notified to the secretary to the Bridge Commissioners, no such objection shall have been made by any mortgagee to the payment of such principal and interest, all the said mortgagees shall be deemed to be consenting thereto, but in case any such objection shall have been notified within the time limited by the notice to the said secretary, the mortgagee so objecting shall be deemed to have refused to accept payment of such principal, or of so much thereof as such objection shall extend to, and the Bridge Commissioners shall not be at liberty to pay off the amount of such principal until the day named in such mortgage in that behalf, unless in the meantime otherwise agreed upon between them and such last-mentioned mortgagee.

Bridge Commissioners may borrow money for making bridge toll-free.

5. Subject to the provisions of this Act, and for the purpose of freeing the upper roadway of the bridge from toll in perpetuity, it shall be lawful for the Bridge Commissioners to borrow from any commissioners, corporation, company, body, or person such a sum as may be equal to one half of the existing mortgage debt of the Bridge Commissioners, or of such smaller mortgage debt as may be subsisting at the time of such loan being taken up by the Bridge Commissioners, together with one half of the amount of the costs, charges, and expenses of and incident to preparing

for, obtaining, and passing of this Act, and of the expenses of carrying the provisions thereof into effect (including half the expenses of the inquiry herein-after provided to be held, and of the award to be made by the referee) down to the date of such loan being taken up as aforesaid, and together also with the whole costs of any appeal payable by the Bridge Commissioners, but not exceeding altogether the sum of forty thousand pounds; and it shall be lawful for the Irish Society to contribute such a sum as may be equal to the other moiety of such mortgage debt and of all such costs, charges, and other expenses as aforesaid other than costs of appeal, but not exceeding altogether the sum of forty thousand pounds: Provided always, that all sums received by the Bridge Commissioners otherwise than under the provisions of this section towards payment of the costs, charges, and expenses herein-before referred to shall be deducted in equal proportions from the moiety of such costs, charges, and expenses payable by the Bridge Commissioners and the Irish Society respectively: Provided also, that any such commissioners, corporation, company, body, or person shall not be bound to inquire into the amount of such costs, charges, and expenses as aforesaid, but any certificate given by the referee herein-after provided to be appointed by the Commissioners for Public Works in Ireland (herein-after called the Public Works Commissioners), or other person appointed by the last-mentioned Commissioners for the purpose of inquiring into the amount thereof, shall be deemed final and conclusive as to their amount and as to their having been properly incurred.

Repayment of sums advanced.

6. The sums to be so advanced or lent by any commissioners, corporation, company, body, or person shall be repaid by the Bridge Commissioners in a period not exceeding thirty-five years from the advance thereof, by way of annuity, in such equal annual or other payments calculated to include payment of both principal and interest, and in such instalments, as may be agreed upon between such commissioners, corporation, company, body, or person and the Bridge Commissioners.

Irish Society may charge estates with repayment of money borrowed.

7. It shall be lawful for the Irish Society to secure the repayment of all moneys borrowed by them for the purpose of carrying out their proposed contribution towards the freeing of the upper roadway of the bridge from tolls by the issue of debentures, which debentures may be in the form contained in the schedule to this Act, or to the like effect, and shall rank after the quitrents payable under the charter of the Society granted by His Majesty King James I., in the eleventh year of his reign over England, France, and Ireland, and over Scotland the six and fortieth, confirmed by the charter granted by His Majesty King Charles I., in the four-

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teenth year of his reign, and to the annual rentcharge of two hundred and fifty pounds payable to the Lord Bishop of Derry for the time being, under the provisions of an Act passed in the third and fourth years of the reign of Her Majesty Queen Anne, intituled "An Act for settling the Right of several Parcels of Land and "other Tenements, and of several Fishings and Tythes of Fishings, "in the Society of the Governor and Assistants, London, of the "New Plantation in Ulster, within the realm of Ireland, and their "successors, and for settling a Rent Charge of two hundred and "fifty pounds per annum upon the Lord Bishop of Derry and his "successors for ever:" Provided always, that nothing in this or the preceding sections contained shall be deemed to diminish in any way any right of borrowing money on the security of their properties or otherwise now possessed by the Irish Society.

Incorporating certain provisions of Companies Clauses Consolidation Act, 1845.

8. Sections thirty-nine and forty-two, and sections forty-four to fifty-five inclusive, of the Companies Clauses Consolidation Act, 1845, shall be incorporated with and form part of this Act, so far as to make them applicable to the borrowing of money by the Irish Society for the purposes of this Act upon debenture, but not further or otherwise.

Payment of money into court in case of refusal to receive principal of mortgage.

9. In case there shall be any mortgagee who shall have refused as herein-before provided to accept payment of the amount of the principal secured by any mortgage held by him, or in case the holder of any mortgage cannot be discovered, or shall be under any disability, or shall fail to accept payment of the principal or to give a valid discharge for such principal, then and in every such case the amount of such principal shall be paid by the Bridge Commissioners into the Bank of Ireland, in the name and with the privity of the Accountant General of the Court of Chancery in Ireland, to be placed to his account there to the credit of the said mortgagee and of this Act, subject to the control and disposition of the Court, and the Accountant General shall invest all moneys which shall be so paid in the purchase of Government securities, and allow the same to accumulate until such sum has been paid out or transferred as herein-after provided; and it shall be lawful for the Court, upon application by the Bridge Commissioners, and upon proof that the said mortgagee has consented in writing to receive payment of the said principal and to give a valid discharge therefor, or that the period for payment of such mortgage will shortly expire, or that the holder of any mortgage has been discovered, or that any disability has been removed, or that payment of any such mortgage has been duly made by the Bridge Commissioners, to order the funds in which the said money shall have been invested, together with the accumulation thereof, or so much

thereof as may be necessary to satisfy the claims of such mortgagee or the amount of such mortgage, to be transferred or paid to such mortgagee, at such time and upon such terms and conditions as to the Court may seem right, and that the whole or the balance, if any, as the case may be, of such funds may be transferred or paid to the Bridge Commissioners; and in default of payment of interest by the Bridge Commissioners upon the amount of any mortgage, it shall be lawful for the Court, upon the application of any person entitled to give a receipt for such interest as aforesaid, to order that the interest accrued due or accruing due upon any sum of money paid into court for the security of the owner of any such mortgage shall be paid to or otherwise applied for the benefit of such person.

Loan to Bridge Commissioners to be repaid by certain electoral divisions out of county cess.

10. The loan to be effected by the Bridge Commissioners, together with interest thereon, shall be repaid out of county cess or grand jury rate by the grand juries of the city and county of Londonderry and of the county of Tyrone respectively, in the manner herein-after provided; but the instalments necessary to repay such principal and interest as aforesaid shall not be levied as a county at large presentment, but shall only be levied, in the manner herein-after provided, upon the owners or occupiers (as the case may be) of lands, tenements, and hereditaments chargeable with the payment of county cess or grand jury rate, and to the extent and in the proportions in which they are so chargeable in the following poor law electoral divisions, herein-after called electoral divisions, or the townlands comprised therein respectively; (that is to say,)

In the City and County of Londonderry.

City and suburbs, Waterside, Lower Liberties, Upper Liberties, Glendermott, Lough Enagh, Ardmore, Bonds Glen, Claudy, Eglinton, Tamnaherrin, all in the union of Derry, and Faughanvale, in the union of Limavady.

In the County of Tyrone.

Dunalong, Ballymagorry, Ballyneanor, Mountcastle, and Dunnamanagh, all in the union of Strabane.

Provided always, that the aggregate amount to be paid by such electoral divisions or townlands in respect of any annual payment of principal and interest shall not exceed the sum of two thousand eight hundred pounds.

Public Works Commissioners to appoint a referee.

11. It shall be lawful for the Public Works Commissioners, at any time after the Bridge Commissioners have given the notice required to be served upon the mortgagees as herein-before provided, and they are hereby required, at the request of the Bridge

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Commissioners, to appoint a fit person to be a referee for the purpose herein-after mentioned, and to fix the remuneration to be paid to such referee; and if any such referee die, or refuse or become incapable to act, before making his final award, the Public Works Commissioners shall, as often as the same may happen, appoint a referee in his place, who shall have the same powers as the referee first appointed.

Referee may call for documents and administer oaths.

12. The referee shall have power to call for, from the Bridge Commissioners, or from the grand juries of the said city and county and county respectively, or from any person on their behalf, and they shall produce to him, all books, accounts, vouchers, and other documents belonging to the Bridge Commissioners and grand juries respectively, and he shall have power to examine such of the Bridge Commissioners and their officers and servants, or the treasurers or other officer of the said grand juries, as he thinks fit, and to examine witnesses on oath and administer the oaths necessary for that purpose, and to require, if he thinks fit, the vouchers and accounts to be verified by statutory declaration.

Notice of appointment of referee, &c. to be published.

13. Upon the appointment of such referee the Bridge Commissioners shall cause to be published a notice of such appointment, once in the "Dublin Gazette," and once in each of two successive weeks in some one or more newspapers circulating in the city and county of Londonderry and the county of Tyrone, and such notice shall also name a day when such referee will hold an inquiry in the court-house of the city and county of Londonderry for the purpose aforesaid, at which inquiry all ratepayers in the said electoral divisions may attend and be heard.

Referee to hold an inquiry and make an award.

14. Upon the day named in such last-mentioned notice in that behalf the referee shall hold an inquiry in the court-house of the city and county of Londonderry, and shall at such inquiry, or at any adjournment thereof, proceed to inquire and adjudicate upon the several proportions in which the county cess or grand jury rate should be levied upon the several townlands in the said electoral divisions of the city and county of Londonderry and of the county of Tyrone respectively, and the referee shall, after due inquiry and examination, make an award under his hand and seal, setting forth the proportions in which he considers, having due regard to the benefits to be derived from the freeing of the bridge from toll, the county cess or grand jury rate should be levied upon the lands, tenements, and hereditaments in the said electoral divisions or in the townlands comprised therein respectively, and such award may prescribe that such county cess or grand jury rate shall be levied either equally or in different proportions upon the lands, tenements,

and hereditaments in all the said electoral divisions, or upon the lands, tenements, and hereditaments in any of such electoral divisions or townlands exclusively of the others, as to such referee may seem just, and the referee shall cause notice of such award having been made to be published once in the "Dublin Gazette," and once in each of two successive weeks in some one or more newspapers circulating in the city and county of Londonderry and in the county of Tyrone, stating that the said award has been made, and that the same has been deposited for inspection as herein-after provided, and that any ratepayer dissatisfied with the same may appeal against the same within the time and in manner herein-after provided. Such award shall be binding and conclusive (subject to the provisions herein-after contained) upon the Bridge Commissioners and upon the grand juries of the said city and county and county respectively, and upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form, and such award shall, within forty-eight hours of its being executed by the referee, be deposited with and kept by the Public Works Commissioners, and a certified copy of such award shall within the same time be deposited with the clerks of the peace for the said city and county and county respectively, and also with the Bridge Commissioners, and such certified copies shall be open for inspection at all reasonable hours by any ratepayer interested therein.

Power of appeal against award of referee.

15. Where any ratepayer or ratepayers, paying singly or together, as the case may be, not less than two fifths of the county cess or grand jury rate in respect of any such townland or electoral division as aforesaid, shall be dissatisfied with the award made by the referee as herein-before mentioned, it shall be lawful for such ratepayer or ratepayers as aforesaid within one month after the publication thereof, but not after, to make an appeal against the same so far as it relates to the townland or electoral division in respect of which any such ratepayer or ratepayers is or are rated, and such appeal shall be in writing, stating the grounds thereof, and shall be signed by such ratepayer or ratepayers, and shall within such month be lodged with the clerk of Her Majesty's Privy Council in Ireland; and it shall be lawful for the Lord Lieutenant, by and with the advice and consent of the said Privy Council, to hear and determine such appeal, and to make such order confirming such award, or, subject as herein-after provided, for the varying, altering, or modifying the same, and as to the payment of the costs of such appeal by the Bridge Commissioners or the appellants, as shall seem meet: Provided always, that in case the Lord Lieutenant, by and with the advice of the said Privy Council, shall by any order reduce the

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amount payable by any such electoral division or townland, the amount of such reduction shall be ordered to be levied upon the remaining electoral divisions or townlands in the relative proportions in which the remainder of the county cess or grand jury rate may have been ordered by the said award to be levied among such remaining electoral divisions or townlands. Upon the making of any such order by the Privy Council it shall be the duty of the Bridge Commissioners to obtain office copies thereof, and to deposit one of such copies with the Public Works Commissioners, one other of such copies with the said clerks of the peace for the city and county of Londonderry and the county of Tyrone respectively, and to keep another of such copies at their own office, and such last-mentioned three copies shall be open for inspection at all reasonable hours by any ratepayer interested therein.

Clerks of the peace required to take charge of documents deposited.

16. The clerks of the peace aforesaid are hereby required to retain all documents to be deposited with them under this Act, and to permit all persons interested to inspect the same, and to make copies and extracts of and from the same, in the like manner and upon the like terms, and under the like penalty for default, as is provided by an Act of the session holden in the seventh year of King William IV. and in the first of Her Majesty, cap. 83.

Providing for costs of reference and of carrying out the Act.

17. The remuneration, travelling and other expenses of the referee, and all costs, charges, and expenses which shall be incurred relative to such inquiry, or otherwise in carrying the provisions of this Act into execution, other than any costs of appeal, and all costs, charges, and expenses of and incident to the preparing, applying for, obtaining, and passing of this Act, shall be paid by the Bridge Commissioners.

Certificate of costs of this Act and of carrying out its provisions.

18. It shall be lawful for the referee, either in the said award or by any subsequent writing under his hand, or for any person to be appointed by the Public Works Commissioners for that purpose, upon the request of the Bridge Commissioners, to certify the amount of the costs, charges, and expenses properly incurred by the Bridge Commissioners of and incident to the preparing, applying for, obtaining, and passing of this Act, and in carrying the provisions thereof into effect, including the expenses of the inquiry hereinbefore provided to be held, and of the award to be made by the referee, down to the date of making such certificate, together with the costs of appeal (if any), and such certificate shall be final and conclusive and binding upon the Bridge Commissioners, the Irish Society, the said grand juries, and all persons whomsoever, and shall not be appealed against, notwithstanding that such certificate may be included in the award to be made by the referee.

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Grand juries to present for payment of proportions of loan and interest.

19. For levying and raising the respective proportions of the said instalments agreed upon between the Bridge Commissioners and any commissioners, corporation, company, body, or person as aforesaid, it shall and may be lawful for the grand juries of the city and county of Londonderry and of the county of Tyrone respectively, and they are hereby required at the assizes next after the making of the award by the referee, and whether there shall be any appeal pending against the award or not, without previous application at the presentment sessions, to present a sum equal to the amount of the first instalment, whether half-yearly or otherwise, agreed upon in respect of the repayment of such loan, with interest as aforesaid, and to levy the same upon the lands, tenements, and hereditaments in the said several electoral divisions or the townlands comprised therein, or in some one or more of such electoral divisions or townlands exclusively of the others, as may have been determined and fixed by the award of the referee: Provided always, that if the result of any appeal against the award pending or about to be lodged as herein-before provided is that the award is disallowed, or varied, altered, or modified, then any such county cess or grand jury rate levied in excess under the said presentment shall be subsequently accounted for, and allowed to any ratepayer who may have paid the same, upon the next occasion of levying any county cess or grand jury rate in respect of the same lands, and it shall be lawful for the said grand juries respectively, when making the next presentment under the powers of this Act, to authorise the levying upon any ratepayer not having been liable under the award the amount of such county cess or grand jury rate to which he may be liable under any variation, alteration, or modification thereof, or upon any ratepayer having been liable under the award the difference between the amount which he has paid under such award and the larger amount to which he may be liable under any variation, alteration, or modification thereof.

Directions when and how instalments are to be levied.

20. The respective proportions of the said instalments made payable as aforesaid shall be levied on the several electoral divisions and townlands made liable thereto, and in the proportions in which the same are made liable, after each successive assizes, the first instalment to be levied after the assizes at which the said presentment shall have been so made, and the treasurer for the time being of the said city and county and county respectively shall and he is hereby required to applot and insert in his warrant for levying the sums presented at such assizes the amount of the first instalment payable by the respective electoral divisions and townlands, and in like manner, without further presentment or authority in that behalf, to applot and insert from time to time in his warrant for levying

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the sums presented at each succeeding assizes the amount of the instalments respectively payable by the respective city and county and county, as the same respectively shall from time to time become due, until the whole of the instalments payable by the respective city and county and county shall be so raised and levied.

Grand juries neglecting or refusing to present, Court to order sums to be raised.

21. If the grand jury of either the said city and county or of the said county respectively, at the assizes next after the making of the said loan, shall neglect or refuse duly to present the sum by this Act required to be presented by such grand jury, and in the manner by this Act provided, the Court at such assizes shall have power and is hereby required, before the finding of any of the other presentments for the city and county or county the grand jury of which shall so neglect or refuse, to make an order directing the said sum to be raised and levied as if the said sum had been duly presented, and such order shall have the force of a presentment, and the said sum shall accordingly be inserted in the warrants of the treasurer of the city and county or county, and applotted, raised, and levied after each successive assizes, in like manner to all intents and purposes as if the same had been duly presented by such grand jury.

After payment, &c. of mortgages, upper roadway to be toll-free.

22. As soon as all the mortgages of the Bridge Commissioners shall have been paid and satisfied, or in case of the refusal, neglect, or disability or inability of any of the mortgagees to receive payment of the principal secured by any mortgage held by such mortgagee, then as soon as a sufficient sum to satisfy the claims of such mortgagee shall have been paid into the Court of Chancery in Ireland in manner provided by this Act, all the tolls provided by the Act of 1859 authorised to be levied in respect of the upper roadway of the bridge shall (except as herein-after provided) cease to be leviable, and the said upper roadway shall become for ever toll-free: Provided always, that such tolls shall continue to be leviable during the continuance of the lease of the same tolls existing at the passing of this Act, and also during the continuance of any lease of the same tolls which under the Act of 1859 may, after the passing of this Act, but before the borrowing of such sum of money as aforesaid, be bonâ fide granted by the Bridge Commissioners for a period in each case not exceeding one year.

As to future appointment of Commissioners for repairs and maintenance of bridge.

23. From and after such cesser of tolls the whole of the bridge, including the upper roadway, shall be maintained, lighted, watched, and cleansed by the Bridge Commissioners for the time being acting under the Act of 1859: Provided nevertheless, that from and after the date when the said upper roadway of the bridge shall have been made toll-free the Commissioners appointed by the

grand jury of the county of Donegal and the Great Northern Railway Company, Ireland, respectively, shall cease to be Bridge Commissioners, notwithstanding anything in the Act of 1859 contained; and provided also, that the grand jury of the county of Tyrone shall be at liberty, at the assizes next following such date, to appoint two commissioners in the place of the two commissioners so ceasing to be Bridge Commissioners as aforesaid, and such new commissioners so appointed, or any successor to such new commissioners, shall continue in office the same time as the commissioner now appointed by the county of Tyrone, or any successor to such commissioner; and upon the three commissioners so appointed by the said county of Tyrone, or any of them, vacating their office by effluxion of time or from any other cause, the grand jury shall fill up the three vacancies in the same manner as but for this Act they would fill up the vacancy caused by the one commissioner now appointed by the said grand jury, and so from time to time.

Power to acquire and work, &c. steam or other ferries.

24. It shall be lawful for the Bridge Commissioners, and they are hereby empowered and authorised, to acquire, maintain, let on lease, or otherwise to work steam or other ferries on the River Foyle, at any place or places within the municipal limits of the city of Londonderry which to the said commissioners may seem good, and at any place or places outside such municipal limits to which the Irish Society shall, by writing under their seal, consent, and to demand and take tolls, rates, and charges for or in respect of the use thereof, not exceeding one penny for every passenger, and for all animals, carriages, goods, and articles not exceeding the several tolls authorised to be demanded and taken in respect of the use of the bridge under the powers of the Act of 1859.

Application of loan in payment of mortgages of Bridge Commissioners.

25. All the moneys received by the Bridge Commissioners from the Public Works Commissioners, or any other corporation, company, body, or person, in respect of the said loan, and all the moneys received from the Irish Society, shall be applied in accordance with the provisions of this Act for the purposes following, and for no other purpose; (that is to say,)

First. In payment of the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, and of carrying its provisions into effect, including the costs of and incident to the inquiry and the award of the referee, and also including any costs of any appeal payable by the Bridge Commissioners:

Secondly. In payment of the principal secured by any mortgages of the Bridge Commissioners, or in securing such payment by depositing a sum of money in the Court of Chancery in Ireland.

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Application of certain tolls and income of Bridge Commissioners.

26. So much of the tolls payable to the Bridge Commissioners in respect of the upper roadway of the bridge, after the passing of this Act and prior to the cesser of the same tolls, as shall not, previous to the freeing of the upper roadway from toll, have been applied by the Bridge Commissioners in manner directed by the Act of 1859, and also the tolls and other income after the passing of this Act payable to the Bridge Commissioners in respect of the said ferries and lower roadway, shall be applied—

First. In paying annually to the Irish Society and for ever the sum of eighteen pounds nine shillings and twopence secured to the Irish Society under the provisions of the Act of 1859:

Secondly. In payment of the expenses of the Bridge Commissioners in maintaining, lighting, watching, and cleansing the bridge, and maintaining and working the ferries, and of their other current expenses in relation thereto respectively:

Thirdly. In payment of the interest of any mortgages which shall not have been paid off prior to the freeing of the said upper roadway from toll:

Fourthly. In paying the general debts, other than mortgage debts, of the Bridge Commissioners:

Fifthly. In generally carrying into execution the powers of the Act of 1859 and of this Act.

Tolls to be reduced in certain events.

27. In case at any time hereafter the tolls payable to the Bridge Commissioners in respect of the use of the lower roadway of the bridge and of the ferries, together with the other income of the Bridge Commissioners from all sources, shall more than suffice for the purposes to which they are herein-before made applicable, to an amount exceeding upon an average of the three last preceding years the sum of five hundred pounds per annum, the tolls payable in respect of the use of the ferries shall be reduced and levied to such an amount only as shall be sufficient (in addition to other sums receivable by the Commissioners) to meet the payment of the said annual sum of eighteen pounds nine shillings and twopence to the Irish Society, and (so far as can be ascertained) the probable average annual expenses of maintaining, repairing, lighting, watching, and cleansing the bridge, and other current expenses in relation thereto, and of maintaining and working the ferries, and other expenses to be incurred in carrying out the powers of the Act of 1859 and this Act: Provided always, that this section shall not come into operation until the Bridge Commissioners shall have invested in Government securities a sum of five thousand pounds, to be reserved and applied by them for the purpose of meeting any extraordinary or unforeseen expenditure in connexion with the maintenance and repairs of the bridge.

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Provision in case of insufficiency of tolls for repair of bridge.

28. In case the funds derived from the use of the lower roadway and ferries shall not be sufficient to keep the bridge in repair, then it shall be lawful for the grand juries of the city and county of Londonderry and the county of Tyrone respectively, and they are hereby required from time to time, at any assizes before which thirty-one days notice in writing to the secretaries of the said grand juries respectively shall have been given by the Bridge Commissioners of such deficiency, to present at any such assizes such an amount as may be necessary for the purposes of keeping the bridge in repair, not exceeding the sum of one thousand pounds, and such amount shall be levied and raised in the same proportions and from the same electoral divisions and townlands respectively, and in all respects in the same manner, as the said instalments of such annuity as aforesaid are raised and levied; and in case the said grand juries respectively or either of them shall neglect or refuse to present such amounts as are hereby required to be presented, then such amounts shall be raised and levied in the same manner exactly as such instalments as aforesaid are under like circumstances to be raised and levied.

Railway companies may contribute towards freeing upper and lower roadways from toll.

29. It shall be lawful for the Great Northern Railway Company, Ireland, the Belfast and Northern Counties Railway Company, and the Londonderry and Lough Swilly Railway Company, or any of them, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, from time to time to subscribe such an amount as they think fit, or as may be mutually agreed upon between the Bridge Commissioners and any such railway company respectively, towards freeing the upper roadway of the bridge from toll, or towards the reduction or redemption of the tolls now payable by the said railway companies respectively, or any of them, in respect of the use of the lower roadway of the bridge, so far as relates to the tolls paid by the particular railway company so contributing as aforesaid; and it shall be lawful for such railway companies or any of them, with such authority as aforesaid, to enter into agreements with the Bridge Commissioners relative to the matters aforesaid.

Application of railway companies contributions.

30. All moneys received by the Bridge Commissioners under the last preceding clause, or payable to them under any authority given as in such clause mentioned, before the upper roadway of the bridge shall be made toll-free, shall be applied in payment of the principal secured by the mortgages of the Bridge Commissioners, or in securing such payment by depositing a sum of money in the Court of Chancery, and for no other purpose; and in reckoning the cost of freeing the upper roadway of the bridge from toll, for

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the purpose of ascertaining the amount to be contributed by the Irish Society, such cost shall be taken as being diminished by the moneys so received by the Bridge Commissioners, and also by any moneys which, before the upper roadway of the bridge shall be made toll-free, the said railway companies, or either of them, shall have agreed to subscribe.

Bridge Commissioners empowered to receive contributions for payment of loan.

31. The Bridge Commissioners may receive and take from any person or body corporate, lay or ecclesiastical, legally entitled to give or present the same, such contribution in money as any such person or body may be willing to give or present to or for the purpose of paying off or discharging all or any part of any instalment of the said loan, or of any mortgage or other debt of the Bridge Commissioners: Provided always, that if any contribution for paying off or discharging all or any part of any instalment be made expressly for the benefit of either the said city and county or the said county respectively, then the same shall be applied only to the liquidation pro tanto of the liability to the said loan of the respective city and county or county for whose benefit the same is made; but if the same be not made expressly for the benefit of either the said city and county or the said county respectively, then the same shall be applied in liquidation of the liability to the said loan proportionably, according to the respective proportions of the said loan by this Act made payable by the said city and county and the said county respectively.

Saving rights of the Irish Society.

32. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in or enjoyed by the Irish Society 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 secured to them under the provision of the Act of 1859.

Provision as to mooring or anchorage of vessels at or near bridge.

33. No person shall after the passing of this Act moor or anchor any vessel, ship, boat, lighter, or craft of any kind to or within such distance from the bridge as that any part of such vessel, ship, boat, lighter, or craft, or her sails or rigging, shall come within ten yards of any part of the bridge or of the piers or works thereof, except with the consent and approval of the Bridge Commissioners or their duly authorised officers, and the Bridge Commissioners from time to time may, with the sanction of the Board of Trade, make, alter, and repeal such byelaws as they think requisite for the prevention, regulation, and control by the Bridge

Commissioners, or their duly authorised officers, of the mooring and anchoring of vessels, ships, boats, lighters, and crafts of any kind to or within such distance from the bridge as that any part of such vessels, ships, boats, lighters, and crafts, or their sails or rigging, shall come within ten yards of any part of the bridge or of the piers or works thereof; and the provisions of the Commissioners Clauses Act, 1847, incorporated with the Act of 1859, with respect to the making of byelaws, shall extend and apply to all byelaws to be made under this enactment.

Expenses of Act.

34. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act shall in the first instance, and until repaid out of the moneys to be borrowed under the powers herein-before contained, be paid by the Bridge Commissioners, and shall be a charge on the tolls and income of the Bridge Commissioners under the Act of 1859.

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SCHEDULE referred to in the foregoing Act.

Form of Debenture.

THE HONOURABLE THE IRISH SOCIETY.

Debenture No. £

By virtue of the Londonderry Bridge Act, 1877, the Society of the Governor and Assistants, London, of the New Plantation in Ulster, within the realm of Ireland, commonly called "the Honourable the Irish Society," and hereinafter called "the Irish Society," in consideration of pounds paid to them by *A.B.*, of , hereby covenant with the said *A.B.*, his executors, administrators, and assigns, to pay to him, his executors, administrators, and assigns, on the day of one thousand eight hundred and , the sum of pounds, and also in the meantime to pay to him, his executors, administrators, and assigns, interest upon the said sum of pounds after the rate of pounds for every one hundred pounds by the year, by equal half-yearly instalments on the day of and the day of in every year. And the Irish Society do hereby charge with such payments their lands, works, property, and effects (both present and future), but so that the same may be a floating security not hindering any sale, exchange, or lease of the said lands or any part thereof, or the receipt or payment of any moneys, or any other dealings in the course of the business or transactions of the Irish Society, but attaching to the premises leased, and the proceeds of any sale or exchange and the lands or other property purchased therewith, or with any moneys of the Irish Society, so long as such lands or property shall remain the property of the Irish Society.

Given, *&c.*

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