ANNO SECUNDO & TERTIO

GULIELMI IV. REGIS.

****

Cap. cvii.

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. [4th *July* 1832.]

WHEREAS an Act passed in the Parliament of *Ireland* in the Thirtieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building* 30 G. 3. (I.)
a Bridge over the River Lough Foyle *at the City of* Londonderry *and the Suburbs thereof, and for certain Regulations relative to said City;* and another Act passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending an Act passed in the Thirtieth* 40 G. 3. (I.)
Year of His Majesty's Reign, intituled 'An Act for building a Bridge 'over the River Lough Foyle *at the City of* Londonderry *and the 'Suburbs thereof, and for certain Regulations relative to said City;'* and another Act passed in the Parliament of the United Kingdom in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend Two Acts, so far as relate to* 48 G. 3.
supplying the City of Londonderry *with Water, improving the Harbour* c.136.
of the said City, and the Regulation of Pilots and Vessels using the same, and for extending the Jurisdiction of the Court held in the said City for the Recovery of small Debts; and another Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for rebuilding or repairing the* 54 G. 3.
Bridge c. 230.

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 Race Course there;* and another Act passed in the Fifth Year of the Reign of His late Majesty King *George* the
5G.4. c.152. Fourth, intituled *An Act to amend an Act of the Thirtieth Year of His late Majesty, for lighting and improving the City of* Londonderry; and another Act passed in the Sixth Year of the Reign of His late
6G.4. c.180. Majesty King *George* the Fourth, intituled *An Act to amend several Acts relating to the City of* Londonderry: And whereas the City of *Londonderry* is large and populous, and possesses considerable Trade and Manufactures, and it would greatly tend to the Improvement, good Order, and Security, and much promote the Prosperity of the said City, if more effectual Provisions were established for the Purpose of watching, cleansing, and paving of the same City, for the better Regulation of the Port and Harbour of *Lough Foyle*, and for the Appointment and Powers of the Ballast Office Committee, and also for providing for the Repayment, by the Mayor, Commonalty, and Citizens of the said City of *Londonderry*, of the Sum of Fifteen thousand Pounds late *Irish* Currency, advanced by the Commissioners for executing the Office of Lord High Treasurer of *Ireland*, for repairing the Bridge over the River *Foyle*, near *Londonderry;* but as these Objects cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several recited Acts, and all the Powers, Provisions, Penalties, Forfeitures, Matters, and Things therein contained, (except such as are altered, varied, or repealed,) shall extend to this Act, and shall be construed therewith in as full, ample, and beneficial a Manner, to all Intents, Constructions, and Purposes whatsoever, as if the same had been repeated and re-enacted in this Act, and had made Part thereof.

Powers of former Acts extended to this Act.

Parts of Acts repealed.

II. And be it further enacted, That on the Second *Monday* in *October* One thousand eight hundred and thirty-two so much of the said recited Act passed in the Thirtieth Year of the Reign of His late Majesty as authorizes the Mayor, Commonalty, and Citizens of *Londonderry* to direct the Streets of the said City to be paved, pitched, flagged, raised, or altered, and for obtaining Gravel for those Purposes, and as requires Owners to cleanse before their Doors, and so much of the said recited Act passed in the Fortieth Year of the Reign of His said late Majesty as regulates the sweeping and cleansing of the said City, and also so much of the said recited Acts passed in the Fifth and Sixth Years of the Reign of His late Majesty King *George* the Fourth as directs the Mode of appointing the Gas Light Committee, and the Oath to be taken by them, shall be and the same are hereby repealed, except so far as the said Acts repeal or alter any former Acts.

III. And

Appointment of Police Committee.

III. And be it further enacted, That on the said Second *Monday* in *October* One thousand eight hundred and thirty-two it shall and may be lawful for such and so many of the Inhabitants of the said City and Suburbs of *Londonderry* as shall be liable to Assessment under the Provisions herein-after contained, to meet and assemble and they are hereby required to assemble in Common Hall within the said City of *Londonderry*, of which Meeting Ten Days Notice shall be given by the Mayor of the said City in some Newspaper published in the said City, and by posting a Copy of such Notice on the Door of the Mayor's Office, and shall then and there elect by Ballot Twelve Inhabitants of the said City and Suburbs, who, together with the Mayor of the said City for the Time being, shall be and be called "The Police Committee for the City of *Londonderry*;" and the said Committee, or any Five or more of them, shall have full Power and Authority to carry into execution all the Powers and Provisions of the said recited Acts of the Fifth and Sixth Years of the Reign of His late Majesty King *George* the Fourth, as far as the same Acts or either of them, or the Provisions therein contained, may relate to the lighting the said City with Gas; and also to carry into execution all the Powers and Provisions herein contained in manner herein-after mentioned, and shall be liable to all Engagements entered into by any Gas Light Committee acting under or by virtue of the said recited Acts passed in the Fifth and Sixth Years of the Reign of His late Majesty, and shall have full Power to recover all Sums due to the said Committee.

Police Committee to consist of Twelve Inhabitants and Mayor of the City.

Nomination of Police Committee.

IV. And be it further enacted, That no Person shall be proposed or put in Nomination as a Member of the said Police Committee, except by Persons duly qualified to vote at such Election of the said Committee; and the said Committee shall be chosen and elected out of or from those Persons only so put in Nomination; and no Person or Persons shall be authorized or entitled to vote at any Meeting to be held under the Provisions of this Act, other than such Persons as shall be liable to be assessed under this Act, and whose Tax or Cess shall not be one Year in arrear: Provided always, that no Person shall be capable of being elected or of acting as a Member of the said Committee, save and except such Persons as are or shall be rated at or above the Sum of Twenty Pounds in the annual Applotment made or to be made by virtue of the said recited Acts or this Act, and shall also reside within the said City or the Suburbs thereof, as the same may be limited by virtue of this Act.

Qualification of Persons eligible.

In case of any casual Vacancy, the Chairman to convene a Meeting to supply such Vacancy.

V. And be it further enacted, That in case any Member of the said Police Committee shall die, or become disqualified by Change of Residence or otherwise, or shall refuse or neglect to act, and in case of any casual Vacancy happening in any Manner whatever, it shall be lawful for the Chairman of the Police Committee for the Time being, and he is hereby required, within Twenty Days next after a Vacancy shall be notified to him, to give Notice, in manner herein-before provided, of a Special Meeting of the Inhabitants of the said City liable to be assessed under this Act, for the Purpose of electing a Person duly qualified to supply such Vacancy; and at such Meeting it shall be lawful for the said Inhabitants to

elect

elect a proper Person to be a Member in the Room of the Person who shall have ceased to be on such Committee as aforesaid: Provided always, that, until such casual Vacancy or Vacancies shall be supplied, the remaining Members, or any Five or more of them, shall, notwithstanding any such Vacancy or Vacancies, be fully competent to do all Acts and Things which by this Act the Members of such Committee are authorized, empowered, or required to do.

Election of future Committees.

VI. And be it further enacted, That the Committee so to be elected and chosen under or in pursuance of the Provisions herein contained shall continue in Office until the Second *Monday* in the Month of *October* One thousand eight hundred and thirty-three, upon which Day, and on every Second *Monday* in the Month of *October* of each succeeding Year, the aforesaid Inhabitants liable to Assessment under the Provisions herein contained shall and they are hereby required to assemble in the Court House of the said City, and shall then and there re-elect, by Ballot, Three Members out of the Police Committee of the preceding Year, and Nine Persons to be put in Nomination and elected in manner above provided; which Three Members of the said Police Committee of the preceding Year, and the said Nine Members so to be nominated and elected, shall, with the Mayor of the said City for the Time being, be "The Police Committee" for the ensuing Year, of which the Mayor, when present, shall be the Chairman; and at all such Elections the Book of the Collectors of the Cess under this Act shall be deemed and taken as a Registry of the Persons entitled to vote at the said Election; and no Person shall be entitled to vote at such Election whose Tax or Cess shall appear by the said Book to be One Year in arrear and unpaid; and if any Person shall vote at any such Election, not being duly qualified, every such Person shall forfeit and pay a Sum not exceeding Forty Shillings; and the Ballotting Box shall be held by the Clerk of the Police Committee, who shall mark off the Names in the Registry as the Dockets or Ballots are received; and the Mayor of the said City for the Time being, or in his Absence the senior Member of the Police Committee who shall be present, shall be Chairman at all such Meetings; and in case of any Dispute as to the Right of voting of any Person, the same shall be heard and finally determined by such Chairman: Provided always, that no Person shall be obliged to serve on the said Police Committee longer than Three Years in Succession, nor be liable or subject to any Penalty or Forfeiture for not so serving; provided also, that the whole of the Members of the Police Committee whose Term of Office shall have expired shall be eligible to be re-elected; and in case at any Time no Election of a Police Committee shall take place at the Time appointed for that Purpose, the Members of the then Police Committee shall continue in Office for the ensuing Year.

Notice of Meeting for Election of Police Committee.

VII. And be it further enacted, That the Mayor of the said City, or any Three Members of the said Police Committee, or their Clerk by their Order, shall cause Ten Days Notice to be given of the Time, Place, and Purpose of every Meeting for the Election of a

Police Committee, or of any Member thereof, in some Newspaper published in the said City.

Property to vest in Committee for the Time being.

VIII. And be it further enacted, That whenever and so soon as any Members of the Police Committee shall have completed their appointed Term of Office, all Right, Title, and Interest in and to any Monies, Books, Papers, Lands, or Tenements, and all other Property whatsoever, Real or Personal, theretofore vested in or appertaining to such Committee by virtue of this Act, or acquired by or arising from the Powers hereby created, shall be divested from and out of such Members, and shall be transferred to and shall become vested in the Person or Persons elected to supply their Places in such Police Committee, to all Intents and Purposes as fully and effectually as if the same had been assigned, transferred, or conveyed by any Instrument or Assurance in Law, by Delivery of Seisin or of actual Possession.

Penalty on Persons not acting or attending.

IX. And be it further enacted, That if any Person chosen a Member of the said Police Committee shall refuse or decline to act, every such Person shall forfeit and pay a Sum not exceeding Ten Pounds; or, if any Member of the said Police Committee shall neglect to attend any Meeting of the said Committee to which he shall have been duly summoned, every such Person shall forfeit and pay a Sum not exceeding Ten Shillings: Provided always, that no Person shall be liable to the said Penalty for declining or refusing to act who shall have previously served, or shall have paid the said Penalty, until after the Expiration of Five Years from such Service or Payment; nor shall any Person be liable to serve who shall have attained the Age of Seventy Years, or be prevented by Sickness or any bodily Infirmity, or any other reasonable Cause.

First Meeting of Police Committee.

X. And be it further enacted, That the Members who shall be elected in and upon the Police Committee, shall assemble at such Time and Place as shall have been appointed and notified by the Mayor; and at such Time and Place the said Mayor shall attend, and it shall be lawful for him, and he is hereby authorized and required, to administer to any and every of the Persons elected, who shall be present at such Meeting, and every such Member shall take and subscribe an Oath or Affirmation (if a Quaker) to the effect following; (that is to say,)

Members to take an Oath.

'I *A. B.* do swear [*or* affirm] that I am duly qualified to act as a 'Member of the Police Committee, under an Act passed in the 'Third Year of the Reign of King *William* the Fourth, intituled '*An Act* [*here set forth the Title of this Act*], and that I will faithfully, impartially, and honestly execute the Powers and Trusts 'reposed in me as a Member of such Committee, to the best of 'my Knowledge and Ability, for the Purposes in the said Act 'mentioned. So help me GOD.'

[*If a Quaker, omit the Words* 'So help me God.']

And all Persons elected on the said Committee shall take such Oath or Affirmation at a Meeting of the said Committee, and any One of such Committee is hereby authorized to administer such

such Oath at such Meeting; and the Form of such Oath or Affirmation shall be entered by the Clerk in a Book to be prepared for the Minutes of the Proceedings of the said Committee, and shall be subscribed in such Book by every Member making or taking the same, and such Entry shall (upon Oath of any subscribing Member of the said Committee) be received as conclusive Evidence that such Oath or Affirmation was duly taken or made; and if any Person at any Time elected on the said Committee shall vote, or shall do any other Act or Thing as a Member of the said Committee, under this Act, without being duly qualified, or without having previously taken such Oath or made such Affirmation, such Person shall forfeit the Sum of Fifty Pounds, with full Costs of Suit, to any Person, being a Householder within the said City of *Londonderry* or the Suburbs or Liberties thereof, who shall sue for the same.

The Police Committee to appoint Officers.

XI. And be it further enacted, That it shall be lawful for the said Police Committee, and they are hereby authorized and required, to appoint, during Pleasure, such Treasurer and Clerk, and Collector or Collectors, and other inferior Servants, as they shall think necessary for effectuating the Purposes of this Act, and also to appoint suitable Salaries, Wages, and Allowances to and for such Treasurer, Clerk, Collector or Collectors, and other inferior Servants, and to pay such Salaries, Wages, and Allowances, out of any Monies raised or levied by such Police Committee under the Authority of this Act.

Clerk not to act as Treasurer, and *vice versâ*.

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

XIII. And

Officers to account.

XIII. And be it further enacted, That all such Officers and Persons so appointed or to be appointed as aforesaid shall, under their Hands, at such Time and Times and in such Manner as the said Committee under this Act shall direct, deliver to such Committee, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been received by such Officer or Officers, or other Person or Persons respectively, by virtue of and for the Purposes of the said Acts or this Act, and how much thereof hath been paid and disbursed by Order of the said Committee, and for what Purposes, together with proper Vouchers for such Payments, and shall pay all such Money as shall remain in their respective Hands to the said Committee, or to such Person or Persons as they shall appoint; and if any such Officer or Officers shall not make and render such Account, or produce and deliver up the Vouchers relating to the same, or make Payment as aforesaid, or shall not deliver to the said Committee, or to such Person or Persons as they shall appoint, within Fourteen Days after being thereunto required by the said Committee, all Books, Papers, and Writings in his Custody or Power relating to the Execution of their respective Offices, Trusts, and Duties, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Committee, or as they shall direct or appoint, then in any of the Cases aforesaid such Committee may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint be made by the said Committee, or by any Person or Persons by them appointed, of any such Neglect or Refusal, to any One Justice of the said City, such Justice may and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause the Officer or Officers, Person or Persons so refusing or neglecting to be brought before him, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, or, being One of the People called *Quakers*, upon Affirmation (which Oath or Affirmation such Justice is hereby required and empowered to administer), it shall appear to such Justice that any of the Monies which shall have been collected and raised or received by virtue of the said Acts or this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively, together with the Costs and Charges of such Distress and Sale, to be settled and ascertained by such Justice, and which he is hereby authorized and empowered to settle and ascertain, rendering the Overplus, if any, to the Party or Parties so distrained, or leaving the same at the Place where the Distress shall be made; and

and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of selling the Goods and Chattels so distrained, then, and in either of the Cases aforesaid such Justice shall commit any such Offender to the Common Gaol or House of Correction for the City and County of *Londonderry*, there to remain until he shall make and give a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Committee, and shall have paid such Composition, in such Manner as they shall appoint (which Composition the same Committee is hereby empowered to make), or until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Committee: Provided always, that no Person so committed shall be detained in Prison for Want of sufficient Distress only for a longer Space of Time than Three Calendar Months.

Committee to take Security from their Officers;

XIV. And be it further enacted, That it shall be lawful for such Committee and they are hereby authorized and required to take and require, from each and every of such Treasurer and Collectors, a Bond, with Two sufficient Sureties, conditioned for the punctual and faithful Discharge of their respective Trusts, in such penal Sums as such Committee shall think fit and proper, according to the Amount of Money to be received by such Treasurer or Collectors respectively; and if it shall appear that such Committee have taken such Bonds from such Treasurer and Collectors to a sufficient Amount, and have to the best of their Ability ascertained the Sufficiency and Solvency of such Treasurer and Collectors, and of their respective Sureties, and that such Committee have without Covin or Partiality provided so far as in them lay for the safe and secure keeping of such Monies and Funds by the said Treasurer and Collectors, such Committee shall not be liable to make good the Amount of any Defalcation or Embezzlement on the Part of such Treasurer or Collectors: Provided always, that such Committee and each of them shall otherwise be liable to make good the Amount thereof.

and in such Case not to be responsible;

otherwise to be liable.

Powers of Police Committee.

XV. And be it further enacted, That the said Police Committee shall have such and the same Powers over their Officers, Servants, and Collectors, and may grant the same Allowance to their Collector, and shall keep the same Accounts, and keep a Book of Minutes of Proceedings, and take the same Means for ascertaining the Amount of Money to be raised under the Provisions of this Act, and for levying it, and for appointing Applotters, and have the same Remedy against the Applotters in case they or any of them shall neglect or refuse to make their Applotment, or to return it when made, and have the same Remedy against all Persons neglecting or refusing to pay their several Assessments as the Gas Light Committee had under the said Acts of the Fifth and Sixth Years of the Reign of His Majesty King *George* the Fourth, and shall give the same Notice of their Assessment, and leave it open for Inspection at the same Place and in the same Manner as the Gas Light Committee was required under the said Acts of the Fifth and Sixth Years of the Reign of King *George* the Fourth, and have the same Power of final Decision.

XVI. And

Committee to fix Limits of City and Suburbs, and rate accordingly.

XVI. And be it further enacted, That it shall be lawful for the said Committee, and they are hereby authorized, empowered, and required, from Time to Time to ascertain, fix, and determine the Extent of the said City, and of the Suburbs or Liberties thereof, on both Sides of the River *Foyle* or *Lough Foyle*, to which the Provisions of this Act shall extend, and it shall be lawful for the said Committee once in every Year to fix, ascertain, and determine the Amount of the Rate and Assessment to be applotted upon and to be raised and levied from and off the Owners, Occupiers, or Tenants of all Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements within the Limits so to be determined as aforesaid; and the said Rate or Assessment shall be levied accordingly: Provided always, that such Rate and Assessment shall not in any One Year exceed the Sum of One Shilling in the Pound of the Valuation to be made by virtue of the said recited Acts or of this Act: Provided always, that it shall not be lawful to or for the said Committee to impose and levy any such Rate for or in respect of any Premises situate beyond the Limits to which the paving, watching, or cleansing by this Act provided shall extend; and that all Premises under the yearly Value of Ten Pounds shall be exempted from every such Assessment to be made in or after the Month of *October* next, but shall be liable to the Arrears then due.

Accounts be kept.

XVII. And be it further enacted, That the said Committee shall and they are hereby required, from Time to Time and at all Times, to order and direct a Book or Books to be provided and kept by their Clerk, Treasurer, or other Officer, who shall enter or cause to be entered therein true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things, together with the Quantities and Prices thereof respectively, for which any Sum or Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall, between the Hours of Ten in the Forenoon and Three in the Afternoon, be open to the Inspection of the Members of the said Committee, or any Creditor or Creditors of the Rates granted by this Act, without Fee or Reward, and also to any Person or Persons paying any of the said Rates upon Payment of One Shilling for such Inspection to the Officer so ordered and directed to keep such Book or Books; and the said Members and such Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and such Officer so ordered and directed as aforesaid to keep such Book or Books shall, upon Demand, forthwith give a Copy or Copies of the same or any Part or Parts thereof, the Person or Persons requiring such Copy or Copies paying at the Rate of Sixpence for every One hundred Words, and so in proportion for any greater or less Number of Words; and in case the said Officer so ordered and directed to keep such Book shall refuse to permit or shall not permit such Members or Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, or shall refuse to grant or shall not grant to any such Person or Persons, upon Demand, such Inspection or Inspections as aforesaid, or shall refuse to give or shall not

not give, upon Demand, such Copy or Copies as aforesaid, such Officer shall for every such Refusal forfeit and pay any Sum not exceeding Five Pounds; and an Abstract of the said Account shall be published in some One of the Newspapers printed within the City of *Londonderry*, and One Copy thereof transmitted to the Mayor of the said City, and One to the Governor of the *Irish* Society in *London*.

Surplus Funds may be applied to make up Deficiencies.

XVIII. And be it further enacted, That any Surplus or redundant Funds which may remain after defraying the Expences of any preceding Year shall and may be applied towards defraying the Expences of a succeeding Year, and any Deficiency of Funds or the Expenditure of a preceding Year shall and may be made good and supplied out of the Monies raised in a succeeding Year.

Watchmen to be appointed.

XIX. And be it further enacted, That it shall be lawful for the said Police Committee, and they are hereby authorized and empowered to appoint a sufficient Number of able Watchmen to keep Watch within the said City and the Suburbs thereof, and to appoint and pay proper Salaries and Wages for such Watchmen, and to provide proper Watch-houses and all necessary Articles for such Watching, and to appoint the Times of Watch, and the Stations and Duties of the several Watchmen; and any such Watchmen may be fined in any Sum not exceeding Forty Shillings, or dismissed at the Pleasure of such Police Committee or upon Complaint made before the Magistrates of the said City and Liberties of *Londonderry* in Petty Sessions assembled; and the Amount of such Fines shall be stopped out of any Wages due to such Watchmen.

Powers of Watchmen.

XX. And be it further enacted, That it shall be lawful for such Watchmen and they are hereby authorized and empowered to apprehend all such idle and disorderly Persons as they or any of them shall find committing any Breach of the Peace, or making any improper Noise or Disturbance, and to detain such Persons till Morning, or till the next lawful Day, and then to carry such Person or Persons before any of His Majesty's Justices of the Peace for the said City and Liberties of *Londonderry*, to be dealt with according to Law.

Watchmen &c. to be considered as Constables.

XXI. And be it further enacted, That all Watchmen to be appointed or employed by the said Committee shall be considered as Constables, and be sworn as such before any Magistrate of the City of *Londonderry*, and shall, while in the Execution of their Offices, be invested with the same Powers, Authorities, Privileges, and Immunities as any Constable is invested with or has or enjoys by Law, and shall be subject to the like Penalties, Pains, and Forfeitures for Misconduct as Constables are subject to.

Penalty for harbouring Watchmen during the Hours of Duty.

XXII. And be it further enacted, That if any Victualler, Publican, or other Person or Persons selling Spirituous Liquors, shall knowingly entertain or harbour in his, her, or their House any Watchmen appointed under this Act, during such Watchman's appointed Hours of Duty, every such Victualler, Publican, or other Person shall forfeit

forfeit for such Offence any Sum not exceeding Twenty Shillings for the First Offence, and Forty Shillings for the Second Offence.

Streets, &c. to be cleaned.

XXIII. And be it further enacted, That it shall be lawful for the said Police Committee to employ or contract with Scavengers to cleanse and sweep and water the Streets, Squares, Lanes, and Passages within the said City of *Londonderry* and the Suburbs thereof, and to direct in what Manner and how often the said Streets, Squares, Lanes, and Passages shall be swept, cleansed, and watered, and to provide all necessary Articles for such Purposes.

Streets to be paved.

XXIV. And be it further enacted, That it shall be lawful for the said Police Committee and they are hereby authorized and empowered to employ or contract with any Person or Persons to pave, flag, maintain, and keep in order the Streets, Squares, Lanes, and Passages within the City of *Londonderry* and the Suburbs thereof, in such Manner as such Committee shall direct, and to provide all necessary Articles for the said Purpose; and any Street forming Part of a Road running through the said City or the Suburbs thereof as aforesaid, which may at any Time before the Appointment of such Police Committee have been paved, maintained, or repaired as Part of such Road by Grand Jury Presentment, or by any other Body or Person or Persons, or in any other Manner whatsoever, shall and may from and after the Appointment of the said Police Committee be paved, maintained, and repaired by such Police Committee, if such Committee shall think fit so to determine and require: Provided always, that nothing herein contained shall extend or be construed to exonerate any Body, or Person or Persons whatsoever from his or their Duty or Obligation to maintain and repair such Street or Road, unless such Committee shall desire to take upon themselves such Duty or Obligation; and in such Case such Committee shall become liable in like Manner as the Party or Parties originally liable to such Duty or Obligation, and shall in like Manner answer for and be punishable for any Default in the Discharge or Observance of such Duty or Obligation: Provided always, that it shall not be lawful for such Committee to take upon themselves such Duty or Obligation to pave, maintain, or repair any Street or Road until they shall have been first authorized so to do by a Meeting of the Inhabitants of the said City rated and assessed as aforesaid, specially convened for that Purpose, of which Meeting Ten Days Notice shall be given as herein-before required.

Sewers, Drains, &c. to be made, and Fire Engines kept.

XXV. And be it further enacted, That it shall and may be lawful for such Police Committee and they are hereby authorized and empowered to make or cause to be made Common Sewers, Drains, and Watercourses, and the same from Time to Time to repair and cleanse, and to purchase One or more Fire Engine or Engines, with all necessary Apparatus, and to name and appoint during Pleasure, or to contract with a proper Person or Persons to take charge of such Engine or Engines, with such Number of Persons as may be necessary to work such Engine or Engines, with such Salaries and Allowances and under such Regulations as such Committee shall judge

judge proper, and to hire or rent any convenient House or Houses for keeping such Engine or Engines.

Drains, &c. to be cleansed under the Inspection of the Police Committee.

XXVI. And be it further enacted, That all private Drains or Sewers within the said City of *Londonderry* or the Suburbs thereof, issuing into any public Drain or Sewer, shall, when and as the said Committee shall require, be repaired or cleansed under the Inspection and Direction of any Person thereto authorized or appointed by the said Committee, at the Cost and Charges of the Owner or Owners, Occupier or Occupiers of the Premises to which the said private Sewers or Drains may belong.

Committee may break up or open Streets, Roads, &c.

XXVII. And be it further enacted, That it shall and may be lawful for the said Police Committee and they are hereby authorized and empowered, so often as to them may seem fit, to break up or open, or, by Warrant subscribed by the Chairman of the said Committee for the Time being to authorize any Person or Persons with whom they shall or may contract to break up or open any Street, Square, Lane, or Passage within the said City of *Londonderry* or the Suburbs thereof, for the Purposes of this Act, notwithstanding any such Street, Square, Lane, or Passage may form Part of a Turnpike Road or County Road: Provided that such Committee shall and they are hereby required to cause such Holes and Openings to be properly secured and fenced at Night, and Lights set up thereby, so as to warn Passengers and prevent Accidents.

Footways to be cleaned.

XXVIII. And be it further enacted, That it shall and may be lawful for the said Committee, if they shall so think fit, to direct and require the respective Owners and Occupiers of all Houses or other Buildings or Premises abutting upon any of the Streets, Squares, Lanes, or Passages within the said City of *Londonderry* or the Suburbs thereof, so often and at such Times and at and under any such Penalty as to the said Committee shall seem meet, not exceeding One Shilling for each Default, to cause the Footways or Foot Pavements to be well and sufficiently swept and cleansed before, behind, and on the Sides of the same, as the Situation thereof shall require, and the Dirt and Soil arising from such sweeping and cleansing to be collected and put together in such Place and Manner as to the said Committee shall seem meet; and the said Committee, if they shall think fit to establish such Order and Regulation, shall cause the same to be publicly notified in manner hereinbefore appointed for the Notification of the Election of the Committee under this Act.

Expences of lighting, &c. to be defrayed out of the Funds of this Act.

XXIX. And be it further enacted, That the Expences of Printing, Stationery, Coals, and Candles, for the Purposes of this Act, and all Expences of lighting, watching, cleansing, and paving, of making Sewers, Drains, and Watercourses, of purchasing Fire Engines and employing Workmen, and of renting Offices for the Transaction of Business, or Houses for keeping Fire Engines, and all other Costs and Charges of providing the necessary Articles for all and every of the aforesaid Purposes, and relating to all other Things which under this Act the said Committee are directed to do in the said City of

Londonderry or the Suburbs thereof, shall be paid out of any Rates, Assessments, and Sums of Money authorized to be raised and levied under this Act in the said City of *Londonderry* or the Suburbs thereof, and from the other Funds by this Act directed to be applied to such Expences: Provided always, that such Rates, Assessments, Monies, and Funds, or any Part thereof, shall not be applied to defray or satisfy any Penalties to which any Members of the said Police Committee may render themselves liable, or any Damages or Costs which may be recovered against and incurred by any such Member of the said Committee in any Suit or Process at Law or Equity whatsoever, for or by reason of any wilful Misfeasance or Nonfeasance on the Part of any Member of the said Police Committee.

Property of Pavements, &c. vested in the Police Committee.

XXX. And be it further enacted, That the Property of all Pavements, Flags, Lamps, Fire Engines, and any and every other Material, Article, or Thing purchased or paid for by any Monies applicable to the Purposes of this Act, shall be vested in the said Police Committee for the Time being, and it shall be lawful for such Committee to bring Actions or prefer Indictments against any Person stealing or carrying away or injuring any such Articles, Matters, or Things, stating the Property to be in such Committee by virtue of this Act; and in any such Actions or Indictments it shall be sufficient to state generally that such Articles, Materials, or Things are the Property of the Police Committee for the City of *Londonderry*, without naming or specifying any of the Members thereof; and no Change made or happening in or among the Persons composing such Committee shall, in any Action, Indictment, or other Civil or Criminal Proceeding whatsoever, by, for, or on behalf of or against or concerning the said Committee or their Property, abate or otherwise stay, delay, or affect any such Action, Indictment, or Proceeding.

Power to sue and be sued in Name of the Clerk or a Committee-man.

XXXI. And be it further enacted, That the said Committee may sue and be sued in the Name of their Clerk or in the Name of any One or more of the said Committee; and no Action or Suit so brought shall abate or be discontinued by the Death or Removal of such Clerk or Committee-man, or by any Act or Default of such Clerk or Committee-man, done or suffered without the Consent or Direction of the Committee for the Time being, but the Clerk or Committee-man shall always be deemed Plaintiff or Defendant in such Action or Suit, as the Case may be: Provided always, that all Costs and Expences to be incurred by or on behalf of the said Committee in prosecuting or defending any such Action or Suit shall always be defrayed out of the Money arising by virtue of this Act, unless such Action or Suit shall arise in consequence of the wilful Neglect or Default of their Clerk or Committee-man, or unless it shall have been brought, commenced, or defended without the Order or Direction of the said Committee.

Penalties for Injury or Damage to Works.

XXXII. And be it further enacted, That if any Person or Persons shall wilfully injure, damage, or destroy any Watch-house or Watch-box, or any Lamp, Lamp Iron, or Lamp Post, or any Sewer, Drain, or Fire Engine, or shall wantonly extinguish any Lamp or Lamps, or shall tear up the Pavement or Flagway in any Street, Square,

Lane, or Passage within the said City of *Londonderry* or the Suburbs thereof, or shall in any other Manner wilfully damage, injure, or destroy any Article or Material, Matter or Thing, employed for effectuating the Purposes of this Act, or any Work which the said Police Committee may undertake for such Purposes or any of them, it shall and may be lawful for any Person or Persons to apprehend and detain any and every such Offender until such Offender can be carried before any Justice of the Peace; and every Person so offending, being convicted of such Offence before such Justice, shall for every such Offence forfeit a Sum not exceeding Five Pounds: Provided always, that the levying any such Penalty shall be no Bar to any Action at the Suit of the said Police Committee for the Damages thereby done or occasioned.

Recited Acts 40 G. 3. (I.) and 48 G. 3. c. 136. in part repealed, and this Act to take effect in lieu thereof.

XXXIII. And whereas since the passing of the said Acts of the Fortieth and Forty-eighth Years of the Reign of His late Majesty the Trade of the City of *Londonderry* has considerably increased, and it is become expedient, for the Encouragement and Extension of Commerce, to make further Provisions for the Regulation of Pilots, and of the Shipping and Vessels, and the Masters, Owners, and Crews thereof, resorting to or arriving at or plying within the Lough, River, Port, or Harbour of *Lough Foyle*; be it therefore enacted, That from and after the Thirty-first Day of *October* One thousand eight hundred and thirty-two all and singular the Provisions, Powers, Penalties, Matters, and Things contained in the said recited Acts of the Fortieth Year of the Reign of King *George* the Third, and of the Forty-eighth Year of the Reign of King *George* the Third, relating to the Port and Harbour of *Lough Foyle*, and to the Regulation of Pilots therein, shall be and the same are hereby repealed, except so far as the said recited Acts repeal any other Act or Acts; and this Act, so far as relates to the Port and Harbour of *Lough Foyle*, and to the Regulation of Pilots therein, shall from thenceforth commence and take effect and be put in execution in lieu thereof: Provided nevertheless, that every Bye Law, Act, Matter, or Thing already made, executed, or commenced by virtue of the said recited Acts shall be as good, valid, and effectual as if the said Acts had not been repealed; and the Duties by this Act imposed shall be subject to the Payment of all Monies due under the said recited Acts; and all Sums of Money and Effects, of what Nature or Kind soever, which were vested in or belonged to the former Ballast Office Committee, shall be vested in the Committee by this Act established; and all Accounts, Books, and Vouchers shall be handed over to them, and all Officers or Persons who have been employed under the Committee appointed by the Acts hereby repealed, and their Securities, shall be and remain liable for and account and pay all Duties or other Money received by them, and deliver over all Boats, Crafts, Machinery, Books, Papers, or Things relating to the said Harbour, Port, and River of *Lough Foyle*, and give up the same to the Committee established by this Act, or to any Person whom they may appoint; and each and every Officer, except the Treasurer, appointed by the Acts hereby repealed, shall hold and exercise their respective Offices until they shall die, resign, or be displaced or removed by the Committee by this Act established;

established; and that all Debts, Rates, and other Monies due from, to, or by the said Committee created by the Acts hereby repealed, or any of them, shall be deemed to be owing to, from, or by the Committee by this Act established; and this Act shall not abate Actions for Penalties already brought; and all Persons to whom Penalties would have accrued under the former Acts may sue for the same as fully and amply as if the said Acts had not been repealed.

Not to affect any Proceedings already had.

XXXIV. And be it further enacted, That all Purchases, Sales, Conveyances, Grants, Leases, Agreements, Securities, Acts, Matters, Proceedings, Bye Laws, or other Transactions or Things whatsoever already made, done, executed, transacted, commenced, or instituted under or by virtue or in pursuance of the said Acts or any of them shall be, and the same are hereby declared to be as good, valid, and effectual, to all Intents and Purposes whatsoever, as if the said Acts respectively were not repealed.

The Ballast Office Committee appointed.

XXXV. And be it further enacted, That the Mayor of the said City for the Time being, together with *John Nicholson*, *Thomas Harvey*, *Adam Schoales*, *Patrick Gilmour*, *Thomas Ramsay*, *William Leathem*, and *Joseph Kelso*, and their Successors, shall be and they are hereby appointed a Committee for carrying into execution the Purposes of this Act, as after mentioned, so far as the same relate to the Harbour of *Lough Foyle*, and the said Committee shall be called *The Ballast Office Committee for the Lough and River, Port and Harbour of* Lough Foyle, which said Committee, or any Three or more of them, shall have full Power to carry into execution all the Powers and Provisions of this Act relating to Pilots, Navigation, Shipping, and Vessels, and the Masters, Crews, and Owners thereof, in manner herein-after mentioned.

Ballast Office Committee may sue and be sued.

XXXVI. And be it further enacted, That the said Ballast Office Committee may sue and be sued in the Name of their Clerk or in the Name of any One or more of the said Committee, and no Action or Suit so brought shall abate or be discontinued by the Death or Removal of such Clerk or Committee-man, or by any Act or Default of such Clerk or Committee-man done or suffered without the Consent or Direction of the Committee for the Time being, but the Clerk or Committee-man shall always be deemed Plaintiff or Defendant in such Action or Suit, as the Case may be: Provided always, that all Costs and Expences incurred by or on behalf of the said Committee in prosecuting or defending any such Action or Suit, shall always be defrayed out of the Money arising by virtue of this Act, and vested in the said Ballast Office Committee, unless such Action or Suit shall arise in consequence of the wilful Neglect or Default of the Clerk or Committee-man, or unless it shall have been brought or commenced or defended without the Order or Direction of the said Committee.

Oath to be taken by Members of Committee.

XXXVII. And be it further enacted, That every Member of the said Ballast Office Committee shall, before acting as a Member of the said Committee in the Execution of this Act, take and subscribe an Oath or Affirmation before the Mayor or the Recorder, or any Magis-

Magistrate of the said City of *Londonderry*; which Oath or Affirmation any Magistrate of the said City is hereby empowered to administer in the Words or to the Effect following; (that is to say;)

'I *A. B.* do swear [*or* affirm], That I will diligently, faithfully, and impartially execute the Powers vested in me by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act* [*here insert the Title of this Act*], to the best of my Skill and Judgment. So help me GOD.'

[*Or, if a Quaker, omit the Words* 'So help me God.']

And any Member of the said Ballast Office Committee who shall act in the Execution of this Act without taking and subscribing such Oath or Affirmation as aforesaid shall for every Offence forfeit the Sum of Fifty Pounds.

Electors. XXXVIII. And be it further enacted, That at all Meetings for the Election of new Members of the said Committee or for the Supply of Vacancies, howsoever happening, or any Auditors, all the surviving or remaining Members of the said Committee, and also all Persons resident in the said City of *Londonderry* and within Three Miles from the Corporation Hall of the said City, who shall be and have been the Owners for Six Months previous to such Meeting of a Share or Shares in Vessels registered from the said Port or Harbour of *Lough Foyle* to the Amount of One hundred Pounds, or who shall have imported or exported Goods of the Value of Five hundred Pounds during the preceding Year, or who shall have paid Freights during the preceding Year to the Amount of Fifty Pounds, and who shall also be the Occupier of Premises rated at Ten Pounds or upwards to the annual Applotment before mentioned, shall be admitted and entitled to vote.

Eligibility of Members of Committee. XXXIX. And be it further enacted, That no Person or Persons shall be eligible or qualified to act as a Member or Members of the said Committee unless he or they shall at the Time of such Election be the Owner or Owners of a Share or Shares in Vessels registered from the said Port or Harbour of *Lough Foyle* to the Amount or of the Value of Two hundred and fifty Pounds, or unless he or they shall have been respectively Importers or Exporters of Goods during the preceding Year to the Value of Two thousand Pounds, or have paid Freights in the Year preceding amounting to Two hundred Pounds, and unless such Person or Persons shall be resident within Three Miles of the said Corporation Hall of *Londonderry*, and unless such Person or Persons shall also be the Occupier of Premises rated at Thirty Pounds or upwards to the annual Applotment before mentioned.

How Members of a Copartnership shall vote. XL. And be it further enacted, That in Cases where Two or more Persons shall be jointly qualified as Members of a Copartnership, each and every of such Persons whose Share shall in respect of his Interest in such Copartnership be sufficient shall be entitled, if resident, to vote at Elections for the Members of the said Committee, or to be elected thereon; and if the whole joint Interest of any Copartnership shall amount to the said Qualification, and that the Share of no

no One Member of such Copartnership shall amount to the said Qualification, the Members of such Copartnership shall have One Vote, to be given for and in behalf of them all by the Person whose Name shall stand first in such Copartnership.

Election of Members of Committee.

XLI. And be it further enacted, That the said *John Nicholson* and *Thomas Harvey* shall go out of Office and cease to be Members of the said Committee on the First *Monday* in *November* One thousand eight hundred and thirty-three, and that Two Persons resident and qualified as before mentioned shall be elected in their Stead to be Members of the said Committee at a Meeting to be held on the said First *Monday* in *November*, to be called by public Advertisement (of which Meeting Ten Days Notice in some One Newspaper published in the City of *Londonderry* shall be given by the Clerk of the Ballast Office Committee), by the Persons qualified to vote for the Election of Members under the Provisions herein-before made in that Behalf, and such Persons so elected shall continue in Office until by the Rotation herein-after established the Time of Office of such Persons shall have been completed, and until others shall be elected in their Stead, except in the Case of Death, Resignation, or Disqualification; and on the First *Monday* in *November* One thousand eight hundred and thirty-four the Two Members of the said Committee enumerated next after the said *John Nicholson* and *Thomas Harvey* shall in like Manner go out of Office, and their Places shall be in like Manner supplied by Two Persons; and so on in Rotation for ever, the Two senior Members of the said Committee going out of Office on the First *Monday* in the Month of *November* in each succeeding Year, and others being elected in their Stead, and the Members so elected continuing in Office until by Rotation their appointed Term of Office shall have expired, and others shall be elected in their Stead, and so on for ever: Provided always, that the Person or Persons going out of Office or ceasing to be Members of the said Committee as aforesaid, shall, if otherwise duly qualified, be at all Times eligible to be re-elected; and the Mayor of the City of *Londonderry* for the Time being, shall, when present, always be the Chairman of the said Committee; and the said Mayor, or in his Absence the senior Member of the said Ballast Office Committee who shall be present, shall be Chairman at all such Election Meetings; and in case of any Dispute as to the Right of voting of any Person the same shall be heard and finally determined by such Chairman.

Election of Members on Vacancies.

XLII. And be it further enacted, That in case any Member of the said Committee shall happen to die, or resign, or refuse or decline to act, or cease to reside in the said City of *Londonderry* or within Three Miles of the Corporation Hall of the said City, or shall cease to be a Member of the said Committee from any other Cause, the remaining Members of the said Committee, or any Three or more of them, or their Clerk, shall, by public Advertisement in such Newspaper or Newspapers in the said City of *Londonderry* as they shall appoint, convene a Meeting, of which Ten Days previous Notice shall be given, and such Persons, qualified as aforesaid, as shall be present thereat shall proceed to the Election of and shall nominate and appoint, by a Majority of the Persons present qualified to vote, a fit

a fit and able Person, resident and qualified as aforesaid, to be a Member of the said Committee in the Room or Stead of the Member so dying, resigning, refusing or declining to act, or ceasing to reside or be a Member of the said Committee as aforesaid; and until such Vacancy shall be supplied the surviving Members of the said Committee, or any Three or more of them, shall be competent to act.

Auditors.

XLIII. And be it further enacted, That at the General Meeting to be held on the First *Monday* in *November* in every Year for the Election of Members of the said Ballast Office Committee it shall and may be lawful for the Persons qualified to vote at such Meeting to choose Three Persons, being Merchants of the said City of *Londonderry*, and not being Members of the said Committee, to be Auditors of the Accounts of the said Committee for the Year past; and in case the said Meeting shall refuse or neglect to appoint such Auditors, then it shall be lawful for the Mayor, Commonalty, and Citizens of *Londonderry*, at their next Common Council, to appoint such Auditors for the Purposes of this Act.

Name of the Masters and Number, &c. to be painted on Vessels.

XLIV. And for the better regulating the Masters of Boats, Barges, Lighters, or other Vessels, and the Boatmen, Bargemen, or others employed by or under them respectively, passing on and navigating the said Lough and River, Port and Harbour of *Lough Foyle*, be it further enacted, That every Owner, Master, or Person having the Rule or Command of any Boat, Barge, Lighter, Smack, Gabbard, Wherry, Float, or Cot (except Pleasure Boats) navigating or passing in, on, or within the said Lough or River, Port or Harbour, shall cause his Name and Place of Abode, and the progressive Number of his Boat, Barge, Lighter, Smack, Gabbard, Wherry, Float, Cot, or other Vessel as aforesaid to be from Time to Time painted in large legible Characters or Letters Two Inches long at the least, on some conspicuous Part of each of the Outsides of every such Vessel higher than the same shall sink into the Water when fully laden; and shall also in like Manner cause to be painted on the Outside of each such Vessel certain Lines or Marks, with Figures over each Line or Mark, to denote the Number of Tons Burthen which each such Vessel contains when the same is sunk in the Water to the Depth of such Line or Mark; and shall cause to be put, made, renewed, and continually kept on all such Vessels all such Marks, in Paint or otherwise, under such Regulations as the said Ballast Office Committee shall by any Bye Law or Bye Laws from Time to Time direct and appoint, so that the true Name, Place of Abode, Number, and Burthen belonging to every such Vessel as aforesaid may at all Times clearly appear and be ascertained; and every Owner, Master, or other Person having the Rule or Command of any Vessel as aforesaid, who shall refuse or neglect to renew as often as necessary his Name and Place of Abode, or the progressive Number of his Vessel or Vessels, or any Lines, Marks, or Figures herein-before directed, or which shall be directed by any such Bye Law on such Vessel in manner aforesaid, or shall deface, erase, or destroy any Name, or any Letter, Mark, Line, or Figure describing the Number of such Vessel and the Tonnage thereof as aforesaid,

As also an Index of Tonnage.

shall for every such Offence respectively forfeit and pay to the Use of the said Ballast Office Committee any Sum not exceeding Ten Pounds.

Committee may appoint Officers, and allow them Salaries.

XLV. And be it further enacted, That the said Ballast Office Committee shall and may elect or appoint a Treasurer, Clerk, Collector or Collectors, Pilot Master, Surveyor or Surveyors, Harbour Master or Harbour Masters, Ballast Master, and such other Officers, Servants, Workmen, and Persons as the said Committee shall think proper, and the said Committee may from Time to Time at any of their Meetings remove all or any of the said Officers or Persons at their Will and Pleasure, and appoint others in the Room or Stead of such of them as shall die, or decline or become incapable to act, or be so removed; and it shall be lawful for the said Committee, out of the Money to arise by virtue of this Act, to appoint and pay such Salaries or other Allowance to the said Officers; or any other Person or Persons employed in or about the Execution of this Act; and the said Officers or any other Person or Persons employed in or about the Execution of this Act shall give Security to the said Committee, to the Satisfaction of the said Committee, for the faithful Discharge of his or their Duty or Duties under this Act; and the said Pilot Master shall from Time to Time visit and inspect the said Lough and River, Port and Harbour of *Lough Foyle*, and shall, whenever thereunto required by the said Committee, make a Report in Writing to the said Committee upon the State of the same, and of all Matters and Things relating to the Pilotage and Navigation thereof, and on all Matters and Things on which he shall be directed by the said Committee so to make any Inquiry or Report, from Time to Time, as to the said Committee shall seem fitting and expedient; and the said Committee shall once in every Year, between the First Day of *November* and the First Day of *December*, make out a true Account of all Rates and Duties and other Sum or Sums received by them in the preceding Year, and of all Disbursements thereout, and of the Application thereof in the Payment of Salaries and in other Expences, pursuant to this Act, with a Statement of the Balance (if any) then in the Hands of the Committee, their Treasurer or Clerk; and the said Account shall be signed by the said Treasurer, and by him delivered to the Clerk, to be laid before the Auditors to be appointed at the General Annual Meeting, to be by them examined, and printed by and at the Expence of the said Ballast Office Committee; and an Abstract thereof shall be published in some One of the Newspapers printed within the City of *Londonderry*, and One Copy thereof transmitted to the Mayor of the said City, and One to the Governor of the *Irish* Society in *London*.

Duty of Auditors.

Clerk and Treasurer not to be the same Person.

XLVI. Provided always, and be it further enacted, That it shall not be lawful to continue or appoint any Person to be the Clerk in the Execution of the said recited Acts or this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for any of the Purposes of the said recited Acts or this Act, or to continue or appoint any Person to be the Treasurer, or the Partner of

of any such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk under the said recited Acts or this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of the said recited Acts or this Act, or if any Person being the Partner of any such Clerk or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or, being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of the said recited Acts or this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said recited Acts or this Act, other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record in *Dublin*, by Action of Debt or upon the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Proceedings to be entered in a Book.

XLVII. And be it further enacted, That the said Committee shall cause One or more Book or Books to be provided and kept, and shall cause fair and regular Entries to be made therein of the several Meetings, and Names of the Members attending such Meetings, and of the Nomination of all Officers and Persons, and of all Acts, Orders, and Proceedings relative to the Execution of this Act; and the Chairman for the Time being, and the Clerk attending such Meeting, or any Two of the Members present, shall subscribe their Names to the Proceedings of every such Meeting; and all Entries in such Books, being signed as aforesaid, shall be deemed Originals, and they, or compared and examined Copies of the same, shall be admitted to be read in Evidence in all Causes, Suits, and Actions touching any thing to be done in pursuance and by virtue of this Act; and such Books shall be kept by the Clerk to the said Committee, and shall at every Meeting, and at all other Times between the Hours of Ten in the Forenoon and Three in the Afternoon, be open and liable to the Inspection of the Members of the said Committee or any of them, or of the Clerk or any of the Members of the said Society of the Governor and Assistants of *London* of the New Plantation in *Ulster* within the Realm of *Ireland*.

Accounts to be kept.

XLVIII. And be it further enacted, That the said Committee shall and they are hereby required, from Time to Time and at all Times, to order and direct a Book or Books to be provided and kept by their Clerk, Ballast Master, Treasurer, or other Officer, who shall enter or cause to be entered therein true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things, together with the Quantities and Prices thereof respectively, for which any Sum or Sums of Money shall have been disbursed, laid

laid out, and paid; and such Book or Books shall, between the Hours of Ten in the Forenoon and Three in the Afternoon, be open to the Inspection of the Members of the said Committee, or any Creditor or Creditors of the Rates granted by this Act, without Fee or Reward, and also to any Person or Persons paying any of the said Rates, upon Payment of One Shilling for such Inspection, to the Officer so ordered and directed to keep such Book or Books; and the said Members and such Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and such Officer so ordered and directed as aforesaid to keep such Book or Books shall, upon Demand, forthwith give a Copy or Copies of the same or any Part or Parts thereof, the Person or Persons requiring such Copy or Copies paying at the Rate of Sixpence for every One hundred Words, and so in proportion for any greater or less Number of Words; and in case the said Officer so ordered and directed to keep such Book shall refuse to permit or shall not permit such Members or Creditors or any of them to inspect the same, or to take such Copies or Extracts as aforesaid, or shall refuse to grant, or shall not grant to any such Person or Persons, upon Demand, such Inspection or Inspections as aforesaid, or shall refuse to give or shall not give, upon Demand, such Copy or Copies as aforesaid, such Officer shall for every such Refusal forfeit and pay any Sum not exceeding Five Pounds.

Ballast Office Committee may make Bye Laws.

XLIX. And be it further enacted, That the said Ballast Office Committee, or any Three or more of them, shall from Time to Time have full Power and Authority, and they are hereby authorized, empowered, and required, to make Rules, Bye Laws, and Orders, and from Time to Time to alter the same, and also any Rules, Bye Laws, and Orders which may have been made by virtue of the said recited Acts, for the cleansing and improving of the said Lough and River, Port and Harbour of *Lough Foyle*, and for the fixing and placing of proper Buoys and Marks therein, and for the using of any Docks connected therewith under the Direction of the said Ballast Office Committee, and for the good and orderly using of the Navigation of the said River *Lough Foyle*, and for the placing and removing of all Vessels or Ships within the said Harbour, and for regulating the Manner of supplying, lifting, receiving, taking in, and throwing out of Ballast, and all Matters and Things relating thereto, and for the licensing and registering of all such Boats, Barges, Lighters, and other Vessels which shall be employed, and for the well governing of the Boatmen and Bargemen, Lightermen, Watermen, Seamen, and others by whom such Boats, Barges, Lighters, Smacks, Gabbards, Wherries, Floats, Cots, and other Vessels shall be employed in conveying or carrying Goods, Wares, Commodities, Merchandize, or Things upon any Part of the said River or Lough, and for the ascertaining, ordering, and regulating the several Rates, Fares, and Prices to be paid for the Freight, Use, Hire, or Employment of such Boats, Barges, Lighters, Smacks, Gabbards, Wherries, Floats, Cots, and Vessels, and of the Watermen, Lightermen, Masters, and Owners thereof, and other Persons concerned in the Navigation thereof, or of any Docks within the said Lough and River, Port and Harbour, and for the licensing, Management, and Government of

Pilots there who shall be appointed in pursuance of this Act, and in all Matters and Things relating to Pilotage upon the said Lough and River, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Bye Laws, and Orders, or any of them, as to the said Ballast Office Committee shall seem meet, not exceeding the Sum of Forty Shillings on any One Person for any One Offence; which said Rules, Bye Laws, and Orders, being put into Writing, and signed by any Five of the said Ballast Office Committee, and their Clerk, shall be binding on and shall be observed by all Persons, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same: Provided always, that no such Rules, Bye Laws, and Orders, or any Alteration thereof, be repugnant to any Law or Statute of that Part of the United Kingdom called *Ireland*, or any thing in this Act contained; and all such Rules, Bye Laws, and Orders, and any Alteration thereof, shall be subject to Appeal in manner herein mentioned.

Bye Laws to be entered in a Book.

L. And be it further enacted, That all Rules, Bye Laws, Orders, and Proceedings of the said Ballast Office Committee in the Execution of this Act shall be fairly entered in a Book or Books to be kept for that Purpose; and such Rules, Bye Laws, Orders, and Proceedings, when entered, shall be signed by Five of the said Committee and their Clerk, who are hereby required to set their Names thereto; and the said Rules, Bye Laws, Orders, and Proceedings, or any Copy thereof, signed and authenticated by the Clerk to the said Committee, shall and may be produced and read in Evidence in all Cases of Appeal, Suits, Actions, or other Proceedings touching any thing done in pursuance of this Act.

Copies of Bye Laws to be hung up in Custom House and Ballast Office and Mayor's Office.

LI. And be it further enacted, That Copies of all such Bye Laws, Rules, Orders, and Regulations as shall be so made as aforesaid shall be written, printed, or painted in large Characters, with the Name of the Clerk to the said Ballast Office Committee affixed thereto, and shall be fixed or hung up in some public or conspicuous Place in the Custom House, the Office of the said Ballast Office Committee, the Office of the Mayor of *Londonderry*, and in the Office of the Collector of the Customs of the said City of *Londonderry*, and shall be renewed as often as the same shall become obliterated, defaced, or altered.

Boats, &c. plying in Lough or River to be licensed.

LII. And be it further enacted, That the Owner or Owners, Master, or other Person or Persons in the Charge, Management, or Command of every Smack, Lighter, Gabbard, Barge, Wherry, Float, Cot, or Boat which shall ply in the said Lough or River of *Lough Foyle* within One Mile of the Public Quays of the said Port and Harbour of *Londonderry*, or which shall be used or employed in any Manner on the said Lough or River of *Lough Foyle* within One Mile of the said Quays, or which shall at any Time be found on the said Lough or River of *Lough Foyle* within One Mile of the said Quays, shall from Time to Time pay to the said Ballast Office Committee an Annual Sum not exceeding in any Case the Sum of Twenty Shillings for a Licence for each such Smack, Lighter,

Gabbard, Barge, Wherry, or Float, and Five Shillings for each Cot or Boat, according to such Bye Laws, Rules, and Regulations, and subject to such Penalties as the said Committee shall make, direct, and order, according to the Provisions of this Act; and in case any Smack, Lighter, Gabbard, Barge, Wherry, Float, Cot, or Boat shall be found plying on the said Lough or River of *Lough Foyle*, or used or employed in any Manner, or shall at any Time be found on the said Lough or River within One Mile of the said Quays of the Port and Harbour of *Londonderry*, not duly licensed as aforesaid, it shall and may be lawful for the said Ballast Office Committee, or for any Person or Persons duly authorized by such Ballast Office Committee, to seize and detain such Smack, Lighter, Gabbard, Barge, Wherry, Float, Cot, or Boat, and all Tackle, Rigging, Sails, Oars, Boat, and other Articles, Matters, and Things found on board the same, or any Part thereof, until the said Licence Duty, and such Penalty or Penalties as the Owner or Owners, Master, or other Person or Persons in the Charge, Management, or Command thereof shall have become liable to shall be duly paid and satisfied, and in default of such Payment within Ten Days after such Owner or Owners, Master, or other Person or Persons having the Charge, Management, or Command of such Smack, Lighter, Gabbard, Wherry, Float, Cot, or Boat has been duly convicted of such Offence, to sell the same, and all Tackle and Furniture belonging or appertaining to such Smack, Lighter, Float, Cot, or Boat, or such Part thereof as shall be sufficient to pay and discharge the said Licence Duty, and such Penalty or Penalties as aforesaid: Provided always, that it shall not be necessary for any Smack, Sloop, Wherry, or other Vessel coming into or arriving at the said Lough or River, Port or Harbour of *Lough Foyle*, from any other Port in *Ireland* out of the said Lough or River of *Lough Foyle*, or from any other Port in any other Country, nor for any Boat or other Vessel used or employed *bonâ fide* as a Pleasure Boat, or used solely for Fishing, to be licensed as herein-before mentioned; provided also, that from and after the First Day of *November* One thousand eight hundred and thirty-two all such Licences as aforesaid shall be granted under the Hands and Seals of any Three or more of the said Ballast Office Committee.

Vessels navigating Lough Foyle to be conducted by Pilots licensed by the Ballast Office Committee.

LIII. And be it further enacted, That all Vessels trading to or from the Lough, River, Port, or Harbour of *Lough Foyle* shall be conducted, piloted, and navigated by Pilots annually authorized and licensed by the Ballast Office Committee: Provided always, that no such Licence shall be granted unless the Person requiring such Licence shall be a fit and proper Person to be so licensed as a Pilot, nor unless such Person shall have paid to the Use of the said Committee a Sum not exceeding One Pound, the Payment whereof shall be certified by the Clerk of the said Committee; and the Master, Owner or Owners of every such Ship or Vessel which shall be navigated within the Limits aforesaid, without a Pilot licensed as aforesaid, shall forfeit Treble the Sum which would have been demanded for the Pilotage of such Ship or Vessel, together with Five Pounds for every Fifty Tons Burthen of such Ship or Vessel.

LIV. And

Rates of Pilotage.

LIV. And be it further enacted, That the Master, Commander, Owner or Owners, Consignee or Consignees of every Ship or Vessel coming into the said Lough and River, Port and Harbour of *Lough Foyle*, from Sea, or going out of the same to Sea, shall, for every such Ship or Vessel not being in His Majesty's Service, pay or cause to be paid, as and for Pilotage, to the Ballast Master at the Ballast Office of the said Port, on the said Vessel entering or going out of the said Port, a Rate, Duty, or Sum not exceeding the several Sums of Money set down in the Figures in the Table herein-after mentioned.

PILOTAGE.

British Ships of every Description or Steam Boats.

INWARDS.

		Per Foot, and Inches in proportion.	
	7 Feet and under to pay £1 1*s.* 0*d.*	*s.*	*d.*
Above	7 Feet and under 8 to pay at the Rate of	3	0
	8 - - - 9 - - - - -	3	3
	9 - - - 10 - - - - -	3	6
	10 - - - 11 - - - - -	4	0
	11 - - - 12 - - - - -	4	6
	12 - - - 13 - - - - -	5	0
	13 - - - 14 - - - - -	5	6
	14 - - - 15 - - - - -	6	0
	15 Feet and upwards at the Rate of - -	6	6

OUTWARDS.

	7 Feet and under to pay 15*s.* 9*d.*		
Above	7 Feet and under 8 to pay at the Rate of	2	3
	8 - - - 9 - - - - -	2	7
	9 - - - 10 - - - - -	3	0
	10 - - - 11 - - - - -	3	4
	11 - - - 12 - - - - -	3	9
	12 - - - 13 - - - - -	4	1
	13 - - - 14 - - - - -	4	6
	14 - - - 15 - - - - -	4	10
	15 Feet and upwards at the Rate of - -	5	3

Alien Ships of every Description or Steam Boats.

INWARDS.

	7 Feet and under to pay £1 11*s.* 6*d.*	*s.*	*d.*
Above	7 Feet and under 8 to pay at the Rate of	4	6
	8 - - - 9 - - - - -	5	0
	9 - - - 10 - - - - -	5	6
	10 - - - 11 - - - - -	6	0
	11 - - - 12 - - - - -	6	6
	12 - - - 13 - - - - -	7	0
	13 - - - 14 - - - - -	7	6
	14 - - - 15 - - - - -	8	0
	15 Feet and upwards at the Rate of - -	8	6

OUTWARDS.

OUTWARDS.	Per Foot, and Inches in proportion.	
	s.	*d.*
7 Feet and under to pay £1 6*s.* 3*d.*		
Above 7 Feet and under 8 to pay at the Rate of	3	9
8 - - - 9 - - - - -	4	1
9 - - - 10 - - - -	4	6
10 - - - 11 - - - -	4	10
11 - - - 12 - - - -	5	3
12 - - - 13 - - - -	5	7
13 - - - 14 - - - -	6	0
14 Feet and upwards at the Rate of - -	6	6

Vessels under Twenty-five Tons Burthen *per* Register shall pay Fifteen Shillings Inward Pilotage, and Ten Shillings and Sixpence Outward Pilotage, if *British.*

All Vessels laden with Bark under One hundred and twenty Tons to pay Sixpence *per* Foot extra; One hundred and twenty Tons, and not exceeding One hundred and Fifty Tons, Nine-pence *per* Foot extra; One hundred and fifty-one Tons, One Shilling *per* Foot extra.

All *British* Ships from Foreign Ports, or if bound to Foreign Ports, or having on board half a Cargo, or with Passengers, to pay Four-pence *per* Foot in addition to the above Charges.

Pilots detained on board Vessels, the Sum of Three Shillings and Sixpence *per* Day when the Measurement of such Vessels does not exceed One hundred and fifty Tons, and when such Measurement exceeds One hundred and fifty Tons the Sum of Four Shillings and Sixpence *per* Day.

Penalty on Persons acting as Pilots, not being licensed.

LV. And be it further enacted, That no Person shall take charge of any Vessel, or in any Manner act as a Pilot, or receive any Compensation for acting as a Pilot within the Limits aforesaid, unless authorized by Licence by virtue of this Act; and no such Pilot shall act without having his Licence at the Time of his so acting in his personal Custody, ready to be produced, which shall actually be produced to any Person who shall lawfully require to see the same, on pain of forfeiting a Sum not exceeding Five Pounds.

Not to extend to Cases where Ships are in Distress.

LVI. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to hinder any Person or Persons from assisting any Ship or Vessel in Distress, or subject such Person or Persons, or the Owner or Master of any Ship or Vessel employing such Persons within the Limits aforesaid, to the Penalties of this Act; any thing herein contained to the contrary notwithstanding.

Exemption in Cases where no Pilot can be procured.

LVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to subject to any Penalty any Owner or Captain or Master of any Ship or Vessel who shall employ any Person or act himself as a Pilot for the Conduct of his Ship or Vessel, in any Case where a licensed Pilot cannot be procured.

Licensed Pilots may supersede unlicensed Persons.

LVIII. Provided always, and be it further enacted, That it shall be lawful for any licensed Pilot to supersede any Person not licensed as a Pilot in the Charge of any Ship or Vessel within the said Port or Harbour of *Lough Foyle;* and every Master who shall within the Limits of the said Port continue any Person not licensed as herein-before mentioned after any Pilot licensed as aforesaid to act within the said Limits shall have offered to take charge of such Ship or Vessel, and every Person assuming or continuing in the Charge or Conduct of any Ship or Vessel within the Limits aforesaid without being duly licensed as herein-before mentioned, after any other Pilot licensed as aforesaid shall have offered to take charge thereof, shall respectively forfeit for every such Offence a Sum not exceeding Ten Pounds.

Penalty on Pilots misconducting themselves in the Discharge of their Duty.

LIX. And be it further enacted, That every Pilot licensed under this Act who shall refuse to take charge of any Ship or Vessel, or who shall exact any Fee or Reward beyond the established Rates of Pilotage, or who shall quit any Ship or Vessel or decline the Pilotage thereof after he shall have been engaged or gone alongside thereof, without Leave of the Owner, Master, Captain, or Person having the chief Command of such Ship or Vessel, or before the Service shall have been performed for which he was hired, or shall by Drunkenness render himself incapable of conducting such Ship or Vessel, or shall negligently, ignorantly, or wilfully run such Ship or Vessel on shore, or shall, by Misdirection or otherwise, do any Injury to the same or to the Tackle or Furniture thereof, or shall lend his Licence or Warrant to any unlicensed Person to enable or to assist him in acting or claiming to act as a licensed Pilot, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, and shall be liable to be dismissed from being a Pilot, at the Discretion of the said Ballast Office Committee.

Yearly Sum to be allowed to superannuated Pilots, &c.

LX. And in order to enable the said Ballast Office Committee to give due and sufficient Encouragement to Persons acting as Pilots to be active and diligent in their Duties as such, be it enacted, That it shall and may be lawful for the said Ballast Office Committee to appoint any yearly Sum or Sums of Money to be paid to such superannuated or sickly Pilots as they shall think proper, and to the Widow or Widows of any Pilot or Pilots who shall have been drowned or lost in the Discharge of his or their Duty as such under this Act; provided that all such Sums together shall not exceed in the whole the Sum of One hundred Pounds in any One Year; and also from Time to Time grant and pay any Pilot or Pilots any Sum or Sums of Money which the said Committee may think such Pilot or Pilots may deserve, for any extraordinary Service performed by him or them, not exceeding the Sum of Ten Pounds; and all such Sums shall be paid out of the Payments, Rates, Duties, and Revenues which shall arise and be payable to the said Committee under this Act.

Tonnage Duties.

LXI. And be it further enacted, That there shall be paid and payable to the said Ballast Office Committee, by the Master or Owner of every Ship or Vessel arriving in the Lough or River, Port or

Harbour of *Lough Foyle*, to such Person or Persons, for the Use of the said Committee, as shall be duly authorized by the said Committee to receive the same, the following Rates and Duties and Sums of Money over and above all other Rates and Duties and Sum and Sums of Money now payable by any such Masters or Owners; (that is to say,)

For every Foreign Ship or Vessel, or such as shall not belong to any of His Majesty's Subjects of the United Kingdom of *Great Britain* and *Ireland* or in the Plantations, a Sum not exceeding Sixpence for every Ton of the Burthen of such Ship or Vessel:

And for every Ship or Vessel which shall belong to any of His Majesty's Subjects in the United Kingdom of *Great Britain* and *Ireland*, or the Plantations, a Sum not exceeding the Sum of Three Pence for every Ton of the Burthen of such Ship or Vessel:

And for every Ship or Vessel arriving in the said Harbour laden with Coals, and every Ship or Vessel arriving and trading from any Port of *Ireland* to *Londonderry*, a Sum not exceeding the Sum of Two-pence for every Ton Burthen of such Ship or Vessel:

Ships or Vessels arriving in Ballast, or taking Refuge owing to Stress of Weather, always excepted:

The said several and respective Rates and Duties to be paid on every Voyage which such Ship or Vessel respectively shall make to the said Harbour of *Londonderry*.

Power to reduce Dues on Foreign Ships and Goods.

LXII. And be it further enacted, That it shall and may be lawful to and for His Majesty, in and by an Order of Council, or to and for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer for the Time being, in and by any Order in Writing, from Time to Time and at all Times to reduce the Duties hereby made payable on all or on such or on so many of the Foreign Ships or Vessels, or on the Ballast supplied to Foreign Ships as shall be deemed expedient, to such and the like Duties as are hereby and hereafter shall, in pursuance of the Powers herein contained, be payable in respect of *British* Ships or Vessels.

Ships shall not be discharged till Tonnage Duty and Pilotage be paid.

LXIII. And be it enacted, That the Officers of His Majesty's Customs in the said City of *Londonderry* may refuse to clear or discharge any Ship or Vessel Outward bound, or to permit any Ship or Vessel Outward bound to sail, until the Commander or Master thereof shall have brought and produced to the said Officer a Discharge from the said Ballast Office Committee, or the Person appointed by them to receive the said Tonnage Duty and Pilotage, certifying that the Tonnage Duty and Pilotage payable under this Act shall have been paid in respect of such Ship or Vessel; which Certificate of Discharge shall be granted on Payment of such Duty and Pilotage, without Fee or Reward, Fraud or Delay.

Persons eluding the Payment of

LXIV. And be it further enacted, That if any Master, Commander, or Owner or Part Owner of any Ship or other Vessel shall depart from

Duties to continue chargeable with them.

from the said Port without having first paid the Duties hereby imposed, or shall elude or avoid the Payment thereof by any Method whatsoever, every such Master, Commander, Owner or Part Owner of such Ship or Vessel shall pay and forfeit for every such Offence, to the said Committee, the Sum of Ten Pounds over and above the Duties imposed by this Act.

Receiver may enter Ships and take Account of Duties;

LXV. And be it further enacted, That it shall be lawful to and for the Receiver or Collector of the Duties by this Act imposed, or his or their Deputy, to enter, either alone or with any other Person or Persons for his or their Assistance, into or on board any Ship or Vessel within the said Port, and to demand, take account of, and inspect what Duty or Duties, Rate or Sum, is or may be payable by virtue of this Act, for or in respect of any such Ship or Vessel, and to demand, collect, and receive all and every such Duty or Duties;

and recover the same by Distress if necessary.

and in case any Duty by this Act imposed shall not be paid by the Master, Owner, or Part Owner, or by the Person having the Charge or Command of such Ship or Vessel, upon Demand thereof made by the said Receiver or Collector, then it shall and may be lawful to and for such Receiver or Collector to seize and distrain such Ship or Vessel, or any Goods, Wares, or Merchandize on board thereof, and all and every or any other Goods, Wares, or Merchandize of or belonging to the same Owner or Owners, Merchant or Merchants, Consignee or Consignees, which shall then or at any Time afterwards come to or be found at or within the said Port, or upon any Wharf belonging or adjoining to the same respectively; and also all the Guns, Tackle, Furniture, and Apparel of or belonging to any Ship or Vessel within such Port; and in case of Neglect or Delay of or in the Payment of the said Duties or any Part thereof so payable and neglected or delayed to be paid, and for which such Distress or Distresses shall be taken as aforesaid, for the Space of Five Days next after such Distress or Distresses so taken, then and in every such Case it shall and may be lawful to and for such Receiver or Collector to sell the said Ship, Vessel, Goods, Wares, or Merchandize, Guns, Tackle, and Furniture, so distrained, or so much thereof as he or they shall deem necessary, and therewith to satisfy him or themselves, as well for the said Duties as for his and their reasonable Charges in taking, keeping, and selling such Distress or Distresses, rendering the Overplus (if any) to the Owner or Owners of the same, or to his or their Agent, for the Use of such Owner or Owners, when he or they shall demand the same; and if any Master, Owner, Merchant, Consignee, Agent, or other Person shall not permit or shall obstruct or hinder any Receiver or Collector or other Person or Persons employed by the said Committee to enter or from entering on board any Ship, Vessel, Boat, or other Craft, to take an Account of and inspect what Duty may be payable by virtue of this Act, or for any Purpose authorized by this Act, every Person so offending shall for every such Offence forfeit any Sum not exceeding Twenty Pounds, over and above the said Duties.

Duties and Fines vested in the Com-

LXVI. And be it further enacted, That all Licence and Tonnage Duties, Pilotage, Charges for Ballast, and other Sums, Fines, and Penalties granted and made payable under this Act, to the said Ballast

Ballast Office Committee, shall from Time to Time be vested in the said Committee, and shall be employed by the said Committee on and towards such of the Purposes of this Act as relate to the Lough and River, Port and Harbour of *Lough Foyle*, and such other Matters as by this Act are placed under the Direction and Management of the said Committee. mittee for the Purposes of this Act.

LXVII. And be it further enacted, That the said Ballast Office Committee shall once at least in every Year, between the First Day of *November* and the First Day of *December*, and as much oftener as they shall from Time to Time think expedient, ascertain the several Rates, Prices, Fares, and Sums of Money to be paid to any Person or Persons, for the supplying, lifting, receiving, taking in, or throwing out of Ballast, or for the Freight, Use, Hire, or Employment of Boats, Barges, Lighters, and Vessels, and of the Lightermen and Persons employed therein, and also the Sums of Money to be paid to the said Committee by virtue of this Act, in respect of the Tonnage of Ships and Vessels arriving in the said Harbour, and of the Pilotage thereof, or for the Licences of Ships, Boats, and Vessels used or employed or plying for Hire there as aforesaid; and shall cause Tables of all the said Rates, Prices, Fares, and Sums of Money, and Tonnage, Pilotage, and Licence Duties, to be drawn up or made, with the Name of the Ballast Master or Clerk to the said Ballast Office Committee affixed thereto, and Copies thereof, printed or painted, to be fixed or hung up from Time to Time, and be continually kept so affixed or hung up, and renewed as often as the same shall become obliterated, defaced, or altered, at the Custom House, the Office of the Ballast Office Committee, the Office of the Mayor, and the Office of the Collector of the Customs of the said City of *Londonderry;* and it shall be lawful for the said Ballast Office Committee from Time to Time to reduce all or any such Rates, giving Notice of all such Alterations, in like Manner, by Tables made and affixed or hung up as aforesaid, and again to raise the same, so as such Rates and Sums of Money shall not exceed the Sums respectively specified in this Act. Ballast Office Committee shall ascertain Rates and Duties annually, and affix Tables thereof at the Custom House, &c.

LXVIII. And be it enacted, That the Master or Commander of every Ship or Vessel that shall take in Ballast from the said Office shall pay to the Officer who shall be appointed by the said Committee to receive the same a Rate, Duty, or Sum not exceeding the Sums following: Charge for Ballast.

	Foreign Ships.		British Ships.	
	s.	*d.*	*s.*	*d.*
Gravel, *per* Ton - - - - -	2	0	1	8
Sand or other sufficient Ballast, *per* Ton	1	6	1	3

LXIX. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Table of Bye Laws, Rules, Orders, or Regulations, Rates, Prices, Fares, Sums of Money which shall be fixed up or placed in pursuance of this Act, or shall obliterate or deface any Inscription, Word, or Figure thereon, or shall assist, aid, or concur in any such Offence, he shall forfeit and pay to the said Committee a Sum not exceeding Forty Shillings for Penalty on wilfully destroying Boards, &c.

every such Offence, over and above the Amount of the Damage done.

Mode of ascertaining the Tonnage Rates.

LXX. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels which shall be liable to the Payment of any Tonnage Rates under this Act shall be ascertained according to the certified Tonnage in the Ship's Register, and the Master or other Person having the Command of each and every Ship or Vessel is hereby required to produce such Certificate of Registry, at the Time of Payment of the said Rates, to the Person or Persons who shall be duly authorized to collect and receive such Rates; and in case of any Dispute in or about the same, then and in such Case the Tonnage of such Ship or Vessel shall be ascertained in the Manner and according to the Directions of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the registering of* British *Vessels*.

Act not to extend to King's Ships.

LXXI. And be it further enacted, That nothing in this Act contained shall extend to any of His Majesty's Ships or Vessels of War, or to any Ship or Vessel employed in or upon His Majesty's Service, or in the Conveyance of any Officers or Soldiers, or of any Ordnance, Barrack, or Commissariat Stores, or to any Ship or Vessel in the Service or Employ of the Ordnance, Post Office, Customs, or Excise.

Masters of Vessels liable for Penalties.

LXXII. And be it enacted, That the Master or other Person or Persons in the Charge, Management, or Command of any Lighter, Float, Cot, or Boat shall be deemed, taken, and considered, for the Purposes of this Act, to be the Owner or Owners thereof; and in all Cases where it shall become necessary for the said Ballast Office Committee to proceed against any Owner or Owners of any such Smack, Lighter, Float, Cot, or Boat, for the Recovery of any Penalty or Penalties incurred by such Owner or Owners, it shall and may be lawful for the said Ballast Office Committee to serve or cause to be served, on the Master or other Person or Persons, or any of them, in Charge or Command of the Smack, Lighter, Gabbard, Barge, Wherry, Float, Cot, or Boat, the Summons hereby required and directed; and such Service shall be deemed and taken to be good Service on the Owner and Owners, and as valid and effectual as if such Master or other Person or Persons in the Charge, Management, or Command of such Lighter, Float, Cot, or Boat was or were the real Owner or Owners thereof; and on Proof of such Service, or in case of such Master or other Person or Persons in the Charge, Management, or Command of such Lighter, Float, Cot, or Boat having deserted the same, then, on Proof that such Summons as aforesaid was posted on some conspicuous Part of such Float, Lighter, Cot, or Boat, it shall be lawful for any One Magistrate of the City of *Londonderry* to hear and determine the Complaint of the said Ballast Office Committee: Provided always, that in all Cases where there shall be more than One Owner of such Smack, Lighter, Float, Cot, or Boat, and any One of such Owners shall reside within the said City or Liberties, the Service of the said Summons on such

 Owner

Owner shall be deemed and taken to be good Service on all such Owners.

To prevent and abate Nuisances by Erection of Quays, &c.

LXXIII. And whereas it is requisite to secure a sufficient Depth of Water at the Front of the Quays in the said Port and Harbour, Lough and River of *Lough Foyle*, and that for such Purpose the River should have a free Flux and Reflux along the Quays without being obstructed; be it therefore enacted, That it shall not be lawful for any Person or Persons to erect, build, or construct any Wharf, Quay, Storehouse, Wall, Building, or Work of any Kind or Sort whatsoever which shall project into the River *Foyle* further than or beyond the Front Line or Breast of the present Ship Quays now on the Side of the said River; and it shall and may be lawful to and for the said Ballast Office Committee, or for the Mayor and Sheriffs of the said City of *Londonderry*, to remove and abate all such Erections, Buildings, and Works, as Encroachments and Nuisances, by delivering an Order in Writing to the respective Tenants, Occupiers, or Owners of any Wharf, Quay, Storehouse, Wall, Building, Work, or other Erection, setting forth and directing in what Manner such Encroachment or Nuisance shall be respectively altered, set back, removed, or abated; and in case the Person to whom such Order shall be directed and delivered shall refuse or neglect to comply with such Order, and to alter, set back, remove, or abate such Nuisance or Encroachment within the Space of Twenty-one Days after such Order as aforesaid, then and in such Case it shall and may be lawful for the said Ballast Office Committee to employ Workmen, and to alter, set back, remove, or abate every such Encroachment or Nuisance, and to compel the said Tenants, Occupiers, or Owners to pay all the Charges thereof, by Distress and Sale of their Goods and Chattels, to be levied by Warrant under the Hand and Seal of the Mayor of the said City of *Londonderry* for the Time being.

Punishment of Persons obstructing the Execution of this Act.

LXXIV. And be it further enacted, That if any Person or Persons shall at any Time or Times obstruct, hinder, or molest any Member of the said Ballast Office Committee, or any of their Officers or Servants, or other Person whomsoever, who is, are, or shall be employed by virtue of this Act, in the Performance or Execution of his or their Duty, every such Person so offending shall forfeit a Sum not exceeding Ten Pounds for every such Offence.

Punishing Persons damaging Works.

LXXV. And be it further enacted, That if any Person shall wilfully or maliciously destroy, injure, or damage any Buoy, Beacon, or other Work the Property of the said Ballast Office Committee, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, in addition to making good the Injury or Damage thereby occasioned.

54 G. 3. c. 230.

LXXVI. And whereas an Act was passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, 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*

certain Sum of Money out of the Consolidated Fund of Ireland, *and for regulating the Fairs and Markets and improving the Race Course there:* And whereas the Sum of Fifteen thousand Pounds late *Irish* Currency was, under the Provisions of the said recited Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, advanced and paid by the Commissioners for executing the Office of Lord High Treasurer of *Ireland*, out of the Consolidated Fund of *Ireland*, to the Chamberlain of the said Corporation, to be repaid by equal Instalments, without Interest, in Twenty Years, and was applied in part of the Expence of rebuilding and repairing the said Bridge: And whereas up to and on the Thirty-first Day of *December* last no Part of the said Sum of Fifteen thousand Pounds late *Irish* Currency had been repaid: And whereas the Commissioners of His Majesty's Treasury have agreed, provided the Assent of Parliament be obtained thereto, to accept from the Corporation of *Londonderry* the said Sum of Fifteen thousand Pounds late *Irish* Currency, equal to Thirteen thousand eight hundred and forty-six Pounds Three Shillings and One Penny *British* Currency, together with Two thousand four hundred and ninety-two Pounds Six Shillings and Two-pence, the Interest on the Instalments then due, amounting in all to the Sum of Sixteen thousand three hundred and thirty-eight Pounds Nine Shillings and Four-pence, by equal Instalments, in Twenty Years, without Interest: And whereas the said Corporation did in pursuance of such Agreement on the First Day of *January* last pay to the Teller of His Majesty's Exchequer in *Ireland* the Sum of Eight hundred and sixteen Pounds Eighteen Shillings and Five-pence: And whereas it is therefore expedient that the Provisions for the Repayment of the said Sum so advanced and lent as aforesaid should be regulated according to the said last-mentioned Agreement; be it therefore enacted, That such Sum so advanced, together with the Interest due as aforesaid, shall be repaid by equal annual Instalments of Eight hundred and sixteen Pounds Eighteen Shillings and Five-pence; and the Chamberlain of the said City shall on the First Day of *January* One thousand eight hundred and thirty-three, and on the First Day of *January* in each and every succeeding Year, pay to the Collector of Excise of the District within which the said City is situated (to be by such Collector applied in like Manner as other Public Money in his Hands) a Sum of Eight hundred and sixteen Pounds Eighteen Shillings and Five-pence, until the whole of the said Sum of Sixteen Thousand Three Hundred and Thirty-eight Pounds Nine Shillings and Four-pence shall be discharged and paid off.

Provision for Repayment of Money advanced for rebuilding Londonderry Bridge.

LXXVII. And be it further enacted, That the Order which has been already obtained for the Sequestration of the Tolls allowed to be taken by the said Corporation upon the said Bridge or any Ferry to be used in lieu thereof, for the Payment of the Instalments heretofore due, shall be made absolute, and shall remain and continue in full Force as a Security for the Repayment of the Whole of the said Sum of Sixteen thousand three hundred and thirty-eight Pounds Nine Shillings and Four-pence, in such Instalments as in this Act specified, or such Part thereof as shall remain due and unpaid at the Time of any Failure of Payment of any Instalment of the

Order of Sequestration to remain in Force.

the said Sum, without any further Application to the Court; and such Order of Sequestration may, upon the Failure of Payment of any Instalment, be forthwith acted upon and used, and put in full Force and applied for the Purpose of obtaining Payment of the Whole of the Sum then due and unpaid of the Instalment in respect of which Default shall have been made, and also of the next accruing Instalment, which shall upon such Default be deemed and taken to be immediately due and payable, and be recoverable under such Sequestration, in advance, and all the remaining Instalments shall in such Case also be advanced in Order of Payment, so that the Instalment next succeeding the Instalment so advanced in Order of Payment shall stand in lieu of such Instalment, and the remaining Instalments shall become due annually in regular Succession; and the Tolls of the said Bridge and of any Ferry used in lieu thereof shall remain and continue subject to such Sequestration, and in default of the due Payment of any of the said Instalments be applied under the said Order to the Liquidation of the said Debt, until the whole Debt shall be paid and satisfied, without any further Order or Application to the said Court.

Instalments to be paid before Interest.

LXXVIII. And be it further enacted, That all such Instalments shall be respectively paid prior to any Interest on any Debenture issued or to be issued under the said recited Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, and prior to any funding required under the said Act from the Tolls of the said Bridge or of the Ferry to be used in lieu thereof.

Committees may make Contracts.

LXXIX. And be it further enacted, That the said Police and Ballast Office Committees respectively may and they are hereby empowered, from Time to Time as Occasion may require, to contract with any Person or Persons, Workmen, or others, for the making or doing all or any Work or Business which the said Committees or either of them may think necessary in and about the Purposes of this Act; which Contract or Contracts shall contain the Mode and Time in which the Business is to be done and completed, and the Penalties to be suffered in case of Nonperformance, and shall be signed by the Chairman of such Committee at any Meeting of the same Committee, and by the Person or Persons contracting to perform such Work or Business; and every such Contract or Contracts shall be binding for and on the Committee for the Time being, and on the several Parties thereto, notwithstanding any Change in the Members of the Committee.

Members not to be liable personally.

LXXX. And be it further enacted, That no Contract which shall be made by either of the said Committees for any of the Purposes of this Act shall be binding upon any of the Members of the said Committees as Individuals, or in their private Capacity, nor shall such Members or any of their Officers personally, or his or their respective Estates, be amenable for Payment of any Monies to be granted in pursuance of this Act, nor shall it be lawful for any Member of such Committee to take or accept any Contract while he shall be such Member; and all Money which shall be expended by or recovered against the said Committees, or any of the Members of the same, or

any Person or Persons employed by them, by means of any Action or Suit, Prosecution, Information, Conviction, or Appeal, to be brought by or against them or any of them, touching the Execution of this Act, and all Costs in respect thereof, shall be borne and defrayed by and out of the Money which shall come to the Hands of the Treasurer of the said Committee by virtue of this Act.

Justices may proceed by Summons, &c.

LXXXI. And be it further enacted, That in all Cases in which by the said Acts or this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice or Magistrate, it shall be lawful for any Justice or Magistrate to whom Complaint shall be made of any Offence against the said Acts or this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice or Magistrate; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was or had been exhibited.

Recovery and Application of Penalties.

LXXXII. And be it further enacted, That all Penalties, Forfeitures, and Fines by the said recited Acts or this Act, or by any Rule, Bye Law, or Order made in pursuance thereof or hereof, inflicted or authorized to be imposed, (the Manner of levying, recovering, and applying whereof is not otherwise herein or in the said Acts directed,) shall, upon Proof of the Offences respectively before some Justice of the Peace or Magistrate within whose Jurisdiction the Offence shall be committed, either by the Confession of the Party offending, or by the Oath or Affirmation of any credible Witness or Witnesses (which Oath or Affirmation such Justice or Magistrate is hereby authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice or Magistrate (which Warrant such Justice or Magistrate is hereby empowered and required to grant); and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not forthwith be paid upon Conviction, then it shall be lawful for such Justice or Magistrate to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Magistrate, for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Eight Days from the Time of taking any such Security, and which Security the said Justice or Magistrate is hereby empowered to take by Way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear

that no sufficient Distress can be had thereupon, or in case it shall appear, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice or Magistrate shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any Justice or Magistrate as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Liberty, or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Forfeitures, Penalties, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by the said Acts or this Act, shall be from Time to Time paid to the Treasurer to the Committee, or to the said Corporation, accordingly as the Offence shall have been committed against or in respect of the Police, or of the Harbour, or of the Bridge, and the same shall be applied and disposed of for the Purposes of this Act.

For securing transient Offenders.

LXXXIII. And be it further enacted, That it shall and may be lawful for any Clerk, Collector, Harbour Master, or other Officer of the said Ballast Office Committee, or for any Officer of the said Police Committee, and such Person or Persons as he shall call to his Assistance, to seize and detain any Person or Persons, being unknown to such Clerk, Collector, Harbour Master, or other Officer of the Ballast Office Committee, or Officer of the said Police Committee respectively, who shall commit any Offence or Offences against this Act, or be liable to any Penalties under this Act, and to convey him, her, or them before any One or more Justice or Justices of the Peace or other Magistrate, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices or other Magistrate respectively is and are hereby empowered and directed to proceed to the Conviction or Acquittal of such Offender or Offenders.

LXXXIV. And be it further enacted, That every Justice of the Peace before whom any Person or Persons shall be convicted of any Offence under this Act shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other to the same Effect; (that is to say,)

Form of Conviction.

‘ to wit. { BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me ‘ *C. D.*, One of His Majesty's Justices of the Peace for the said ‘ City [*or* County of] by virtue of an Act passed in the ‘ Third Year of the Reign of King *William* the Fourth, intituled ‘ [*here set forth the Title of this Act*], of having [*here set forth the ‘ Offence*]; and I do hereby adjudge that the said *A. B.* shall for the ‘ said

'said Offence forfeit the Sum of , or shall be com-
'mitted to for the Space of [*as the Case*
'*may require*].

'Given under my Hand and Seal, this Day of
'in the Year of our Lord

'*C. D.* (L. S.)'

For compelling Witnesses to attend.

LXXXV. And be it further enacted, That if any Person who shall be summoned as a Witness to attend to give Evidence before the Mayor of the said City of *Londonderry*, or any Justice of the Peace, touching any Matter contained in any Information or Complaint for any Offence committed against the said Acts or this Act, or any Bye Law or Order made in pursuance thereof, either by the said Police Committee or by the said Ballast Office Committee, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place to be for that Purpose appointed, a reasonable Sum having been paid or tendered to such Person for his Charges, or when appearing shall refuse to be examined upon Oath, or, in case of a Quaker, on solemn Affirmation, and to give Evidence before such Mayor or Justice of the Peace, then and in any of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Proceedings not to be vacated for Want of Form, or removed by Certiorari.

LXXXVI. And be it further enacted, That no Order or other Proceeding to be made or had by or before any Magistrate, or to be otherwise made or had in pursuance of the said Acts or this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari into any of His Majesty's Courts of Record in *Ireland;* and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of the said Acts or this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Persons aggrieved may appeal to the Quarter Sessions.

LXXXVII. Provided always, and be it further enacted, That all and every Person and Persons who shall think himself, herself, or themselves aggrieved by any Rule, Bye Law, or Order made in pursuance of this Act, or by any Order or Judgment made or given in pursuance of any such Rule, Bye Law, or Order, or by the Order or Determination of any Magistrate (where such Order or Determination is not declared to be final), may, within Four Calendar Months after such Order or Judgment shall have been made or given, complain to the Justices of the Peace at their next General Sessions of the Peace to be holden in and for the City and Liberties of *Londonderry*, and not elsewhere, who shall in a summary Way either hear or deter-

determine the said Complaint, or, if they think proper, may adjourn the hearing thereof to the next General Sessions of the Peace to be holden for the said City and Liberties, and if they see Cause may annul any such Rule, Bye Law, or Order, or mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination.

Committees, how to be described in Actions, &c.

LXXXVIII. And be it further enacted, That in all Actions, Suits, Prosecutions, or Indictments brought by or against any Member of the said Committees under the said Acts or this Act, he or they shall be sufficiently described as a Member or Members of the said Police Committee for the City of *Londonderry*; or of the Ballast Office Committee, as the Case may be, appointed by virtue of an Act passed in the Third Year of the Reign of King *William* the Fourth, intituled (setting forth the Title of this Act).

LXXXIX. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace or other Magistrate, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Costs, Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by either of such Committees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by either of such Committees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made from the Clerk to either of such Committees, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices or other Magistrate, and in which Demand the Order of such Justice or Justices or other Magistrate shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in either of such Committees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, or other Magistrate, which Warrant any such Justice or Justices or other Magistrate is and are hereby authorized and required to grant, under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to either of such Committees, or to their Treasurer for the Time being, as the Case may be.

Directing what shall be deemed a Service of Notices.

XC. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons or Parties to serve any Summons or Notice, or any Writ or other Proceedings, either at Law or in Equity, upon either of the said Committees, the Service thereof

thereof upon the Clerk of such Committee, or at any of the Offices of such Committee, or the Delivery thereof to some Inmate at the last or usual Place of Abode of the Clerk to such Committee, and in case the Residence of the said Clerk be not known, then Service upon any Agent or other Officer employed by the Committee, or upon any One Member of the said Committee, or the Delivery thereof to some Inmate at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the Committee whose Clerk, Agent, Officer, or Member shall have been so served.

Certain Persons not to be incompetent to give Evidence.

XCI. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence in any Court, or before any Justice of the Peace or Magistrate, in any Action, Suit, or Proceeding, either at Law or in Equity, arising under or by virtue of any of the said recited Acts or this Act, by reason of such Person having paid or being liable to pay any Rate or Assessment, Toll or Duty, or being a Member of either of the said Committees or of the said Corporation, or a Treasurer, Clerk, Collector, or other Officer employed under or by virtue of the said Acts or this Act; nor shall such Testimony or Evidence for any of the Reasons aforesaid be rejected, or be liable to be questioned or set aside.

Limitation of Actions.

XCII. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done in pursuance or under the Authority of this Act, after the Expiration of Six Calendar Months next after the Fact committed, or the Cause of Action has ceased and determined; and all such Actions and Suits shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Suit shall be so brought was done in pursuance and by the Authority of this Act; and if upon such Trial such Matter or Thing shall appear to have been so done, and if such Action or Suit shall have been brought before Fourteen Days Notice thereof shall have been given as aforesaid, or after sufficient Satisfaction in Money or otherwise shall have been made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or if the same shall be brought in any other County or Place than as aforesaid, or if such Action shall be proceeded in after sufficient Money shall have been paid into Court as hereinbefore authorized, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover his, her, or their Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law.

Repeal of Exemption from Stamp Duty.

XCIII. And be it further enacted, That so much of the said recited Act of the Thirtieth Year of the Reign of His late Majesty King *George* the Third as enacts that no Stamp Duty shall be paid in respect of certain Accounts and Proceedings therein named shall be and the same is hereby repealed.

Expences of Act.

XCIV. And be it further enacted, That the Costs, Charges, and Expences of applying for and obtaining this present Act shall be paid and defrayed in manner following; (that is to say,) One Third Part thereof by the said Ballast Office Committee, and the Remainder, in the first instance, by the Mayor, Commonalty, and Citizens of the City of *Londonderry*, out of any Funds at their Disposal: Provided always, that One Half Part of the Costs, Charges, and Expences which shall have been so paid by the said Mayor, Commonalty, and Citizens shall be repaid to them within Two Years after the passing of this Act, out of the Monies to be raised by the said Police Committee by Applotments or Assessments under the said recited Acts or this Act, or any of them.

Act not to affect any Rights.

XCV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to affect, prejudice, lessen, vary, or alter any Rights, Powers, Privileges, Advantages, or Remedies, either in Law or in Equity, which any Person or Party might have had or enjoyed before the passing of this Act, but the same shall continue as valid and effectual to all Intents and Purposes as if this Act had not been passed.

Saving the Rights of the Irish Society.

XCVI. Provided always, and be it further enacted, That 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 Honourable Society of the Governor and Assistants of *London* of the New Plantation in *Ulster* within the Realm of *Ireland*, under or by virtue of any Charter or Charters heretofore granted to them by the Crown, or by any Bodies Politic or Corporate, or Person or Persons holding by virtue of or under any Grant or Authority from the said Society.

Public Act.

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

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