ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. cxci.

An Act for the Extension of the Municipal Limits of the City of *Londonderry*, and for the Increase of the Jurisdiction of the Court of Conscience there; and for the further Improvement of the City; and for raising further Monies; and for other Purposes. [14th *July* 1864.]

WHEREAS "The *Londonderry* Improvement Act, 1848," and "The *Londonderry* Improvement Act, 1855," (in this Act called "the Improvement Acts,") have been passed for the Improvement of the City of *Londonderry:* And whereas, under the Authority of the Improvement Acts, the Mayor, Aldermen, and Citizens of the City of *Londonderry* (in this Act called "the Corporation") borrowed Fifty thousand Pounds, and they have paid off by means of a sinking Fund Ten thousand two hundred and seventy Pounds, Part thereof, leaving Thirty-nine thousand seven hundred and thirty Pounds their present Debt under those Acts: And whereas it is expedient that the present Municipal Limits of the City of *Londonderry*, and of the Three Wards into which the City of *Londonderry* is divided, be respectively extended as by this Act provided, and the Powers and Provisions of the Improvement Acts

11 & 12 Vict. c. cxli. and 18 & 19 Vict. c. liv.

respectively be extended to the whole of the City within its extended Municipal Limits: And whereas it is expedient that the Corporation be authorized to make new Streets, and improve some of the present Streets in the City, and to enlarge the *New Gate* and the *Ferry Quay Gate* of the City, and to make other Gateways to the City, and to enlarge and improve the Town Hall, provide new Markets in the City, and to purchase Lands for the Purposes of this Act: And whereas it is expedient that Provision be made for the better Drainage of the City, and for the better Regulation of Lodging Houses in the City, and for the Improvement in other respects of the City: And whereas it is expedient to make further Provision with respect to the levying of Rates in the City: And whereas it is expedient that the Corporation be authorized to borrow on Mortgage Monies for Purposes of this Act: And whereas by the Act of the Forty-eighth Year of *George* the Third, intituled *An Act to amend Two Acts so far as relate to supplying the City of* Londonderry *with Water, improving the Harbour of the said City, and the Regulation of Pilots and Vessels using the same, and for extending the Jurisdiction of the Court held in the said City for the Recovery of Small Debts*, (in this Act called "the Act of 1808,") the Jurisdiction of the Court of Conscience held before the Mayor or Recorder of the City of *Londonderry* was extended to Debts not exceeding in Amount Forty Shillings late Currency of *Ireland*: And whereas it is expedient that the Jurisdiction of that Court be extended to Debts amounting to Forty Shillings present Currency: And whereas it is expedient that some of the Provisions of the recited Acts be amended: And whereas Plans and Sections of the intended new Streets and Alterations of Streets and other Works showing Lands to be taken for the Purposes of this Act, with Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited with the Clerk of the Peace for the City and County of *Londonderry*, and those Plans are in this Act referred to as the deposited Plans of Lands and Works: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

48 G. 3. c. cxxxvi.

Short Title.

1. This Act may for all Purposes be cited as "*Londonderry* Improvement Act, 1864."

Commencement of Act.

2. This Act shall commence and have Effect on and after the Third *Wednesday* next after the passing thereof.

3. "The

3. "The Railways Act (*Ireland*), 1851," and "The Markets and Fairs Clauses Act, 1847," and the Provisions with respect to the Mortgages to be executed, and Accounts to be kept and published, by the Commissioners, of "The Commissioners Clauses Act, 1847," (save so far as any of the Sections and Provisions of those Acts respectively are expressly excepted or varied by this Act,) are respectively incorporated with and form Part of this Act. 10 & 11 Vict. cc. 14. & 16. and 14 & 15 Vict. c. 70. incorporated.

4. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act, and the recited Improvement Act of 1848 respectively, Meanings are assigned, have in this Act the same respective Meanings, unless excluded by the Subject or Context. Same Meaning to Words in incorporated Acts as in this Act.

5. In this Act the Expression "the City" means the City of *Londonderry* as the Municipal Limits thereof are extended by this Act; and in the recited Improvement Acts respectively that Expression, and all other Words and Expressions referring to the City of *Londonderry* (whether therein called City or Borough), or to the Limits of those Acts respectively, shall, from and after the Commencement of this Act, and unless excluded by the Subject or Context, extend and apply to and mean the City of *Londonderry* as the Municipal Limits thereof are extended by this Act; and the Expression "the *Irish* Society" means the Corporation of the Governor and Assistants, *London*, of the new Plantation of *Ulster* within the Realm of *Ireland*; and the Remedies by this Act given against an Owner shall not be exercised or put in force against the Grantor of a Fee-farm Grant, or of a Lease renewable for ever, or for a Term exceeding Thirty Years. Interpretation of Terms.

6. The Limits of this Act shall be the same as the Limits of the City as the Municipal Limits thereof are extended by this Act. Limits of Act.

7. From and after the Commencement of this Act the Limits of the City of *Londonderry* for all Municipal Purposes shall be extended so as to comprise within those extended Limits all the Houses, Lands, and Hereditaments within the present Limits of the City for Municipal Purposes, and also all the Houses, Lands, and Hereditaments within such Parts of the several Townlands and Places of *Tamneymore*, *Gobnascale*, and *Clooney*, in the Parish of *Glendermott*, and *Pennyburn*, *Cloughglass*, *Edenballymore*, *Creggan*, and *Ballymagowan*, in the Parish of *Templemore*, all in the City and County of *Londonderry*, and the Bed and Shore of the River *Foyle* as are comprised within the extended Limits of the City as shown on the Plan thereof signed by *William Nathaniel Massey* Esquire, M.P., and which shall within One Month after the passing of this Act be deposited Extension of Municipal Limits of City.

deposited for the Purposes of this Act with the Town Clerk of the City and the Clerk of the Peace of the City and County of *Londonderry* respectively, and which Plan is in this Act referred to as "the deposited Plan of the City."

Extension of the Three Wards of the City.

8. From and after the Commencement of this Act the Three Wards, called respectively East Ward, North Ward, and South Ward, into which the Municipal City of *Londonderry* is now divided, shall respectively be extended as appears by the deposited Plan of the City, and every Ward shall comprise all the Houses, Lands, and Hereditaments within the Limits of the same as defined on that Plan.

All Lands, &c. within the Limits and Boundaries to be Part of the City.

9. From and after the Commencement of this Act all the Houses, Lands, and Hereditaments within the Limits of the City as extended by this Act shall be Parts of the City to all Intents and Purposes as if those Limits and Boundaries respectively had been fixed by and specified in the Schedule to the Act of the Third and Fourth Years of Her present Majesty for the Regulation of Municipal Corporations in *Ireland*, and in the Construction of the Description of those Boundaries the Rules in that Act contained shall be observed.

General Municipal Corporations Acts to apply to the City.

10. From and after the Commencement of this Act all the Powers and Provisions of the Act for the Regulation of Municipal Corporations in *Ireland*, and of all other Acts altering, amending, or enlarging the same, and from Time to Time in force with respect to Municipal Corporations in *Ireland*, and applicable to the Municipal Corporation of the City, shall extend and apply to, and be in force and have effect, and be executed in all Parts of the City, and apply to the City and the several Wards thereof, and to the Inhabitants of the City.

Extension of Improvement Acts to City.

11. From and after the Commencement of this Act the several Powers and Provisions of "The *Londonderry* Improvement Act, 1848," and "The *Londonderry* Improvement Act, 1855," respectively, so far as the same respectively are from Time to Time in force, and are not altered, varied, or otherwise provided for by this Act, shall extend and apply to the City as extended by this Act, and all Houses, Lands, and Hereditaments therein, and the Inhabitants thereof respectively, and shall be in force and be put in execution within the City accordingly.

Corporation to carry Improvement Acts and this Act into execution.

12. From and after the Commencement of this Act the recited Improvement Acts, so far as the same respectively are from Time to Time in force, and this Act, shall together be carried into execution within the City by the Corporation acting by the Council of the City, pursuant to the Powers and Provisions of the Act for the Regulation of

of Municipal Corporations in *Ireland*, and all other Statutes, whether General or Local, and Laws from Time to Time in force affecting the Municipal Corporation of the City.

City exempted from Highway Rates, &c.

13. From and after the Commencement of this Act the Corporation shall be liable to the Maintenance and Repair of the Streets and Roads within the City; and the Inhabitants within the City shall not, in respect of any Lands, Houses, or Hereditaments situate within the City, be liable to the Payment of any Highway Rate, Grand Jury Cess, or other Payment whatsoever in respect of the making or repairing of any Road beyond the Limits of the City.

Power for Corporation to levy Rates in the City.

14. From and after the Commencement of this Act the Corporation may levy and raise in all Places within the City all such Borough Rates, Improvement Rates, and other Rates and Assessments as they may now levy and raise within the present Limits of the City of *Londonderry*, and all Rates and Assessments which by this Act they are authorized to raise.

Future Buildings in City to be drained before occupied as Dwellings.

15. No Building hereafter erected within the City which shall be within One hundred Feet of any public Sewer shall be used in whole or in part as a Dwelling House unless and until the Building be properly drained and sewered to the Satisfaction in all respects of the Corporation; and from Time to Time where any Person as Owner, Lessee, or Occupier thereof uses or suffers to be used as a Dwelling House any such Building which the Corporation from Time to Time deem to be insufficiently drained or sewered, or any Part thereof, every Person so offending shall forfeit not exceeding Forty Shillings for every Week or Part of a Week during which the Building or any Part thereof is used or suffered by him to be used as a Dwelling House after the Expiration of Seven Days from the Day of Service on him of Notice in Writing in that Behalf by the Corporation: Provided, that this Enactment does not extend to any Country House or detached Villa with Lawn or Grounds in front thereof.

Power to Corporation, in default of Owner and Occupier, to execute Drainage, &c. Works.

16. Where under the recited Improvement Act of 1848 or this Act any Drain, Sewer, Privy, Ashpit, or other Work of like Kind is required to be executed by or at the Expense of the Owner or Occupier of any House or Lands, the same shall be executed within a reasonable Time fixed by the Corporation; and if, where the Work is to be executed by the Owner or Occupier, Default is made in the Execution of the Work within the Time, the Corporation may execute the Work; and in all Cases where the Corporation execute the Work the Expense incurred by them in respect thereof shall become due and payable on the Completion of the Work, and shall be repaid to them on Demand by the Person by whom the Work ought to have been executed, or for whom it is executed.

Power to Corporation to recover Expenses from Owner.

17. Where any Owner or Occupier of any Building or Lands liable, under the recited Improvement Act of 1848 or this Act, for the Repayment to the Corporation of any Expenses incurred by them, do not, as soon as the same become due and payable from him, pay the Amount thereof to the Corporation, they may recover the same from the Owner or Occupier (as the Case may be) as Damages or as Debt in any Court of competent Jurisdiction.

Power to Corporation to levy Expenses on Occupier.

18. The Corporation, by way of additional Remedy, and whether or not any Proceeding has been taken against the Owner, from Time to Time may require Payment of all or any Part of the Expenses payable by the Owner from the Person then or at any Time thereafter occupying all or any Part of the Building or Lands under the Owner, and in default of Payment thereof by the Occupier on Demand the Corporation may recover the same from him as Debt; and every such Occupier shall be entitled to deduct from the Rent payable by him to his Landlord so much as is so paid or recovered from him in respect of any such Expenses: Provided, that the Occupier shall not be liable to pay more than the Amount which at the Time of the Demand of Payment is due from him to his Landlord; and the Burden of Proof of the Amount so due shall be on the Occupier.

Power to Occupier, in default of Owner, to execute Drainage, &c. Works, and deduct from Rent.

19. Where Default is made by the Owner of any Building or Lands in the Execution, within the Time fixed by the Corporation, of any Drain, Sewer, or other like Work required, under the recited Improvement Act of 1848 or this Act, to be executed by him, the Occupier thereof, with the Approval of the Corporation, may execute the Work, and the Expense thereof shall be repaid to the Occupier by the Owner, and the Occupier may deduct the Amount of the Expense out of the Rent from Time to Time payable by him to the Owner.

Frontage Line of Houses to be fixed by Corporation.

20. After the Commencement of this Act no House, Wall, or other Building shall be erected or built in any Street which after the passing of this Act is made or laid out within the City until the Frontage Line of the Street be determined by the Corporation, unless Twenty-one Days after Application made to them in Writing for the Purpose they fail to determine the same; and if any Person begins to erect any House, Wall, or other Building without first applying to the Corporation to determine the Frontage Line, or within the Twenty-one Days, unless they sooner determine, or contrary to the Line determined by the Corporation, every Person so offending shall forfeit not exceeding Forty Shillings for every Week from beginning the Erection until the House, Wall, or other Building is taken down or altered to the Satisfaction of the Corporation.

21. Where,

Open Quarries, &c., to be fenced, &c.

21. Where, after the Commencement of this Act, any Nuisance or Danger in the City is occasioned or apprehended in any of the following Cases, the Corporation may obviate or remove the same as follows; (that is to say,)

Any Quarry, open Land, Yard, or other Place may be fenced:

The depositing of Filth or offensive Rubbish in any Quarry, or on any Land, Yard, or other Place, may be prevented, and, if it be deposited, may be removed:

And all Expenses incurred by the Corporation in that Behalf shall be paid by the Occupier, if any; and, if none, by the Owner of the Quarry, Land, Yard, or other Place.

Penalty for making Floors of Houses, &c. with Earth.

22. After the Commencement of this Act no Floor or any Part of a Floor of any Dwelling House within the City shall be made of Earth, but all such Floors shall be made of Wood, Flags, Tiles, Asphalte, or such other Material as the Corporation approve, and any Person making default in any Manner herein shall forfeit not exceeding Ten Shillings for every Week the Default continues.

Penalty for raising Ladders, Scaffolding, or Hoards improperly.

23. Where, after the Commencement of this Act, any Person raises any Ladder, Scaffold, Hoard, or Fence in any Street within the City in an insecure Manner, every Person so offending shall for every such Offence forfeit not exceeding Forty Shillings, and any Sum not exceeding Five Shillings for every Day the Offence continues.

Survey of Houses represented to be unfit for human Habitation.

24. Where the Officer of Health, or, if none, then any Two Medical Practitioners, being respectively Surgeons or Physicians residing within the City, represent in Writing to the Corporation that he or they has or have reason to apprehend that any inhabited House or inhabited Part of a House within the City is unfit for human Habitation, and injurious to the Inhabitants thereof or to the Neighbourhood, the Corporation shall order the City Surveyor to survey the House, and to report to them with respect to its Space, Drainage, and Ventilation, and other Circumstances bearing on its sanitary State and Fitness for human Habitation, and he may and shall forthwith enter and survey the House and report thereon accordingly, and his Report shall be forthwith considered by the Corporation.

Notice to cease Residence in the House till rendered fit for human Habitation.

25. Where, on the Consideration of the Report, the Corporation are satisfied that the House or Part of a House is unfit for human Habitation, they shall give Notice in Writing to the Owner and Occupier thereof that after the Expiration of Fourteen Days after the Service of the Notice it shall cease to be used for human Habitation, unless and until it be reported on by the City Surveyor as being put into good Order and Condition, and rendered fit for human Habitation; and if the Owner be not known, or be not resident

resident in the City, the Notice may be served on him by being delivered to his Agent, or affixed on some conspicuous Part of the House.

Penalty for continuing to reside in the House contrary to Notice.

26. Every Occupier of the House or Portion of a House who occupies it after the Expiration of the Fourteen Days, and before it is so reported on as fit for human Habitation, shall forfeit not exceeding Twenty Shillings for every Day or Part of a Day after the Expiration of the Fourteen Days during which he continues so to occupy it, and the Owner shall forfeit not exceeding Ten Pounds for every such Day or Part of a Day during which it is with his Concurrence so occupied.

Power to Corporation or their Surveyor to enter upon Lands and Buildings for Purposes of Acts.

27. After the Commencement of this Act the Corporation, for the Purposes of the recited Improvement Act of 1848 and this Act respectively (other than the Purchase and Acquisition of Lands), shall have full Power and Authority to enter, or to order their Surveyor or other Officer to enter, at all reasonable Hours in the Daytime, within the City, into and upon any Land, and into and upon the Land on which any House, Building, or other Erection is built or building or intended to be built, and into and upon any unfinished Building, or any Part thereof respectively, without being liable to any Action, Suit, or any other legal Proceeding or Molestation whatsoever for or on account of the Entry, or any Work done or to be done in any Part thereof, in pursuance of the recited Improvement Act of 1848 or this Act.

Penalty for neglecting to give Notice to Corporation.

28. Where it is provided by the recited Improvement Act of 1848 or this Act that Notice shall be given to the Corporation, or any of their Officers, and no Penalty is imposed for Neglect thereof, every Person failing to give any such Notice shall forfeit not exceeding Twenty Shillings for every Week he shall fail: Provided, that nothing herein contained shall deprive the Corporation of the Right of taking any other Proceeding at Law or otherwise which they could take irrespective of this Provision.

Corporation to make Compensation for Damage done by Works under Acts.

29. Where by reason of the altering, under the Authority of the recited Improvement Act of 1848 or of this Act, of the Level of any Street, or the making or altering of any Sewer, or otherwise carrying into execution any of the Powers or Authorities of that Act or this Act, any House, Building, or Land is damaged or otherwise prejudicially affected, the Corporation shall make good the Damage thereto, and pay to the Owner and Occupier thereof such Amount of Compensation for the Injury as is agreed upon between the Owner and Occupier and the Corporation; and if they fail to agree as to the Amount of the Compensation, and the Proportions thereof to be paid to

the

the Owner and Occupier respectively, then the Amount and the Proportions shall be settled and recovered before Two Justices, not being Members of the Corporation.

Houses projecting beyond Line of Street when taken down to be set back.

30. When any House or Building, any Part of which projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof, has been taken down in order to be rebuilt or altered, the Corporation may require the same to be set backwards to or toward the Line of the Street or the Line of the adjoining Houses or Buildings in such Manner as the Corporation direct for the Improvement of such Street: Provided always, that the Corporation shall make full Compensation to the Owner of any such House or Building for any Damage he thereby sustains, and the Amount of such Compensation, in case of Difference, shall be determined by Two Justices, not being Members of the Corporation.

Rateable Value of Public Lodging Houses.

31. Any House within the City which the Corporation from Time to Time think fit to register as a Lodging House may be kept and used as a public Lodging House, although it be rated to the Relief of the Poor in a Sum less than Ten Pounds, and the Powers and Provisions of the recited Improvement Act of 1848 with respect to Lodging Houses extend and apply accordingly to Houses rated at less than that Sum.

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

32. If any Omission, Mis-statement, or erroneous Description be made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, on the deposited Plans of Lands and Works or in the Books of Reference thereto, the Corporation, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by the proposed Correction, may apply to Two Justices for the Correction thereof; and if it appear to the Justices that the Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in the Certificate state the Particulars of any such Omission, and in what respect any such Matter is mis-stated or erroneously described.

Certificate of Correction to be deposited with Clerk of Peace.

33. Every such Certificate of Correction shall be deposited with the Clerk of the Peace for the City and County of *Londonderry*, and shall be kept by him along with the other Documents to which they relate, and thereupon the deposited Plans of Lands and Works and the Books of Reference thereto shall be deemed to be corrected in accordance with the Certificate, and the Corporation may enter upon, take, and use the Lands in accordance with the Certificate.

General Power to take Lands shown on Plans.

34. Subject to the Provisions of this Act, the Corporation from Time to Time may enter upon, take, and use for Purposes of this Act

Act such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as they think fit: Provided, that by Agreement the Corporation may purchase and take any Easement or other Interest in or over any of those Lands without taking the entire Estate or Interest therein: Provided also, that the Corporation shall not purchase or take any Land which on the deposited Plans is shown as the intended Site of a Work or Portion of a Work, but which Work or Portion of a Work the Corporation are not by this Act authorized to execute.

Power to take specified Lands.

35. Subject to the Provisions of this Act, the Corporation from Time to Time may enter upon, take, and use for the Purposes of this Act, and in addition to the other Lands shown on the deposited Plans of Lands and Works which they may enter upon, take, and use, such of the following Lands as they think fit; (that is to say,)

(A.) The Lands and Tenements in the Parish of *Templemore* bounded northwardly by Land adjoining to the *Linen Hall*, and under Lease to Mr. *Isaac Colhoun*, and in the Occupation partly of Mr. *John Mailley* and partly of the County Constabulary, eastwardly by the City Wall, southward by the Houses Number 6, *Market Street*, and Number 3, *Linenhall Street*, and westwardly by *Linenhall Street*; those Lands to be appropriated as by this Act provided with reference thereto:

(B.) The Houses and Buildings now standing in *Ship Quay Place* in the Parish of *Templemore*, except the Block of Buildings adjoining to and abutting on *Custom House Lane* on one Side and *Ship Quay Place* on the other Side, the Site thereof to be appropriated to the Improvement of *Ship Quay Place* and the other Streets and Places adjoining thereto, as the Corporation and the *Irish* Society hereafter agree upon: Provided, that nothing in this Act shall empower the Corporation to take by Compulsion any Interest that is at the passing of this Act vested in the *Irish* Society in the Lands B.:

(C.) So much of the Lands in the Townlands of *Ballymagowan* in the Parish of *Templemore* bounded south-eastwardly by the *Lone Moor Road*, south-westwardly by the Cemetery Grounds, and northwardly and north-eastwardly by Lands in the Possession of Mr. *John Mailley*, and by the Nursery Grounds in the Possession of Mr. *Henry John Walker*, as shall be necessary for the Erection of a Chapel, Lodge, Gates, and improved Approaches to the Cemetery of the City; and such Parts of the Lands C. as are taken shall be so appropriated by the Corporation:

(D.) Lands and Houses at the Waterside bounded north-eastwardly by Lands of the *Londonderry and Coleraine* Railway Company,

Company, south-eastwardly by *Waterside Street*, south-westwardly by the House No. 1, *Waterside Street*, the Property of Dr. *Duddy*, and north-westwardly by the public Quay on the River *Foyle*:

(E.) Lands and Houses at the Waterside bounded south-westwardly by Mr. *Robert Newton*'s Mill, north-westwardly by the public Quay on the River *Foyle*, north-eastwardly by Mr. *Dunne*'s Mill, and south-eastwardly by *Waterside Street*:

Those Lands D. and E. respectively to be appropriated to the Erection and providing of a Market Place and a new Market House, with Conveniences connected therewith, and otherwise as the Corporation think fit: Provided, that if the Lands D. or any Part thereof be taken or used by the Corporation, the Corporation shall not take, use, or enter upon any of the Lands E. which are the Property of the *Irish* Society; and if the Lands E. or any Part thereof be taken or used for Market Purposes by the Corporation, then the Corporation shall not take, use, or enter upon the Lands D. or any Part thereof.

Corporation to provide new Market Places and Market Houses.

36. The Corporation shall upon some Portion or Portions of the Lands (A.) forthwith provide and erect new Market Places and Market Houses in lieu of those now being on those Lands, and the new Market Places and Market Houses shall give to the Public no less Accommodation than the present Market Places and Market Houses afford, and shall be provided and erected according to Plans and Specifications to be approved by the *Irish* Society; and a sufficient Portion (to be agreed on between the Corporation and the *Irish* Society) of the Proceeds of the Sale or Disposition by the Corporation of any Part of the Lands shown on Sheet Number 3 of the deposited Plans, and specified in the deposited Books of Reference, and not required for the Purposes of the Works by this Act authorized, shall be set apart for and be first applied by them in defraying the Cost of providing and erecting the new Market Places and Market Houses.

Special Provision respecting Lands vested in Irish Society.

37. And whereas the Lands shown on Sheets 3 and 4 of the deposited Plans of Lands and Works, and specified in the deposited Books of Reference, are vested in the *Irish* Society, and as to Parts thereof are held (together with other Lands) under Fee-farm Grants or Leases renewable for ever, made thereof by the *Irish* Society, and as to other Parts thereof are held under Leases not renewable for ever, made thereof by the *Irish* Society; and with the view to lessen the Costs to the Corporation of the Works by this Act authorized, and not to diminish the Income of the *Irish* Society, and consequently their Means of promoting public Improvements, and furthering religious, educational, and charitable Objects, it is expedient that Provision

vision be made for the Acquisition by the Corporation of a limited Interest only in a certain Portion of the Lands taken by them under this Act, and not required for the new Streets authorized by this Act, and otherwise as herein-after mentioned: Therefore, notwithstanding anything in this Act, it is hereby provided, with reference to the Lands shown on Sheets 3 and 4 of the deposited Plans of Lands and Works, and specified in the deposited Plans of Lands and Works, and specified in the deposited Books of Reference, as follows; (namely,)

(1.) The Corporation, on taking under this Act any Lands held under the said Leases not renewable for ever, shall purchase the Interest of the Lessee therein, but shall not purchase the Interest of the *Irish* Society therein:

(2.) The Corporation shall at their own Expense surrender to the *Irish* Society the Lands so taken by them:

(3.) The *Irish* Society shall, at the Expense of the Corporation, make a Grant to the Corporation of so much of those Lands as is actually used by the Corporation for Purposes of Roadways and Footways of new Streets authorized by this Act, to be held by the Corporation absolutely free of Rent:

(4.) The *Irish* Society shall, at the Expense of the Corporation, grant a Lease or Leases to the Corporation of the Residue of the Lands so surrendered, (that is to say,) so much thereof as is not actually used by the Corporation as last aforesaid, for a Term of Eighty Years, to commence from the Expiration of One Year after the passing of this Act, at such Rent or Rents as may be agreed upon between the Corporation and the *Irish* Society, or as, in case of Difference, may be determined by an Arbitrator appointed by the Board of Trade:

(5.) The Rents, Fines, and Fees at the passing of this Act payable to the *Irish* Society under the said Fee-farm Grants or Leases renewable for ever shall be apportioned between such Parts of the Lands comprised in those Grants or Leases as are taken by the Corporation under this Act, and the other Lands comprised in the same Grants or Leases:

(6.) The Corporation, at their own Expense, shall surrender to the *Irish* Society all such Parts of the Lands comprised in the said Fee-farm Grants or Leases renewable for ever as are taken by the Corporation under this Act:

(7.) The *Irish* Society shall, at the Expense of the Corporation, make a Grant to the Corporation of so much of the Lands so surrendered as last aforesaid as is actually used by the Corporation for the Purposes of Roadways and Footways of new

new Streets authorized by this Act, to be held by the Corporation absolutely free of Rent:

(8.) The *Irish* Society shall, at the Expense of the Corporation, make a Grant to the Corporation of the Residue of the Lands so surrendered as last aforesaid, (that is to say,) so much thereof as is not actually used by the Corporation as last aforesaid, to be held by the Corporation in perpetuity, subject only to the Payment of a yearly Rentcharge or yearly Rentcharges to be issuing thereout equal in Amount to the Amount or estimated yearly Value of the Rents, Fines, and Fees which on such Apportionment as aforesaid will be assigned to and charged on Lands taken by the Corporation under this Act:

Provided, that the *Irish* Society shall not be required to procure the Lands taken by the Corporation under this Act to be released from the annual Sum of Two hundred and fifty Pounds charged on the Estates of the *Irish* Society by an Act of Queen *Anne*, passed in the Year One thousand seven hundred and four, in favour of the Bishop of *Derry* for the Time being, but only to covenant with the Corporation to pay that annual Sum, and so protect the Lands taken by the Corporation under this Act from any Claim in respect thereof.

Powers for compulsory Purchases limited.

38. The Powers of the Corporation under this Act for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years after the passing of this Act.

Power to Corporation to make Works authorized by Act.

39. Subject to the Provisions of this Act, the Corporation from Time to Time may execute, make, and maintain the several Works by this Act authorized, and, so far as the same are shown on the deposited Plans of Lands and Works, may execute, make, and maintain the same in the Lands shown on those Plans and specified in the deposited Books of Reference, and, so far as the Lines and Levels thereof are shown on those Plans and on the deposited Sections, may execute, make, and maintain the same in accordance with the Lines and Levels so shown.

Works authorized by Act.

40. The several Works by this Act authorized comprise the executing, making, and maintaining of the following Works, with all proper and sufficient incidental Works and Conveniences connected therewith; (that is to say,)

(A.) A new Street of not less Width than Forty Feet in every Part, including the Footways or Pavements on each Side, commencing in the new Approach Road from the *New Bridge* to *Ferry Quay Street* at a Point about Four hundred Feet Southward of *Ferry Quay Gate*, and terminating at or near to the Junction of *Linenhall Street* and *Richmond Street*:

(B.) A new Street commencing in *Gilmour's* or *Hawkin's Lane* opposite to *Kennedy Place*, and terminating at *Artillery Lane*:

(C.) The removing of the Gateways to the City called respectively *New Gate* and *Ferry Quay Gate*:

(D.) New Gateways in the City Wall instead of *New Gate* and *Ferry Quay Gate* respectively:

(E.) A new Gateway in the City Wall between *Magazine Street* and *Ship Quay Place*:

(F.) The Enlargement or Improvement of the present Town Hall:

(G.) New Market Places and Market Houses, with all proper and sufficient Accommodations and Conveniences connected therewith:

(H.) A Chapel, a Lodge and Gates, and improved Approaches to the Cemetery of the City:

(I.) The Improvement of *Ship Quay Place* in such Manner and on such Terms and Conditions as the Corporation and the *Irish* Society from Time to Time agree on:

(K.) The Alteration, Diversion, stopping up, and Interference with, either permanently or temporarily, and the Appropriation, for any of the Purposes of this Act, of such Parts as the Corporation think fit of the Sites of all or any of the following Streets, Roads, or Ways; (that is to say,) *Fountain Street*, and the *City Walls*, and *Bridge Street*, and *Sugarhouse Lane*, and *Soaphouse Lane*, and *Linenhall Street*, and *Market Street*, and *Ship Quay Passage*, and *Ship Quay Place*, and *Custom House Lane*, and any other Streets or public Places within the City which the Corporation find it requisite so to interfere with or appropriate for any of the Purposes of this Act:

Provided that no Part of any Property belonging to Her Majesty or the Commissioners of Customs or their Secretary shall be in any way interfered with, except under or by the Sanction of the Lords of the Treasury, and upon such Conditions only as they see fit to direct.

Streets when completed to be Highways.

41. The several Streets by this Act authorized to be made and improved respectively shall, when so made and improved, be respectively public Highways, and shall be vested in and maintained and repaired by the Corporation accordingly.

Period for Completion of Works.

42. The several Works by this Act authorized and shown on the deposited Plans of Lands and Works shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act conferred on the Corporation with

with respect to the executing or making of the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Erection or Alteration of Buildings fronting Streets to be according to such Elevation as the Corporation shall approve.

43. All Buildings which shall be erected or altered to the Front of any Street made, widened, or improved under the Powers of this Act shall be erected or altered in such Line to the Street, and according to such Elevation fronting the Street, as the Corporation shall appoint and approve; and if the Owner, Lessee, or Occupier of any House or other Building which on the Formation of any new Street, or on the Alteration of any existing Street, shall require a Frontage to such Street, shall make any Door or Entrance opening upon or communicating with such new or improved Street, every such Owner, Lessee, or Occupier shall construct such House or other Building in a Line and make the Elevation thereof fronting such Street according to a Plan to be approved of by the Corporation.

Power to Corporation to borrow further Money on Security of Improvement Rate.

44. The Corporation from Time to Time under the Authority of this Act may borrow and reborrow, on the Credit of the Improvement Rate by the Improvement Act of 1848 and this Act authorized, any further Sums not exceeding in the whole Twenty thousand Pounds: Provided, that to the Extent of the Money so borrowed which from Time to Time is paid off by means of a Sinking Fund, the Powers of the Corporation for reborrowing under this Act shall be extinguished.

Application of Monies raised on Mortgage or arising from Sale of Lands.

45. All Monies received by the Corporation by borrowing or reborrowing under this Act, and from the Resale of Lands acquired by them under the Authority of this Act, shall be applied by the Corporation in carrying into effect the Objects and Purposes of this Act; and if any Surplus of the Monies received from the Resale remain in the Hands of the Corporation after the Objects and Purposes of this Act are fulfilled and satisfied, the Surplus shall be applied in and towards the Liquidation of the Debts of the Corporation.

Priority of former Mortgages.

46. All Mortgages of or other Securities on the Improvement Rate made by the Corporation before the Commencement of this Act, and on the Commencement thereof in force, shall during the Continuance thereof have Priority over all Mortgages of and Securities on that Rate made by them after the Commencement of this Act.

Provisions of Act of 1848 as to Application of Improvement Rate and Sinking Fund applicable.

47. The Provisions of the Improvement Act of 1848 with respect to the Application of the Improvement Rate, and with respect to Monies raised on Mortgage thereof, and the Sinking Fund for paying off Monies borrowed on the Security of that Rate, extend and apply to this Act, and the Monies borrowed under this Act on the Security of that Rate.

48. With

Remedies for Recovery of Rates:

48. With respect to the Remedies of the Corporation for Recovery of Rates and Assessments on rateable Property within the City made by them after the Commencement of this Act:

By Notice to pay;

(A.) The Collector may leave at the Dwelling House of the Person chargeable a Notice in Writing, dated the Day and Year of serving the same, subscribed with the Name and Abode of the Collector, requiring Payment of the Sum applotted within Ten Days after the Date of the Notice, and expressing that within the Ten Days the Money demanded may be paid to the Collector at his House or Office:

by Summons before Justice;

(B.) And if the Money be not so paid within that Time, the Collector may prefer a Complaint to any Justice of the Peace of the City, and the Justice shall summon the Party so complained against to appear before him or any other Justice of the Peace and answer the Complaint, and at the Time specified in the Summons the Justice before whom the Party summoned shall appear shall examine into the Matter of the Complaint on Oath, and shall direct the Payment to the Collector of such Money as the Justice finds due and payable under the Assessment by the Party complained against, together with a Sum certain for such reasonable Costs and Charges as to the Justice seems meet:

or by Warrant of Distress:

(C.) And in default of the Appearance of the Party complained against, or upon his Failure forthwith to pay the Sum by the Justice directed to be paid, the Justice or any Justice of the Peace of the City may issue his Warrant authorizing and empowering the Collector to levy the Money thereby ordered to be paid by Distress and Sale of any Goods or Chattels of the Defaulter found within the City, rendering the Overplus (if any) to him, the necessary Charges and Expenses of distraining being thereout first deducted as directed by the Justice:

Collector to keep Warrants, &c., for Inspection.

(D.) And the Collector shall be bound to preserve the Warrants of the Seizures or Sales, and enter in a Book to be kept for that Purpose the Names of the Parties proceeded against, the Assessments due, the Expenses of the Proceedings, and the true Proceeds of every Sale, which Book shall be open to the Inspection (without Fee) of all Parties interested for Three Months after the Date of every Sale respectively:

Complaints against Collector to be heard by Justice;

(E.) And at any Time within that Period any Party considering himself aggrieved may complain to any Justice of the City of anything done unjustly or oppressively with respect to the Seizure or Sale, the Complaints being made in the Form of Petitions subscribed by the Complainants, and the Decision of the Justice shall be final:

(F.) Or

(F.) Or otherwise the Collector may sue for and recover all or any Part of the Assessment in arrear by Personal Action or by Suit before the Civil Bill Court of the Assistant Barrister or Recorder having Jurisdiction in the City, or otherwise according to Law: or by Civil Bill, &c.

(G.) And no Misnomer, Mistake, or Informality committed in any Proceedings for Recovery of any Assessment under the recited Improvement Acts respectively, or this Act, shall prejudice the Recovery of the Assessment and Expenses: Informalities not regarded.

(H.) Nor shall the Proceedings abate by the Death, Resignation, or Removal of the Collector instituting the same, or by any Change in the Persons holding Office as Collectors, but the Collector from Time to Time may follow forth Proceedings commenced and carried on in the Name of any previous Collector in all respects as if the Proceedings had been taken by himself: Proceedings not to abate by Death of Collector, &c.

(I.) Provided, that it shall not be competent for any Person to sue nor for any Court of Law to entertain any Action or Proceeding against the Corporation, or any Collector, Officer, or other Person employed in executing any Warrant in reference to any Assessment under the recited Improvement Acts respectively, or this Act, by reason of any Mistake, Informality, or Misnomer, if the Goods or Chattels seized or sold under the Warrant were *bonâ fide* the Property of the Person actually liable under the recited Improvement Acts respectively, or this Act, to Payment of the Assessment. Collectors not liable for Mistakes, &c.

49. In any Shop, Building, Stall, or Place within the City kept or used for the Sale of Butchers Meat, Poultry, or Fish, no Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish unfit for the Food of Man shall be kept or retained, unless entirely separate and apart from any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish intended for such Food, nor unless the same be ticketed in large and legible and conspicuous Characters as being unfit for such Food; and if any Person keeps in any Shop, Building, Stall, or Place within the City so occupied or used by him any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish unfit for the Food of Man otherwise than so entirely separate and apart and ticketed, every Person so offending shall for every such Offence forfeit not exceeding Five Pounds. Provision against Sale of unwholesome Meat.

50. The Inspector of Nuisances, Officer of Health, or any other Officer appointed by the Corporation for that Purpose may at all reasonable Times, with or without Assistants, enter into and inspect any Shop, Building, Stall, or Place within the City kept or used for the Seizure by Inspector of unwholesome Meat.

the Sale of Butchers Meat, Poultry, or Fish, or as a Slaughter-house, and examine any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish therein; and in case any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish appear to him to be intended for the Food of Man, and to be unfit for such Food, the same may be seized by him and produced before a Justice.

Destruction of unwholesome Meat by Order of Justice.

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

Legal Proceedings.

52. With respect to legal Proceedings for Recovery of Damages and Penalties under the recited Improvement Act of 1848 and this Act respectively,—

Recovery of Damages.

(A.) In all Cases in which the Amount of any Damages, Costs, and Expenses is by the recited Improvement Act of 1848, or this Act, directed to be ascertained or recovered in a summary Manner, the same may be ascertained by and recovered before One or more Justices of the City, together with such Costs of the Proceedings as the Justice or Justices shall think proper; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made, the same may be levied by Distress and Sale of his Goods and Chattels by Warrant under the Hands and Seals of the Justice or Justices making the Adjudication:

Recovery of Penalties.

(B.) Any Penalty imposed by or under the Authority of the recited Improvement Act of 1848, or this Act, or any Bye-law made thereunder, the Recovery whereof is not otherwise expressly provided for, may, upon Proof on Oath of the Offence in respect of which the Penalty is alleged to have been incurred, be recovered before One or more Justices of the City, together with such Costs of the Proceedings as the Justice or Justices shall think proper; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made, the same may be levied by Distress and Sale of his Goods and Chattels by Warrant under the Hands and Seals of the Justice or Justices making the Adjudication.

53. Where

Application of Penalties.

53. Where any Penalty or Forfeiture is recovered by virtue of this Act or of either of the recited Improvement Acts, or any other Act from Time to Time in force within the City, the Justices by whom the Penalty or Forfeiture is imposed shall award the same to the Treasurer of the City to the Credit and Account of the City Fund of the City.

Justice not disqualified by being Corporator or liable to Assessment under Act.

54. Except as by this Act otherwise provided, a Person shall not be incapable of acting as a Justice of the Peace for the City in the Execution of this Act, or any other Act from Time to Time in force within the City, with reference to any Matter in which the Corporation are directly or indirectly concerned, by reason of his being a Member of the Corporation, or being liable to Assessment under this Act or any such other Act.

Extension of Jurisdiction of Court of Conscience.

55. From and after the Commencement of this Act the Jurisdiction of the Court of Conscience held before the Mayor or Recorder of the City shall be extended to all Debts between Party and Party not exceeding in Amount the Value of Forty Shillings present Currency, with all such Powers, Privileges, Authority, and Jurisdiction as the Mayor and Recorder respectively have heretofore used and exercised in Causes not exceeding Forty Shillings late Currency of *Ireland.*

Saving Rights of Irish Society.

56. Except only as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, alter, or affect any of the Jurisdictions, Franchises, Estates, Rights, Powers, Authorities, or Privileges vested in or enjoyed by the *Irish* Society.

Saving Rights of Corporation.

57. Except only as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Jurisdictions, Franchises, Estates, Rights, Powers, or Privileges of the Corporation.

Expenses of Act.

58. All the Costs, Charges, and Expenses of and incident to the preparing and applying for, obtaining, and passing of this Act shall be borne and paid by the Corporation.

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