



ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 182.

An Act for erecting a Court House, County House, or Sessions House, for the Use of the City and County of *Londonderry*. [27th June 1812.]

WHEREAS it is necessary to make Provision for the building and maintaining a Court House, Sessions House, or County House, for the Use of the City and County of *Londonderry*: 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 present Members serving in Parliament for the City and County of *Londonderry*, namely, the Right Honourable Sir *George Fitzgerald Hill* Baronet, for the City of *Londonderry*, the Honourable Lord *George Beresford*, and the Honourable *Charles Stewart*, for the County of *Londonderry*, *John Curry*, Mayor of the said City, and the Members serving in Parliament for the said City and County, and the Mayor of the said City from Time to Time for the Time being hereafter, together with *Alexander Stewart* of *Aros*, *John Richardson* of *Somerset*, *George Canning* of *Garvagh*, *Thomas Scott* of *Foylehill*, *Barre Beresford* of *Walworth*, *Marcus Samuel Hill*, *Joseph Curry*, and *John Acheson Smyth*, of the City of *Londonderry*, and their Successors, to be elected in Manner herein mentioned, shall be and are hereby appointed Commissioners, with full Power and Authority for laying out, designing, making, building, and erecting a proper Court House, Sessions House, or County House, of and for the said

Commissioners for building the County House.

[Loc. & Per.]

City and County of *Londonderry*, with proper and sufficient Yards, Courts, Out-Offices, and Conveniences, Passages, and Avenues for the same, and for supplying the said Court House, Sessions House, or County House, at all Times with a Sufficiency of good and wholesome Water for the Use of the same; and as well for that Purpose as for the Construction of Sewers to carry off the Filth and Dirt, and for making Reservoirs, Trenches, Watercourses, and Sewers for the carrying a constant and sufficient Supply of Water for the Use of the said Court House, Sessions House, or County House, and cleansing the same, and for repairing the said Reservoirs, Trenches, Watercourses, and Sewers, and for fixing and laying Pipes in, over, upon, or through any of the Lands and Grounds to be purchased or used by virtue of this Act; and for effecting the said several Purposes it shall and may be lawful to and for the said Commissioners, and their Successors, to enter into and upon any Lands, Tenements, or Hereditaments within the said City and County of *Londonderry*, not exceeding Two Acres, and to agree and treat for the Purchase thereof, or the Use of the same for such Purposes, paying or tendering to the Owner or Owners and Occupier or Occupiers thereof respectively full and ample Satisfaction and Compensation for the Purchase thereof and Damage done thereby, in Manner herein mentioned; and it shall and may be lawful to and for the said Commissioners, or their Successors, to lay out, design, assign, and appoint how and in what Manner the said Court House, Sessions House, or County House, and the Yards, Courts, Out-Offices, Conveniences, Passages, and Avenues of the same, shall be built, erected, and made, and with what Materials, and in what particular Scite and Situation the same shall be built, and how and in what Manner the same shall be supplied with Water, and how the same and the several Buildings, Courts, Out Offices, Conveniences, Passages, and Avenues of the same respectively, may and shall from Time to Time be preserved, and kept in good Repair and Order, and to make Contracts and Agreements for and concerning the same, and to do all other Matters and Things requisite for carrying on and effecting the Purposes directed by this Act to be done, and for causing the same to be effectually perfected, as to them shall seem meet under the Regulation of this Act: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to purchase, take, or use any House, Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, without the Consent in Writing of the Owners or Proprietors thereof and Persons interested therein respectively, save and except the Lands, Tenements, and Hereditaments mentioned in the Schedule hereunto annexed.

Meeting.

II. And be it further enacted, That the said Commissioners shall meet at the County House in *Pump Street*, or any other convenient Place within the said City, on any Day after the passing of this Act, between the Hours of Ten in the Forenoon and Three in the Afternoon, of which Meeting Six clear Days previous Notice shall be given, and which Notice shall be signed by One of the Members serving in Parliament for the said City or County, or by the Mayor of the said City for the Time being, and any Two other Commissioners appointed by this Act, and shall then and there proceed to carry this Act into Execution; and shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves,

elves, and appoint their next Meeting to be holden at such Place in the said City and County of *Londonderry*, and at such Time as to them shall seem proper; and if it shall so happen there shall not appear at any such Meeting a sufficient Number of Commissioners to act in the Execution of this Act, the Commissioner or Commissioners then present, or the Clerk to the said Commissioners, shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day within Fourteen Days from the Day on which such Adjournment shall be made.

III. And be it further enacted, That in case of the Death, Refusal, Neglect, or Disability to act, of any of the said Commissioners or their Successors to be appointed in Manner herein-after mentioned, it shall be lawful for the Grand Jury of the said City and County of *Londonderry*, at any Assizes for the said City and County, to appoint any Person or Persons to be a Commissioner or Commissioners for the Purposes of this Act, in the Room and Stead of such Commissioner or Commissioners so dying, refusing, neglecting, or being disabled to act; and if any of the Persons so appointed to be Commissioners shall die, refuse, or neglect, or be disabled to act as such Commissioners, it shall and may be lawful for any subsequent Grand Jury to appoint other Commissioners from Time to Time to complete the Number thereof, as the Case may require, that so as there shall not at any Time be more than Eight Commissioners exclusive of the Members for the said City and County, and the Mayor of the said City for the Time being; and any Three or more of the said Commissioners shall be in all Cases competent to do any Act which the Whole of the said Commissioners could or might lawfully do.

Appointment
of future
Commission-
ers by Grand
Jury.

Three a
Quorum.

IV. And for the Purpose of defraying the several Costs, Charges, and Expences of building, erecting, making, and finishing, and for the maintaining and keeping in Repair the said Court House, Sessions House, or County House, and the Courts, Yards, Out-Offices, Buildings, Conveniences, Passages, and Avenues of the same, and of purchasing such Houses, Buildings, Lands, Tenements, and Hereditaments, for the Purposes of this Act, and the Costs, Charges, and Expences attending the obtaining and passing this Act, and all other the necessary Costs, Charges, and Expences of the said Commissioners in carrying the same into Execution; be it further enacted, That it shall be lawful to and for the Grand Jury of the said City and County of *Londonderry*, and they are hereby required from Time to Time at any Assizes for the said City and County, to cause to be presented and raised on the said City and County at large such Sum or Sums of Money as shall, together with any Sum or Sums of Money already raised and now in the Hands of the Treasurer of the said City and County, constitute a sufficient Fund for defraying the said several Costs, Charges, and Expences.

Grand Jury
to present
Money for
Payment of
Expences.

V. And be it further enacted, That if at any Time after the passing of this Act, the Sum which shall be necessary to be raised for the completing, building, and repairing such Court House, Sessions House, or County House, shall be greater than it may be proper to raise on the said City and County in any one Half Year, then, and in every such Case, it shall be lawful for the Grand Jury of the said City and County, at any Assizes, to present, in the first Instance, the whole Sum to be expended for such Purposes, and to direct in and by such Presentment that the same shall be

Sums pre-
sented for,
may be raised
by Instal-
ments.

raised in the said City and County, by a Half-yearly or Yearly Sum, or Instalments, in Manner and at the Times therein specified, and the Sum shall be so raised accordingly: Provided always, that it shall be lawful for any subsequent Grand Jury to permit that any of the said Instalments shall be increased to any Sum that shall be found necessary or proper.

Commissioners empowered to rent or purchase Houses, &c.

VI. And be it further enacted, That the Commissioners under this Act for the Time being, or any Three or more of them, after Presentment made as aforesaid, shall have full Power and Authority to rent or purchase any Houses, Buildings, Lands, Tenements, or Hereditaments, which may be necessary for the Scite of any such Court House, Sessions House, or County House, or any Enlargement of or Addition to the same, or the Courts or Outlets thereunto belonging, and to direct the Houses, Buildings, Lands, Tenements, and Hereditaments so rented or purchased, to be conveyed to the Mayor, Commonalty, and Citizens of the City of *Londonderry*, in Trust, for the Uses and Purposes of this Act.

Vesting the Building and Furniture in the Mayor, &c.

VII. And be it further enacted, That all the Bricks, Stones, Timber, Iron, Lead, and all other Materials brought and procured by Order of the said Commissioners for building, erecting, and furnishing the said Court House, Sessions House, or County House, and other Conveniences thereto, shall belong to and be the Property of, and the same is and are hereby vested in the said Mayor, Commonalty, and Citizens of the City of *Londonderry*; and it shall be lawful for the said Mayor, Commonalty, and Citizens of the City of *Londonderry*, to bring or cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment, (as the Case may require), against any Person or Persons who shall steal, carry away, spoil, injure, or destroy the said Court House, Sessions House, or County House, or other Conveniences, or the Furniture thereof, or the Wall or Walls, Fence or Fences of such Court House, Sessions House, or County House, or of any Building, or other Works, erected, made, or built by virtue of this Act, or any Part or Parts thereof; and in all such Actions and Bills of Indictment, it shall be and be deemed and taken to be sufficient to state generally that the said Wall, Fence, Building, Furniture, Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Mayor, Commonalty, and Citizens of the City of *Londonderry*, without particularly stating or specifying the Names of the said Mayor, Commonalty, and Citizens.

Commissioners may sue and be sued.

VIII. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name of the Mayor, Commonalty, and Citizens of the City of *Londonderry*.

Presentment for Rent of Court Houses.

IX. And be it further enacted, That whenever a certain Rent is or shall be made payable for the Court House, Sessions House, or County House, of the said City and County, or any Part thereof, or any of the Appurtenances thereof, the Grand Jury of the said City and County, at the then next Assizes, shall present such Rents to be raised upon the said City and County; and the Money so presented shall in every succeeding Year be inserted in the Warrant of the Treasurer of the County, and shall be raised and paid to such Persons to whom such Rents are or shall be respectively

tively payable, without further or other Presentments, and without any Deduction whatsoever.

X. And whereas Fires or other sudden Accidents may happen in such Court House, Sessions House, or County House, and in such Case it may be necessary that such Court House, Sessions House, or County House, should be repaired, before there can be any Opportunity to make Provision for the same as aforesaid; be it enacted, That in case any Fire or other sudden Accident shall happen in such Court House, Sessions House, or County House, it shall and may be lawful to and for any Three of the Commissioners under this Act, for the Time being, whereof a Member for the said City or County, or the Mayor of the said City for the Time being, shall be One, to cause an Estimate and Valuation to be then forthwith made on Oath before One Justice of the Peace, by Two understanding Tradesmen, specifying the Price of the several Articles and Labour, and the full Amount of the Sum necessary to be expended on the Repair or Preservation of such Court House, Sessions House, or County House; and that thereupon it shall and may be lawful for them the said Commissioners jointly to inspect the said Damage; and if it shall appear to them that the Repair required is absolutely necessary, and cannot without Injury and Inconvenience to the Public be postponed to the following Assizes, such Commissioners shall certify the same, and shall make an Order under their Hands and Seals, on the Treasurer of the said City and County, to pay or advance to any Person or Persons specified in such Order, such Sum or Sums as may be necessary to complete such Repair, not exceeding the Sum of One hundred Pounds, which Sum or Sums the said Treasurer is hereby required to pay, provided he has in his Hands Money of the said City and County sufficient for that Purpose; which Sum so paid shall be replaced by Presentment to be made for that Purpose, by the Grand Jury, at the next Assizes which shall occur after the Payment thereof, and no other Presentment shall be fiated thereout till such Presentment shall be made and passed by such Grand Jury.

How Court Houses shall be repaired in case of Accident.

XI. And be it further enacted, That the said Commissioners under this Act shall, for the Purpose of building, altering, enlarging, or repairing such Sessions House, Court House, or County House, or any of the Appurtenances thereof, have all and singular the same Powers of raising and carrying away Sand, Gravel, Stones, Earth, or other Materials, as are or shall from Time to Time be given by any Laws or Law in force in *Ireland*, to the Overseers of the public Roads, and subject to the same Regulations and Restrictions as if the same were repeated and re-enacted in this Act.

Commissioners may raise Gravel.

XII. And be it further enacted, That whenever any Presentment shall have been or shall be made by the Grand Jury of the said City and County of *Londonderry*, for the building, rebuilding, repairing, finishing, or enlarging of such Court House, Sessions House, or County House, the Commissioners under this Act shall give Notice of such Presentment having been made Twice at least in some public Newspaper circulating in or near the said City and County, of their Intention of contracting with any Person or Persons for the Execution of such Work, or of any Part or Parts of such Work; and every such Contract and Contracts shall be made at the most reasonable Price or Prices which shall be proposed by such Contractor or Contractors, as shall be deemed by the said Commissioners to be the most proper and responsible Persons to carry the Contract or Contracts into Ex-

Commissioners to give Notice of Presentments and enter into Contracts for building, &c.

execution respectively; and all such Contracts in Writing for any of the Purposes aforesaid, shall be binding upon all Parties who shall sign the same, his, her, and their Executors and Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and all such Contract and Contracts when agreed upon, shall be entered by the said Commissioners, or by some Clerk to be employed by them, in a Book to be kept by them, which Book, when such Works are completed, shall be delivered to the Clerk of the Peace for the Time being, who is hereby required to keep the same amongst the Records of the said City and County, to be from Time to Time inspected at all reasonable Times, by any Grand Jurors of the said City and County, or by any Person or Persons employed or to be employed by or on Behalf of any such City and County, without Fee or Reward.

Persons interested may sell and demise.

XIII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic and Corporate, Trustees, Guardians of Infants, Committees of Lunatics or Idiots, Females Covert, with their Husbands, and all other Persons whatsoever, who are or shall be seized or possessed of, interested, or entitled unto any Estate or Interest, in any Manner whatsoever, in the Grounds, Houses, Tenements, Edifices, Erections, or Buildings, which by the said Commissioners, or any Three or more of them, shall be thought necessary to be rented or purchased for any of the Purposes of this Act, by Deeds indented and inrolled, to demise for ever, or to sell and convey all or any such Grounds, Houses, Tenements, Edifices, Erections, or Buildings, or any Part thereof, and all the respective Estates and Interests therein, to the Mayor, Commonalty, and Citizens of the said City of Londonderry, in Trust for the Purposes aforesaid, and that all Contracts, Agreements, Bargains, Sales, and Conveyances, which shall be so made by such Person as aforesaid, shall be good and valid in the Law to all Intents and Purposes whatsoever; and that such Mayor, Commonalty, and Citizens shall be Trustees of all such Houses, Lands, Tenements, and Hereditaments as shall be conveyed to or vested in them respectively, under or by virtue of this Act, for the Purposes herein provided, and no other.

Juries to be summoned if Refusal made of selling, etc.

XIV. And be it further enacted, That if any Body or Bodies Politic or Corporate, or other Person or Persons having or claiming to have any Estate, Title, Term or Interest in or to such Grounds, Houses, Tenements, Edifices, Erections, or Buildings as aforesaid, or any Charge, Lien, or Incumbrance thereon, shall refuse to agree with the said Commissioners respectively, for the Sale and Conveyance of their respective Rights, Terms, and Interests therein, or shall not produce or evince a clear Title to such Estates, Rights, Titles, Terms, or Interests, as they shall or may so claim; or if the said Commissioners respectively shall be ignorant who shall be entitled to the same, then and in every or any such Case it shall and may be lawful to and for the said Commissioners, or any Three or more of them, and they are hereby empowered or authorized from Time to Time to issue a Warrant or Warrants, Precept or Precepts, to the Sheriff of the County, County of a City, or County of a Town, who is hereby authorized, directed, and required accordingly to impanel, summon, and return a competent Number of substantial Persons qualified to serve on Juries, not less than Forty, out of which Persons so to be impanelled, summoned, and

and returned, a Jury of Twelve Persons shall be drawn, by some Person to be by the said Commissioners, or any Three or more of them, appointed in such Manner as Juries for the Trials of Issues joined in His Majesty's Four Courts at *Dublin*, by an Act made in *Ireland*, in the Twenty-ninth Year of His late Majesty King *George* the Second, intituled *An Act for the better regulating Juries*, are directed to be drawn; which Persons so to be impannelled, summoned, and returned as aforesaid, are hereby required to come and appear before the said Commissioners, or any Three or more of them, at such Time and Place as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed, and to attend the said Commissioners, or any Three or more of them, till discharged by them; and all Persons concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not be at Liberty to challenge the Array.

Jurymen may be challenged but not the Array.

XV. And be it further enacted, That in all Cases of Trials by Juries before the said Commissioners, or any Three or more of them, where a full Jury shall not appear before them, or where after the Appearance of a full Jury it shall so happen, either by Means of Challenges or otherwise, that there shall be a Default of Twelve Jurors for such Trial, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to command the Sheriff of the County, County of a City, or County of a Town, to impanel so many other Persons as shall make up a full Jury of Twelve Men; which Persons so to be impannelled shall be added to the former Pannel, and all Parties interested in such Trials shall have their Challenges to the Jurors so added to the former Pannel, as if they had been originally summoned; and the said Commissioners, or any Three or more of them, are hereby authorized and empowered, by Precept or Precepts, from Time to Time as Occasion shall require, to call before them all and every Person or Persons whatsoever who shall be thought proper or necessary to be examined as a Witness or Witnesses before them on their Oath or Oaths touching or concerning the Premises; and the said Commissioners, or any Three or more of them, if they shall think fit, shall and may likewise authorize and require the said Jury to view the said Grounds, Houses, Tenements, or Buildings intended to be valued or purchased; and the said Commissioners, or any Three or more of them, shall have Power to adjourn such Meeting from Day to Day, and Place to Place, as Occasion shall require, and to command such Jury, Witnesses, and Parties, to attend until the Business for which they shall be so summoned by virtue of this Act shall be concluded; and the said Jury shall, upon their Oaths (which Oath, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Three or more of them, are hereby required and empowered to administer) fairly, truly, and impartially, enquire of the Value of such Grounds, Houses, Tenements, and Buildings, and of the respective Estate, Right, Title, Term, and Interest, of every Person or Persons seized or possessed thereof or interested therein, or of or in any Part thereof, and shall assess or award the Sum or Sums to be paid to every such Person or Persons for the Purchase of such their respective Estates, Rights, Titles, Terms, and Interests, and shall also enquire, ascertain, and find, all and all Manner of Charges and Incumbrances and Liens thereon, and the Amount of the Sum or Sums due thereon respectively, and what Estate and Estates therein are subject to any such Liens or Charges; and the said Commissioners, or any Three or more of them, shall and may give Judgment

On Default of Twelve Jurors, others summoned, &c.

ment for such Sum and Sums so to be assessed as and for the Value of the said several Estates in the said Lands, Tenements, and Hereditaments, and for the Payment thereof respectively in Manner herein-after mentioned; which said Verdict or Verdicts, and the said Judgement, Decree, or Determination thereupon, (Notice in Writing being first given to the Person or Persons interested, at least Six Days before the Time of the First Meeting of the said Jury, declaring the Time and Place of such Meeting of the Commissioners and Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or at his, her, or their usual Place or Places of Abode, or with some Tenant or Occupier of the Houses, Buildings, or Ground intended to be valued or assessed; in case such Party shall not be known or cannot be found, and also in the Newspaper), shall be binding and conclusive to all Intents and Purposes whatsoever, against all Bodies Corporate or Politic, Infants, Lunatics, Idiots, Females Covert, and Persons under any legal Disability, and against all and every Person and Persons whatsoever, his, her, or their Heirs, Successors, Executors, and Administrators, having or claiming to have any Estate, Right, Trust, Use, or Interest, in, to, or out of the said Grounds, Houses, Tenements, Buildings, and Premises, either in Possession or Reversion, Remainder or Expectancy, or in any Manner whatsoever; or any Charge, Lien, or Incumbrances thereon; which said Verdicts, Judgements, and Decrees, and all other Proceedings of the said Commissioners, and such Judgements to be made, given, and pronounced as aforesaid, shall be fairly written on Parchment, and signed and sealed by the major Part of the said Commissioners who were present, and pronounced such Judgements and Decrees; and all Verdicts of the said Juries, and all Judgements, Decrees, Orders, and other Proceedings of the said Commissioners, shall be entered in the Rolls Office of His Majesty's High Court of Chancery in *Ireland*; and the same, or true Copies thereof, shall be deemed and taken to be good Evidence thereof in any Court of Law or Equity whatsoever.

Fines on
Sheriffs,
Juries, &c.
for Neglect.

XVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Three or more of them, from Time to Time to impose any reasonable Fine, not exceeding Twenty Pounds Sterling, on any Sheriff or Sheriffs, or their Deputy or Deputies, Bailiffs, or Agents respectively, who shall make Default in the Premises, and on any Person or Persons who shall be summoned and returned on any Jury or Juries who shall not appear, and also on any Witness or Witnesses who shall not attend without reasonable Excuse, or shall refuse to be sworn or to give Evidence to the said Commissioners, or any Three or more of them, or to any Jury so impanelled before them, and on any Person or Persons summoned and returned on any such Jury or Juries, who shall refuse to be sworn on any such Jury or Juries, or to give his or their Verdict, or shall in any other Manner wilfully avoid or neglect his or their Duty in or touching the Premises; and all such Fines, when the same shall be recovered and received, shall be applied to the Purpose of such Presentment.

Conveyance
to be made on
Payment.

XVII. And be it further enacted, That upon Payment of such Sum and Sums of Money so to be awarded and adjudged as follows; (that is to say,) first, in and towards the Payment and Discharge of the Sums due on the said Charges, Incumbrances, and Liens, if any so found to affect the several Estates therein respectively, and then to the Owners of the said Estates

Estates respectively, if any shall remain for that Purpose, that the Person or Persons who shall be so found and adjudged to be the Owners of the said several Estates of and in the said Grounds, Houses, Tenements, or Buildings respectively, and also the Owners of the said Incumbrances, Charges, and Liens respectively, shall make and execute, and procure to be made and executed, to the said Mayor, Commonalty, and Citizens of the said City of *Londonderry*, a good and sufficient Conveyance or Conveyances, thereby granting, releasing, or assigning to them the said Grounds, Houses, Tenements, or Buildings, and all such Estate, Right, Title, Term, or Interest therein, or Charge, Incumbrance, or Lien thereon, so awarded as aforesaid; and in case such Person or Persons shall not be able to evince his, her, or their Title to the Premises, or to any Charge, Incumbrance, or Lien thereon, or make or procure to be made such valid and legal Conveyance or Conveyances thereof, or shall refuse so to do, being thereunto required, and such Sum or Sums so assessed and awarded as aforesaid being tendered to be paid in Manner aforesaid, on their making such Title, and executing or procuring to be executed such Conveyance or Conveyances as aforesaid; or in case such Person or Persons cannot be found in the said County; or in case, by reason of Disputes or Difference, or for Defect of Evidence, it shall not appear to the said Commissioners or Jury what Person or Persons is or are entitled to the Premises in question, or to any Charge, Incumbrance, or Lien thereon, or whether any Charge, Incumbrance, or Lien, appearing to them by the Registry or otherwise to have existed, remains either in the Whole or in Part in force or undischarged, then and in every such Case as aforesaid it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to pay into and deposit in the Bank of *Ireland*, with the Privity of the Accountant General of the Court of Chancery of *Ireland*, the Sum or Sums so assessed or awarded as the Value of and Purchase Money for the said Grounds, Houses, Tenements, and Buildings, or any particular Estate or Interest therein; and immediately upon such Payments, and Entry of such Verdicts of the said Juries, and Judgements, Sentences, and Decrees, Orders, and other Proceedings of the said Commissioners as aforesaid, the said Grounds, Houses, Tenements, Buildings, and Premises, shall vest in the said Mayor, Commonalty, and Citizens of the said City of *Londonderry*, and they shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises in Possession, Remainder, Reversion, or Expectancy, or any Charge, Incumbrance, or Lien thereon, was of full Age and of sound Mind and Memory, and had actually and duly conveyed the same to the said Mayor and Corporation by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery and Seisin, Fine and Recovery, or by any other legal Conveyance whatsoever.

When Title not clear, Money may be lodged in the Bank of Ireland.

XVIII. Provided nevertheless, and be it enacted, That where such Charge, Incumbrance, or Lien, shall also extend over and be a Charge, Incumbrance, or Lien, on any Lands, Tenements, or Hereditaments, other than those which shall be so conveyed to or vested in such Treasurer for the Time being, and his Successors in Office as aforesaid, then and in such Case neither this Act, nor any Conveyance to be made as aforesaid, shall in any respect discharge, affect, or alter the Force, Validity, or Effect of such Charge, Incumbrance, or Lien, so far as relates to such other Lands,

Charges shall continue on Lands not conveyed.

[*Loc. & Per.*]

45 C

Tenements,

Tenements, or Hereditaments, but that as to all such the same shall continue to be a good, valid, and subsisting Charge, Incumbrance, and Lien, for so much thereof as shall remain unpaid, in the same Manner in all Respects as if this Act, or any Thing done under the same, had not existed, but not further or otherwise.

Application
of Compensation, where
it amounts to
200l.

XIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other *Cestuique* Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall be equal to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the said Commissioners, to the Intent that such Money shall be applied under the Directions, and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, standing settled therewith, to the same or to the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Approbation and Direction of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement, shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in Government Securities; and in the mean Time, and until the said Government Securities shall be ordered by the said Court of Chancery to be sold for the Purpose aforesaid, the Dividends and annual Produce of such Government Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
of Compensation when less
than 200l.
and exceeding
20l.

XX. Provided also, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity aforesaid, shall be less than the Sum of Two hundred Pounds, and shall be equal to or exceed Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the

the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands) be paid into the Bank of *Ireland*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners, (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising therefrom, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

XXI. Provided also, and be it enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Uses of the Person or Persons who would for the Time have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Commissioners shall direct; or in case of Infancy or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than 20l.

XXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or any Three or more of them; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said High Court of Chancery, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Ireland*, who shall receive such Sum or Sums of Money, is and are hereby

In case of not making out a good Title, or Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of Chancery on Petition.

hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what, and for whose Use the same is or are received, to such Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of disputed Titles.

XXIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Ireland*, in the Name and with the Privy of the Accountant General of the High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by the Trustees.

XXIV. Provided also, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Conveyances shall be by Bargain and Sale inrolled.

XXV. And be it further enacted, That the Conveyance of any Estate or Interest to the said Mayor, Commonalty, and Citizens of *Londonderry*, by Bargain and Sale, and inrolled in the Rolls Office of His Majesty's High Court of Chancery in *Ireland*, within Three Months after making thereof, shall as effectually and absolutely convey the Estate of the Person so conveying, as any Fine or Recovery would or could do if levied or suffered in due Form of Law.

Mortgagees to assign on Tender of Principal and Six Months interest.

XXVI. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on, or who shall have any Judgement or Judgements or other Incumbrances upon or affecting any Houses, Buildings, Lands, Tenements, or Hereditaments which shall be purchased,

purchased in pursuance of this Act, his, her, or their Heirs, Executors, Administrators, and Assigns respectively, shall, on Tender of the Principal Money and Interest due thereon, together with Six Calendar Months Interest of the said Principal Money, by the Commissioners under this Act, or by such Person or Persons as they shall appoint, immediately assign such Mortgage or Mortgages, Judgement or Judgements, or other Incumbrances to the said Commissioners, or to such Person or Persons as they shall appoint in Trust for them; or in case such Mortgagee or Mortgagees, Judgement Creditor or Creditors, or other Person or Persons entitled to the said Incumbrances, shall have Notice in Writing given to him, her, or them from the said Commissioners, or any Person authorized by them, that they will pay off and discharge the Principal and Interest Money which, at the Expiration of the said Three Calendar Months, to be computed from such Notice given, shall be due on such Mortgage or Mortgages, Judgement or Judgements, or other Incumbrances; that then at the End of the said Three Calendar Months, on Payment or Tender of the Principal and Interest Money so due, such Mortgagee or Mortgagees, Judgement Creditor or Creditors, or other Person or Persons entitled to the said Incumbrances, shall convey and assign his, her, and their respective Estates and Interests in the said mortgaged Premises to the said Commissioners, or to such Person or Persons as they shall nominate and appoint in Trust for them; and if any such Mortgagee or Mortgagees, Judgement Creditor or Creditors, or other Person or Persons entitled to the said Incumbrances, his, her, or their Heirs, Executors, Administrators, or Assigns, shall refuse so to do on such Tender or Payment, then all Interest on every such Mortgage, Judgement, and other Incumbrance shall cease and determine.

XXVII. And be it further enacted, That every Tenant at Will, or Lessee for a Year, or from Year to Year only, in Possession of any such Grounds, Houses, or Buildings, or any Part thereof, which shall be purchased, let, or demised as aforesaid, shall deliver up the Possession of such Premises immediately to the said Commissioners, or to such Person or Persons as the said Commissioners, or any Three or more of them, shall appoint to take Possession of the same, in case the said Commissioners, or any Three of them, or such Person authorized by them, shall pay or tender to him, her, or them Six Months Rent of the said Premises, at the Rate payable by such Tenant for his entire Holding; or in case the said Commissioners, or any Three or more of them, shall give him, her, or them Three Months Notice to quit such Possession of such Part in the same Manner as the Landlord of such Tenant might give him Notice to quit Possession of the entire Holding, then such Person or Persons in Possession shall, at the End of the said Three Months, at whatever Time of Year the same shall be, or as soon after as he or they shall be required, peaceably and quietly yield up the Possession of the said Premises to the said Commissioners, or to any other Person or Persons authorized by the said Commissioners, or any Three or more of them, to take Possession thereof; and that in case any such Person or Persons in Possession as aforesaid, shall refuse to give up Possession as aforesaid, then it shall and may be lawful to and for the said Commissioners, or any Three or more of them as aforesaid, to issue their Precept or Precepts to the Sheriff or Sheriffs of the said City and County, commanding him or them by virtue of this Act, to deliver Possession of the said Premises to such Person as shall in such Precept or

Tenants shall deliver up Possession on receiving Six Months Rent.

[Loc. & Per.]

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Precepts

Precepts be nominated to receive the same; and the said Sheriff or Sheriffs are hereby required to deliver such Possession of the said Premises accordingly.

Payment of
Costs and
Expences.

XXVIII. And be it further enacted, That all Sums of Money or other Recompence, Consideration, or Satisfaction, to be paid and made pursuant to any such Agreement or Verdict as aforesaid, and all such Costs, Charges, and Expences as the said Commissioners, or their Heirs or Successors, or any of them, or the said Mayor, Commonalty, and Citizens of the said City of *Londonderry*, shall be at or put to in the Execution of the Trusts and Powers hereby vested in them, shall be paid to such Commissioners by the Treasurer of the said City and County of *Londonderry*, out of the Sums so presented as aforesaid, or hereafter to be presented.

Present
County House
vested in Cor-
poration of
Londonderry,
and to be sold
or let by the
Commission-
ers under this
Act.

XXIX. And be it further enacted, That the County House of the said City and County of *Londonderry*, situated in *Pump Street*, in the City of *Londonderry*, and now held by virtue of a Lease for Lives renewable for ever, at an Annual Rent of Eight Pounds Sixteen Shillings and Sixpence Sterling, from the Society of the Governor and Assistants, *London*, of the New Plantation in *Ulster*, within the Realm of *Ireland*; which said County House, and the Premises thereto belonging, are now vested in Trust for the Use of the Grand Jury of the said City and County of *Londonderry*, and are used for the Purpose of accommodating the Judges, Grand Jury, and other Persons attending at the several Assizes for the said City and County; shall from and immediately after the passing of this Act be and become vested, and the same is hereby declared to be vested in the Mayor, Commonalty, and Citizens of the said City of *Londonderry*, as Trustees for the Purposes of this Act; and that it shall and may be lawful for the said Mayor, Commonalty, and Citizens, to sell, or from Time to Time to let or demise the said County House to any Person or Persons whomsoever, under such Covenants and Agreements as they shall think fit and necessary to be entered into, and for such a Price or at such a Rent, as the Case may be, as shall not be less than a Sum which the said Grand Jury, by a Presentment to be previously passed by them, shall fix and determine to be a Price at which the said County House may be sold, or at which the same may be let or demised, by the said Mayor, Commonalty, and Citizens, and it shall and may be lawful for the said Mayor, Commonalty, and Citizens to make and enter into Contracts, from Time to Time, for the maintaining and repairing the said County House, and to discharge and defray the Cost and Expence thereof out of the Price to be paid or the Rent to be reserved for the same; and the said Mayor, Commonalty, and Citizens shall pay, and they are hereby required to pay the Surplus of such Price or Rent so to be received for the said County House, to the Treasurer of the said City and County, to be by him applied to the Purposes of this Act, and if not requisite for these Purposes, to be applied in Aid of the County Presentments, in like Manner as any Money presented by the Grand Jury is by Law applicable; and the said Mayor, Commonalty, and Citizens shall, and they are hereby required, once in every Year, previous to the Summer Assizes, to furnish to the said Treasurer a full and true Account, signed by the Mayor and Chamberlain of the said City for the Time being, containing the Particulars of any Expence incurred and defrayed in discharging the Head Rent, or in maintaining or repairing said
County

County House, with the Vouchers for the same, which Account and Vouchers shall be laid before the said Grand Jury, at every Summer Assizes after the next, by the said Treasurer.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Three or more of them, of which One of the Members for the said City or County, or the Mayor of said City for the Time being shall be One, at any Time or Times hereafter, under their Hands and Seals, to nominate and appoint such Person to be and act as their Clerk, as they shall think fit, for such Matters as may be necessary to be done in the Execution of the Powers and Authorities hereby given to the said Commissioners; and also to nominate and appoint such Person to be a Court House Keeper, for the Purpose of taking Care of the said Court House, Sessions House, or County House, as they shall think fit; provided that no such Clerk or Court House Keeper shall at any Time be a Commissioner under this Act, and that such Clerk and Court House Keeper shall, from Time to Time, be removable and may be removed at the Will and Pleasure of the said Commissioners, or any Three or more of them, of which One of the Members for the said City or County, or the Mayor of the said City for the Time being shall be One, by Instrument in Writing under their Hands and Seals; and that the said Commissioners, or any such Three or more of them, shall and may make such Allowance and Salary unto such Clerk and to such Court House Keeper, for his and their Care and Pains in the Execution of his said Office or Offices, out of Money so presented, or hereafter to be for that Purpose presented, as the said Commissioners, or any such Three or more of them shall think reasonable, not exceeding in any One Year Thirty Pounds Sterling to the said Clerk, and not exceeding the Sum of Fifty Pounds Sterling in any One Year to the said Court House Keeper.

Commissioners may appoint a Clerk and Court House Keeper.

XXXI. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words; *videlicet*,

Form of Conviction.

‘ County of } BE it remembered, That on the Day of
 ‘ to wit. } 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 County of [specifying the Offence and the
 ‘ Time and Place when and where the same was committed.] Given under
 ‘ my Hand and Seal, the Day and Year first above mentioned.’

XXXII. And be it further enacted, That it shall and may be lawful for the Treasurer of the said City and County of Londonderry, and he is hereby authorized and required, at any Time after the passing of this Act, out of any Money in his Hands raised or to be raised under any Presentment heretofore made or hereafter to be made for the Purposes aforesaid, or for the Purposes of this Act, from Time to Time to advance and to pay and deliver over to any Person or Persons as such Commissioners at any Meeting to be held under this Act, shall by any Order under their Hands direct and appoint, such Sum or Sums of Money as shall from Time to Time be required by such Commissioners to be advanced for the Purposes of this Act: Provided always, that such Order shall be accompanied

Treasurer empowered to advance Money to Commissioners in certain Cases.

panied with a Certificate from the Mayor of the said City of *Londonderry* for the Time being, or of Two Magistrates at some Sessions to be holden for the said City and County, that such Commissioners have entered into a Recognizance before such Mayor or Justices respectively, (which Recognizance such Mayor and Justices respectively are hereby empowered to take,) in the Amount of the Sum so to be advanced, faithfully to apply such Money to the Purposes of this Act and none other; and that they shall at the next and every succeeding Assizes respectively, justly and fairly account on Oath for the due Expenditure of the same, until the Whole of such Money shall be finally accounted for.

Commissioners to account.

XXXIII. And be it further enacted, That such Commissioners shall, at every ensuing Assizes or Term as aforesaid, lay before the Grand Jury and the Court a just and fair Account in Writing of all and every Expenditure and Expenditures of such Money so to be advanced to them, and the particular Purposes for which the same was expended, and the Quantities and Price of each Material bought therewith; and such Account shall be verified by Affidavit in Writing at the Foot thereof, to be made in open Court by One of the said Commissioners, and shall state that the Whole of the Money was so expended for the sole Purpose of executing the Work so presented, pursuant to the Presentment thereof; and when any such Work shall be finished, and the Accounts of the said Commissioners approved of and passed by the Grand Jury and the Court, it shall be ordered that all such Recognizances so entered into shall be vacated on the last Day of the next Assizes or Term, and they shall be vacated accordingly, unless upon some sufficient Complaint laid before the Court or the Grand Jury, sufficient Cause shall appear to induce the Court to make an Order to the contrary; and provided, if there be any Balance unexpended, a Certificate of the Treasurer of the said City and County of *Londonderry* shall be laid before the Grand Jury and the Court, setting forth that he had received the said Balance, and applied it to the Credit of the said City and County.

Recovery and Application of Penalties.

XXXIV. And be it further enacted, That all Fines, Penalties, and Forfeitures to be enforced or incurred by virtue of this Act, (the Manner of levying and recovering whereof is not hereby otherwise particularly directed,) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Justice of the Peace for the said City and County of *Londonderry*, (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath,) and the Overplus, if any, of the Money arising by such Distress and Sale, shall be returned, upon Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making such Distress and Sale, and the Penalties and Forfeitures, when recovered, (if not herein-before directed to be applied,) shall be paid to the Treasurer of the said City and County of *Londonderry*, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Six Calendar Months,

Months, nor less than Fourteen Days, unless such Penalties and Forfeitures shall be sooner fully paid and satisfied.

XXXV. And be it further enacted, That in all Cases any Justice of the Peace may act as such in the Execution of the Powers herein contained, notwithstanding his being a Commissioner, except in Cases where he shall be personally interested. Commissioners may act as Justices if not interested.

XXXVI. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First or General Quarter Sessions of the Peace to be holden for the said City and County of *Londonderry* next after the Expiration of One Calendar Month from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having First given Ten Days Notice at least of his, her, or their Intention to bring such Appeal and of the Matter thereof to the Clerk to the said Commissioners; and the Justices in such Sessions, upon Proof of such Notice having been given, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein as they shall judge proper; and such Determination shall be final, binding, and conclusive to all Parties to all Intents and Purposes whatsoever. Appeal.

XXXVII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of 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 Defect or 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 done by the Party or Parties so 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. Distress not to be deemed unlawful for Want of Form.

XXXVIII. And be it further enacted, That no Order, Verdict, Assessment, Judgement, or other Proceedings made, touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Dublin*, any Law or Statute to the contrary thereof in anywise notwithstanding. Proceedings not to be quashed for Want of Form.

XXXIX. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the City and County of *Londonderry* and not elsewhere, or if any such Action or Suit shall be brought before Fourteen Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other Place than as aforesaid, then the Jury shall find for the Limitation of Actions.

[*Loc. & Per.*]

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, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Plaintiffs not
to recover
after Tender
of Amends.

XL. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Fourteen Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Public Act.

XLI. 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, without being specially pleaded.

SCHEDULE to which this Act refers.

A SCHEDULE of Lands, Tenements, and Hereditaments, to be taken for the Purposes of this Act.

A Piece of Ground, containing Houses, Tenements, and Wastes, about One hundred and sixty Feet in Length, and One hundred and fifty Feet in Depth, situated within the Walls of the City of Londonderry, in Bishop Street, bounded in Front by Bishop Street, in the Rear by the Church-yard, on the North-East by Saint Column's Court, and on the South-West by a House and Premises inclusive, the Property of the Heirs of the late Thomas Lecky and Squire Lecky, which Houses, Tenements, and Wastes, are the Property of the following Persons and their Tenants:

— Coates.

The Heirs and Executors of John Barron.

The Rev. Dr. Chichester, and his Under-tenant Mary Ann Warren.

— Law.

Miss Nicholls.

Robert Porter.

Sir George Fitzgerald Hill, Baronet.

— Lowry.

The Heirs of Michael Ross.

The Heirs of the late Thomas Lecky, Father; and Squire Lecky, Son.

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