



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. cxli.

An Act for the Improvement of the Borough of
Londonderry. [14th August 1848.]

WHEREAS an Act was passed in the Parliament of *Ireland* in the Thirtieth Year of the Reign of His Majesty King George the Third, intituled *An Act for building a Bridge* 30 G. 3. (1.) *over the River Lough Foyle at the City of Londonderry and the Suburbs thereof, and for certain Regulations relative to the same City;* and another Act was passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His said Majesty, intituled *An Act for amending* 40 G. 3. (1.) *an Act passed in the Thirtieth Year of His Majesty's Reign, intituled 'An Act for building a Bridge over the River Lough Foyle at the City of Londonderry and the Suburbs thereof, and for certain Regulations relative to said City;'* and another Act was passed in the Forty-eighth Year of the Reign of His said Majesty, intituled *An Act* 48 G. 3. c. 136. *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;* and another Act was passed in the Fifty-fourth Year of the Reign of His said Majesty, intituled *An Act for rebuilding or repairing the Bridge* 54 G. 3. c. 230. *across the River Foyle, or Lough Foyle, at Londonderry, for enabling the Corporation of that City to raise Money for that Purpose, to autho-*
 [Local.] 21 E rize

rize the Advance of a certain Sum of Money out of the Consolidated Fund of Ireland, and for regulating the Fairs and Markets, and improving the Race Course there ; and another Act was passed in the Fifth Year of the Reign of His Majesty King George the Fourth,

5 G. 4. c. 152. *intituled An Act to amend an Act of the Thirtieth Year of His late Majesty for lighting and improving the City of Londonderry ;* and another Act was passed in the Sixth Year of the Reign of His said

6 G. 4. c. 180. *Majesty King George the Fourth, intituled An Act to amend the several Acts relating to the City of Londonderry ;* and another Act was passed in the Second and Third Years of the Reign of His late

2 & 3 W. 4. *Majesty King William the Fourth, intituled An Act to make more effectual Provisions for lighting, cleansing, and watching the City of Londonderry, and to amend several Acts relating to the said City :*

c. 107. *And whereas it has been deemed expedient to repeal, alter, or amend such of the Enactments of the said recited Acts as do not relate to the Bridge across the River Foyle, and the Rights, Powers, and Authorities of the Trustees in whom the Right, Title, and Interest therein and thereto is vested, or to the Powers and Authorities vested in the Ballast Office Corporation of Londonderry, and to comprise in One Act all the necessary Powers relating to the said several Provisions contained in the said recited Acts or such of them as it may be deemed necessary and advisable to re-enact, save and except such as are herein-after excepted : And whereas it would tend to the general Benefit of the Inhabitants of the said Borough of Londonderry, and to the Improvement thereof, if new Streets were opened, if the present Streets, Thoroughfares, and Places in the said Borough were widened and better lighted, paved, drained, sewered, and otherwise improved and regulated, if the present Markets were removed, new and extended Markets made and erected and established, new and enlarged Waterworks constructed for the supplying of the said Borough of Londonderry with an increased Supply of Water, a Burial Ground or Cemetery made and maintained, with Chapel annexed thereto, and if Powers were granted for more effectually removing Nuisances, Annoyances, and Obstructions therein, and also for better maintaining and regulating the Police of the said Borough ; and that the Mayor, Aldermen, and Burgesses of the said Borough of Londonderry should, by the Council of the said Borough, be empowered to effect the said Improvements, and to carry this Act and the several Powers and Provisions thereof into execution ; but the Objects aforesaid cannot be effected without the Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Provisions of the said herein-before recited Acts passed respectively in the Thirtieth, Forty-eighth, and Fifty-fourth Years of the Reign of His Majesty King George the Third, the Fifth and Sixth Years of the Reign of King George the Fourth, and Second and Third Years of the Reign of His Majesty King William the Fourth, save and except such and so many of them as relate to or provide for the erecting, maintaining, and keeping the Bridge over the River Foyle, and the regulating, managing, and collecting the Tolls thereof, and the Ferry*

across

Recited Acts,
 except as to
 Bridge over
 River Foyle,
 &c. repealed.

across the said River, and all the Provisions relating thereto, and save and except such of the said Provisions thereof as relate to the Ballast Office Corporation of *Londonderry*, and the Port and Harbour of the said City of *Londonderry*, and regulating the Pilots and Vessels using the same, and as relate to the Duties or Powers of the Quaymaster of *Londonderry*, and save and except such of the said Provisions as relate to the Powers, Privileges, Authorities, and Jurisdiction of the Court of Conscience of the same City and the Liberties thereof, and as relate to the levying and Payment of Fines and Recognizances, and as relate to the pulling down of the Walls and Gates of the said City and selling the Materials thereof, and laying out, granting, and demising the Land on which such Walls stand, and making Satisfaction for Injuries sustained thereby, and as relate to the Race Ground or Race Course near the said City, shall be and the same are hereby repealed, except so far as the same repeal any former Act.

II. And be it enacted, That all the Debts, Contracts, Engagements, and Liabilities of the said Pipe-water and Police Committees respectively which may be owing or were owing at the Time of the Execution of certain Transfers or Assignments made to the said Mayor, Aldermen, and Burgesses of the said City of *Londonderry*, bearing Date the Eighth of *October* One thousand eight hundred and forty-seven, for or on account or on the Credit of the Rate or Rates, Applotment or Applotments authorized by the said repealed Acts to be made and levied, shall be paid and discharged by and out of the Rate or Rates, Applotment or Applotments which may be in force at the Time of the passing of this Act, or were in force at the Time of such Assignment; and in case of any Deficiency for that Purpose the Amount of such Deficiency shall be raised and paid by the Council by and out of the Rates by this Act authorized to be raised, levied, and collected; and in case there shall be any Surplus of such Monies after paying and discharging all such Debts, Contracts, Engagements, and Liabilities, the Amount of such Surplus shall be by the said Council carried to the Credit of the said Rates by this Act authorized to be raised and levied.

Debts and Liabilities of Pipe-water and Police Committees to be discharged out of former Rates; but if insufficient, to be paid out of Rates raised under this Act.

If a Surplus, to be carried to Credit of Rates raised under this Act.

III. And be it enacted, That all Books of the said Pipe-water and Police Committees respectively, or either of them, or of the Council, and all Entries therein kept according to the Directions of the said repealed Acts, shall and may be given in Evidence in all Cases of Appeals, Prosecutions, Suits, and Actions whatsoever.

Books of Committees to be Evidence.

IV. And be it enacted, That any Conveyances, Demises, Grants, Mortgages, Agreements, Contracts, and Securities, made, executed, or entered into by the said Pipe-water and Police Committees respectively, and any Actions, Prosecutions, and other Proceedings commenced or pending by or against the said Committees respectively, shall not become invalidated, made void, abated, or discontinued by the Repeal of the said recited Acts or any of them, but such Actions, Prosecutions, and Proceedings may be continued and prosecuted by or against the said Mayor, Aldermen, and Burgesses as if the same had been commenced by or against them, and the said Mayor, Aldermen, and Burgesses shall be liable to all Debts and Engagements

Conveyances by Pipe-water and Police Committees to be valid, and Actions pending by or against them not to abate.

to

to which the said Committees respectively were liable at the Time of such Transfers as aforesaid.

Rates due under former Acts to be collected under this Act.

V. And be it enacted, That all Rates, Rents, and Charges made or imposed under or by virtue of the said repealed Acts or any of them, under the Authority of the said Pipe-water Committee, and which at the Time of the said Transfer had not been made, or were to have been due and payable to the Council if this Act had not been passed, shall continue to be made and be payable until the same shall be received by the said Council under the Authority of this Act, and may be collected and received by such Means and under such Restrictions and Regulations as any Rates, Rents, or Charges to be received in pursuance of this Act may be collected or recovered.

Property of Committees vested in Corporation.

VI. And be it enacted, That all Tenements, and all Utensils, Lamps, Lamp Irons, Lamp Posts, Implements, Goods, Chattels, Effects, Materials, Lands, Springs, Streams, Aqueducts, Waters, Reservoirs, Pipes, Machinery, Works, Fire Engines, and every other Description of Property, Matters, and Things, provided by or vested in the said Pipe-water and Police Committees respectively under the said repealed Acts, or which shall be made or provided under the Provisions of this Act, and all other Implements and Apparatus, Materials, Articles, and Things whatsoever purchased or provided respectively under the Authority of the said recited and hereby repealed Acts or of this Act for the Purposes thereof, shall be the Property of, and they are hereby vested in the Mayor, Aldermen, and Burgesses of the said Borough of *Londonderry*.

Provisions of 10 & 11 Vict. cc. 34. 89. 16., and 8 & 9 Vict. c. 18. extended to this Act.

VII. And be it enacted, That the Provisions of "The Towns Improvement Clauses Act, 1847," "The Towns Police Clauses Act, 1847," "The Commissioners Clauses Act, 1847," and "The Lands Clauses Consolidation Act, 1845," shall be and the same are hereby incorporated with this Act, save so far as they shall be expressly varied or excepted by or are inconsistent with this Act.

Certain Lands not to be taken without Consent.

VIII. Provided always, and be it enacted, That (except for the Purposes of the Waterworks, Markets and Fairs, and Cemetery,) nothing in this Act or the said Lands Clauses Consolidation Act shall authorize the Council to purchase, take, or use any Lands unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Short Title.

IX. And be it enacted, That in citing this Act in other Acts of Parliament, and in Deeds, Instruments, and legal and other Proceedings, it shall be sufficient to use the Expression "The *Londonderry* Improvement Act, 1848."

Limits of Act.

X. And be it enacted, That the Limits of this Act shall be the Borough of *Londonderry*, as defined by an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in Ireland*, and shall not extend beyond the same save as herein-after mentioned with reference to the Waterworks and Cemetery.

3 & 4 Vict. c. 108.

XI. And

XI. And be it enacted, That this Act shall be carried into execution by the Mayor, Aldermen, and Burgesses of the Borough of Londonderry by the Council of the Borough, and that the said Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in Ireland*, and another Act passed in the same Session, intituled *An Act to annex certain Parts of certain Counties of Cities to adjoining Counties, to make further Provision for Compensation of Officers in Boroughs, to limit the Borough Rate, and to continue for a limited Time an Act to restrain the Alienation of Corporate Property in Ireland*, and all other Laws for the Time being in force affecting Municipal Corporations in Ireland, shall, except so far as the same respectively shall be repugnant to or inconsistent with the Provisions of this Act, extend to this Act and to the several Purposes and Things hereby authorized to be done, and to the Mayor, Aldermen, and Burgesses of the said Borough, as fully and effectually as though the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes and Things, and the said Acts and this Act shall accordingly be carried into execution with respect to the same Borough as One Act.

Act to be carried into execution by Mayor, &c., and 3 & 4 Vict. cc. 108. and 109. to extend to this Act.

XII. And be it enacted, That all Monies which under the Provisions of this Act, and of the Acts and Parts of Acts incorporated herewith, shall be due or payable to or by the said Council shall be received or paid (as the Case may be) by the Treasurer for the Time being of the said Borough.

All Monies to be received and paid by the Treasurer.

XIII. And be it enacted, That true Accounts of all Sums of Money received and paid on account of the Purposes of this Act and of the several Matters for which such Sums shall have been paid shall be kept and be open to Inspection and be examined and audited, and Copies thereof and Extracts therefrom may be made, and Abstracts thereof shall be made and printed, and Copies of such Abstracts shall be open to Inspection and be delivered, in like Manner in all respects as by the said recited Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty is enacted concerning the Accounts and Abstracts of Accounts thereby directed to be kept and made: Provided always, that the Provisions of the Acts and Parts of Acts incorporated herewith with respect to the yearly Receipt and Expenditure of the Undertakers shall be in full Force and Effect so far as the same are not at variance with the Enactment herein-before contained.

Accounts of Receipts and Disbursements.

XIV. And be it enacted, That it shall be lawful for the Council of the Borough to make such Bye Laws as they shall be authorized to make by any Act or Part of an Act incorporated herewith: Provided always, that no such Bye Law shall be of any Force until the Expiration of Forty Days after the same or a Copy thereof shall have been sent, sealed with the Seal of the Borough, to the Lord Lieutenant, and shall have been affixed on the outer Door of the Town Hall or

Council to have Power to make Bye Laws.

some other public Place within such Borough; and if at any Time within the said Period of Forty Days the Lord Lieutenant, with the Advice of the Privy Council of *Ireland*, shall disallow the same Bye Law, or any Part thereof, such Bye Law or the Part thereof disallowed shall not come into operation: Provided also, that it shall be lawful for the Lord Lieutenant, at any Time within the said Period of Forty Days, to enlarge the Time within which such Bye Law, if disallowed, shall not come into force, and no such Bye Law shall in that Case come into force until after the Expiration of such enlarged Time: Provided further, that no such Bye Law shall be sent to the Lord Lieutenant until the same shall have been approved of by the Honourable Society of the Governor and Assistants, *London*, of the New Plantation in *Ulster* within the Realm of *Ireland*.

Evidence of
Bye Laws.

XV. And be it enacted, That a Copy of any such Bye Law under the Seal of the Mayor, Aldermen, and Burgesses, with a Declaration thereon signed by the Mayor of the Borough that the same hath been sent sealed as aforesaid to the Lord Lieutenant, and has been affixed on the outer Door of the Town Hall or some other public Place within such Borough, and that no Part thereof has been disallowed by the Lord Lieutenant, and that the same is in force, shall be received as Evidence of any such Bye Law, and of the sending and publishing thereof as aforesaid, in all Courts of Law and Equity and before all Justices.

Bye Laws to
be printed,
and to be
open to In-
spection.

XVI. And be it enacted, That the Town Clerk of the Borough shall, under the Direction of the Council thereof, cause all the Bye Laws and Regulations in force in such Borough under the Provisions of this Act from Time to Time to be printed in a uniform and convenient Form, and shall keep Copies thereof publicly affixed in the Office of such Town Clerk, and in every public Office and Court of such Borough of or belonging to or connected with the Corporation thereof, for the free and open Inspection of all Persons without any Fee, at all reasonable Hours, and shall deliver a Copy of such Bye Laws and Regulations to any Person requiring the same on Payment of such reasonable Price for the same as the Council shall from Time to Time direct; and if any Person shall wilfully and maliciously pull down, destroy, or deface any Copy of such Bye Laws and Regulations which shall be so affixed as aforesaid, such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Penalty on
Persons wil-
fully defacing
the same.

Penalties on
Town Clerk
refusing to
give Copies of
Bye Laws;

and on Per-
sons in care
of Police Of-
fices refusing
Inspection.

XVII. And be it enacted, That if the Town Clerk shall not, upon the Payment or Tender of such Sum as the Council shall direct to be paid for the same, deliver to any Person applying for the same at the Office of the Town Clerk a printed Copy of all or any Bye Laws made in pursuance of this Act, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds; and if the Person for the Time being having the Care of any Police Office or any Justice Room wherein any Justice shall sit for the Administration of Justice shall not permit the printed Copy of any Bye Laws affixed on such Office or Room to be inspected at all reasonable Times by any Person
who

who may require to be permitted to inspect the same, the Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

XVIII. And be it enacted, That the Council shall and may, subject to the Provisions of this Act, and of the Acts and Clauses of the Acts incorporated herewith, cause to be paved, lighted, drained, watered, and otherwise improved the said Borough of *Londonderry*, within the Limits aforesaid, and do all necessary Acts for promoting the Health or Convenience of the said Borough, and for that Purpose may exercise all the Powers vested in them by this Act, and the Acts and Clauses of Acts incorporated herewith.

Power to pave, light, and otherwise improve the Borough of Londonderry.

XIX. And be it enacted, That it shall be lawful for the Council to borrow on the Security of the Rate hereby authorized to be raised any Sum not exceeding in the whole the Sum of Forty thousand Pounds.

Power to borrow Money on Security of Rate.

XX. And be it enacted, That until the Expiration of Two Years from the passing of this Act nothing herein or in the Acts or Parts of Acts incorporated herewith contained shall extend or be construed to exonerate any Body or Person or Persons whatsoever from his or their Duty or Obligation to maintain and repair any Street or Road within the Limits of this Act, nor shall the said Council be liable to such Duty or Obligation unless the said Council shall previously desire to take upon themselves such Duty or Obligation, and at the Expiration of such Two Years, or on the Council previously taking upon themselves such Duty or Obligation, the said Council shall become liable, answer, and be punishable for any Default in the Discharge or Observance of such Duty or Obligation, in such Manner as by the said Towns Improvement Clauses Act is provided: Provided also, that in case any Difference shall arise between the Council and any such Body, Person or Persons, as to what Highways or Roads, or what Part or Parts of any Highways or Roads, the said Council shall be liable to repair, or whether the Inhabitants of the District within the Limits of this Act shall in respect of Lands situate within the said District be liable to pay any and what Amount of Grand Jury Cess, Highway Rate, or other Payment in respect of making and repairing any and what Highways or Roads, or the Manner in which the same should be paid or raised, or any other Question of Law or Fact in reference to Highways or Roads or such Payments as aforesaid, such Question or Difference shall be referred to the Arbitration of a Barrister, who shall be appointed on the like Application and in like Manner as any Arbitrator to be appointed under the Provisions of the said Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to annex certain Parts of certain Counties of Cities to adjoining Counties, to make further Provision for Compensation of Officers in Boroughs, to limit the Borough Rate, and to continue for a limited Time an Act to restrain the Alienation of Corporate Property in Ireland*, is directed to be appointed, and such Barrister shall have the same Powers, Privileges, and Authority

As to Liability to repair Streets and Roads.

3 & 4 Vict. c. 109.

in

in respect to making his Award and assessing the Costs of such Arbitration as are given by the said Act to Arbitrators appointed under the Provisions thereof.

District to be exempted from Highway Rate, &c.

XXI. And be it enacted, That after the Council shall have become liable to or have taken upon themselves the Maintenance and Repairs of the Streets and Roads within the Limits of this Act, the Inhabitants of the District within the Limits of this Act shall not in respect of any Lands situate within the said District be liable to the Payment of any Highway Rate, Grand Jury Cess, or other Payment in respect of making and repairing Roads within the other Parts of the Parish, Townland, Barony, or County in which the said District or any Part thereof is situate.

Appointment of Surveyors, &c. to be approved by Lord Lieutenant.

XXII. And be it enacted, That the Appointment of local Surveyors of the Paving, Drainage and other Works, and Officers of Health, and the Salaries of such Surveyors and Officers, shall be subject to the Approval of the Lord Lieutenant of *Ireland* for the Time being.

Power to contract with Gas Company.

XXIII. And whereas the City of *Londonderry* is now lighted with Gas by a certain Joint Stock Company called "The *Londonderry* Gas Light Company," by virtue of a Contract entered into by the said Police Committee with the said Company and still unexpired: Be it enacted, That on the Expiration of such Contract the Council may contract with the said Company for the Supply of Gas for lighting the Streets; and the Clauses of "The Towns Improvement Clauses Act, 1847," with respect to lighting the Town or District, shall apply to such Company in like Manner and as fully as if they were authorized by Act of Parliament to supply Gas within the Limits of this Act: Provided always, that nothing herein contained shall prevent the Council from contracting with any other Company in such Manner as they are by the said Clauses authorized to do if they shall so think fit.

Certain Provisions of 10 & 11 Vict. c. 17. incorporated with this Act.

XXIV. And be it enacted, That "The Waterworks Clauses Act, 1847," shall be incorporated with this Act (with the Exception of the Clauses of that Act with respect to the Supply of Water to be furnished by the Undertakers, and with respect to the Communication Pipes to be laid by the Undertakers, and with respect to the Communication Pipes to be laid by the Inhabitants, and with respect to the Payment and Recovery of the Water Rates, save so far as any of its Provisions may be inconsistent with or be varied by the Provisions of this Act,) and the Provisions of the Waterworks Clauses Act incorporated herewith shall be applicable as well to the Property and Works of the said Council, and the Streams and Waters which they are authorized to take or use without the Limits of the said Borough, as herein-before defined, as to the Property and Works of the said Council; and such Streams and Waters as aforesaid within such Limits shall also apply to the existing Waterworks and Property of the said Council as well as to the Waterworks hereby authorized to be constructed.

XXV And

XXV. And whereas Plans and Sections showing the Line and Levels of the proposed Waterworks, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands and Streams in or through which the same are intended to be made or pass, have been deposited with the Clerks of the Peace for the City and County of *Londonderry*: Be it enacted, That it shall be lawful for the Undertakers, subject to the Provisions and Restrictions in this and the said incorporated Acts and Parts of Acts contained, to make and maintain the said proposed new Waterworks in the Line and on the Levels and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and to enter upon, take, and use such of the Lands, Streams, and Waters mentioned in the said Plans and Book of Reference as shall be necessary for that Purpose, or to agree for a Lease of such Lands and Streams, and to take therefrom such Water as the Undertakers may require for the Purposes of this and the said incorporated Acts and Parts of Acts.

Power to make Waterworks according to deposited Plan.

XXVI. And be it enacted, That the Persons empowered by the said Lands Clauses Consolidation Act to convey Lands shall have full Power to grant Leases of any Lands and Streams for the Purposes of this Act, or any Easement, Power, or Authority in or over such Lands or Streams: Provided always, that in all such Leases there be reserved the best Rent that can reasonably be gotten for the Premises thereby demised, payable half-yearly or oftener, and that no Premium, Fine, or Foregift be taken for making the same.

Owners may grant Leases.

XXVII. And be it enacted, That the Council shall, within Six Months from the passing of this Act, lay down a Main Water Pipe in every Street or Place within the Limits of this Act, lighted by public Lamps, and in which no Main Water Pipe is now laid down.

Mains to be laid in Streets.

XXVIII. And be it enacted, That the Council shall cause a Supply of pure and wholesome Water, sufficient for the domestic Use of all the Inhabitants of every Street or Place within the Limits of this Act in which any of the Main Water Pipes of the Council are or shall be laid, to be kept in such Main Pipes.

Council to cause a Supply of Water to be provided.

XXIX. And be it enacted, That the Water to be supplied by the Council need not be constantly laid on under Pressure.

Water need not be under Pressure.

XXX. And be it enacted, That the Council shall, upon the Request of the Owner or Occupier of any Dwelling House or Part of a Dwelling House situate in any Street or Place in which any of the Main Water Pipes of the Council is or shall be laid, and at the Expense of such Owner or Occupier, lay a Communication Pipe from such Main Water Pipe to such Dwelling House or Part of a Dwelling House, for supplying the same with Water for domestic Purposes; and the Bore of any such Communication Pipe shall not exceed Half an Inch in Diameter, unless otherwise agreed upon between the Council and such Owner or Occupier.

As to Communication Pipes.

Water for domestic Purposes.

XXXI. And be it enacted, That a Supply of Water for domestic Purposes shall not include a Supply of Water for any Trade or Business, nor for any Shipping.

Supply for other Purposes.

XXXII. And be it enacted, That it shall be lawful for the Council to lay down Communication Pipes, and furnish a Supply of Water for other than domestic Purposes to any Persons or Corporation, upon such Terms as shall be agreed upon between them.

Council not bound to lay down Pipes to Houses, &c. exempt from Rate.

XXXIII. And be it enacted, That the Council shall not be bound to lay down any Pipes or furnish a Supply of Water for any Purpose for the Use of any Dwelling House or Part of a Dwelling House, Building, or Establishment, either public or private, which, or the Owners, Occupiers, or Managers of which, shall by Law, Charter, Statute, or otherwise be exempted from the Rate hereby authorized to be levied: Provided always, that it shall be lawful for the Council so to do if they shall think fit, and upon such Terms as shall be agreed upon between them and such Owners, Occupiers, or Managers.

10 & 11 Vict. c. 14. incorporated with this Act.

XXXIV. And be it enacted, That for the Purposes of the Markets and Fairs herein-after mentioned the Provisions of "The Markets and Fairs Clauses Act, 1847," shall be and the same are hereby incorporated with this Act, save so far as they shall be expressly varied or excepted by or are inconsistent with this Act.

Power to Council to construct and enlarge Market Places, and take Lands for the Purpose.

XXXV. And whereas the Markets now used by the Inhabitants and Persons frequenting the same have been found inconvenient and insufficient for the Accommodation of the Public, and the Concourse of People exhibiting Articles, Cattle, and Agricultural Produce for Sale, and the Purchasers thereof, require that the said Markets should be enlarged or removed, and that new and more extended and enlarged Markets should be erected, formed, and established for the Convenience of Persons using and frequenting the same: Be it therefore enacted, That, subject to the Provisions in this and the said incorporated Acts and Parts of Acts contained, the said Council, upon the Houses and Lands described in Schedules B. and C. to this Act annexed, may construct One or more Market Place or Places, with all necessary Buildings and Works, for the Sale of such marketable Commodities, Cattle, and Animals as are in the Schedule D. to this Act annexed mentioned or referred to, and may enlarge the existing Market Places, and may enter upon, take, and use such of the said Houses and Lands as shall be necessary for those Purposes.

Power to take other Lands for Markets, by Agreement.

XXXVI. And be it enacted, That it shall be lawful for the Council at any Time, and from Time to Time as they may think fit, to purchase by Agreement, and not compulsorily, or to rent and provide other Lands within the Limits of this Act, to be appropriated and used as a Market Place or Market Places.

Power to provide Slaughter-houses.

XXXVII. And be it enacted, That it shall be lawful for the said Council to provide such Slaughter-houses as shall from Time to Time be

be sufficient for the slaughtering of Cattle for the Supply of the said Borough and the Neighbourhood thereof.

XXXVIII. And be it enacted, That it shall be lawful for the Council from Time to Time to demand from any Persons occupying or using any Stand, Stall, Shed, Pen, or Place in any such existing or future Market Place or Buildings or Ground connected therewith, or bringing in to such Market Place or Buildings or Ground, any marketable Commodities specified in the Schedule D. to this Act annexed, such Stallages, Rents, and Tolls as the Council shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in the said Schedule.

Power to Council to take Tolls, for the Markets;

XXXIX. And be it enacted, That it shall be lawful for the Council from Time to Time to demand, in any such existing or future Cattle Market, from any Person bringing therein any Cattle or other Live Stock specified in the Schedule D. to this Act annexed such Stallages, Rents, and Tolls as the Council shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in the said Schedule.

For the Cattle Market;

XL. And be it enacted, That it shall be lawful for the Council to demand from any Person slaughtering Cattle in any Slaughter-house belonging to them such Tolls as they think proper, not exceeding the Tolls specified for that Purpose in the Schedule D. to this Act annexed.

For Slaughter-houses;

XLI. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Weighing Houses or Places for weighing or measuring any Article sold in any such existing or future Market Place by Weight or Measure from Time to Time to demand such Tolls as the Council shall appoint, not exceeding in any Case the Amount set forth in the Schedule D. to this Act annexed.

For weighing and measuring;

XLII. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Machines for weighing Carts within the said Borough to demand from the Person requiring the same to be weighed such Tolls as the Council may appoint, not exceeding in any Case the Amount set forth in the Schedule D. to this Act annexed, and such Tolls shall be paid before any Waggon, Cart, or Carriage in respect of which the same are payable shall be weighed.

For weighing Carts;

XLIII. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses from Time to Time to demise and let to any Person the said Markets or any Part of them, and the said Weighing Houses or Places and Machines or any of them, or the said Stallages, Rents, or Tolls or any of them, for any Period not exceeding Three Years, upon such Terms as shall be agreed upon between the Council and such Person.

Power to Council to let the Markets.

XLIV. And

Power to let
Stalls, &c.

XLIV. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses to let any Stalls, Standing Places, Benches, or other Conveniences in the said Market Places to any Person for any Time not exceeding Three Years on such Terms as may be agreed upon between the Council and such Persons.

When Cattle
Market open,
Cattle not to
be sold in the
Streets.

XLV. And be it enacted, That when the Council shall have provided and set apart Land and Premises for the Sale of Cattle and Animals, and shall have given public Notice thereof, no Person shall at any Time afterwards sell, show, or expose to sale any Cattle or other Animal in any of the Streets within the Limits of this Act, under pain of forfeiting any Sum not exceeding Five Pounds for every such Offence.

Council may
provide Ap-
paratus to
assist in
searching for
drowned
Persons.

XLVI. And be it enacted, That it shall be lawful for the Council to purchase, provide, and maintain all such Apparatus, Matters, and Things as may appear to them to be necessary to assist in searching for drowned Persons and restoring Animation to Persons apparently drowned, and to employ and reward Assistants therein in such Manner as the Council shall deem expedient.

10 & 11 Vict.
c. 65. incor-
porated with
this Act.

XLVII. And be it enacted, That the Provisions of "The Cemeteries Clauses Act, 1847," shall be and the same are hereby incorporated with this Act, (with the Exception of the Clauses with respect to Burials in the Cemetery, and such other of the Clauses thereof as are expressly varied by or are inconsistent with this Act or the Acts or Parts of Acts incorporated herewith,) and shall apply to the Cemetery, although the same be not within the Limits of the said Borough as herein-before defined.

Power to
make and
maintain
Cemetery.

XLVIII. And be it enacted, That, subject to the Provisions in this and the incorporated Acts and Parts of Acts contained, it shall be lawful for the Council, in and upon the Lands mentioned and described in the Schedule E. to this Act annexed, to make and maintain a Cemetery, and to enter upon and take and use such of the said Lands as shall be necessary for that Purpose.

Cemetery not
to be made
within 300
Yards of cer-
tain Houses ;

XLIX. And be it enacted, That no Part of the Cemetery shall be made within Three hundred Yards of any House of the annual Value of Fifty Pounds, or having a Plantation or ornamental Garden or Pleasure Ground occupied therewith, except with the Consent of the Owner, Lessee, or Occupier thereof in Writing.

Nor within
100 Yards of
Dwelling
Houses.

L. And be it enacted, That no Part of the Cemetery shall be constructed nearer than One hundred Yards to any Dwelling House, except with the Consent in Writing of the Owner, Lessee, and Occupier of such House.

Consecration
for Estab-
lished Church.

LI. And be it enacted, That the Bishop of the Diocese in which the Cemetery is situated may, on the Application of the Council, consecrate any Portion of the Cemetery for the Burial of the Dead according to the Rites of the Established Church, if he be satisfied with

with the Title of the Council to such Portion, and thinks fit to consecrate such Portion.

LII. And be it enacted, That it shall be lawful for the Council to set apart any other Portions of the Cemetery for the Interment of Persons being Members of any Church or Congregation other than the Established Church, and may permit such Portions respectively to be consecrated according to the Rites and Practices of the Church or Congregation for which the same shall be set apart.

Consecration for other Congregations.

LIII. And be it enacted, That the consecrated Portions of the Cemetery shall, after their Consecration, be for ever exclusively appropriated for the Purpose of Christian Burial, and that every other Portion set apart for the Purposes of Burial shall be for ever exclusively appropriated for such Purposes.

Consecrated Parts to be used for Christian Burial.

LIV. And be it enacted, That the Council shall define by suitable Marks the Portion of the Cemetery set apart for Purposes of Burial, and the Portion not so set apart.

Consecrated Grounds to be defined.

LV. And be it enacted, That the Council may build within any Portion of the Cemetery which may be set apart for the Burial of Members of the Established Church, and according to a Plan approved of by the Bishop of the Diocese, a Chapel for the Performance of the Burial Service according to the Rites of the Established Church.

A Chapel in connexion with the Church to be built.

LVI. And be it enacted, That no Body buried in any Part of the Cemetery shall be removed from its Place of Burial without the like Authority as is by Law required for the Removal of any Body buried in the Churchyard belonging to a Parish Church.

Bodies interred not to be removed without Authority.

LVII. And be it enacted, That any Clerk in Holy Orders of the Established Church, not being prohibited by the Bishop nor under Ecclesiastical Censure, may, at the Request of the Executor of the Will of any deceased Person, or any other Person having the Charge of the Burial of the Body of any deceased Person, and with the Consent of the Bishop, perform the Burial Service according to the Rites and Usage of the Established Church, over such Body in the Part of the Cemetery appropriated for the Burial of Members of the Established Church.

Any Clergyman of the Established Church may be allowed to officiate.

LVIII. And be it enacted, That the Council may allow any Clergyman or Minister of any Church or Congregation other than the Established Church, at the Request of the Executor or other Person having the Charge of the Interment of any Body, to perform the Burial Service according to the Rites of such Church or Congregation either at the Grave or in any Chapel appropriated to the Purposes of such Church or Congregation.

Other Ministers may officiate.

LIX. And be it enacted, That all Burials in the Cemetery shall be registered in Register Books to be provided by the Council and kept by some Officer to be appointed by them for that Purpose; and if such Officer shall refuse or wilfully neglect to register any

Burials to be registered.

such Burial, or shall carelessly lose or injure or permit to be injured any such Register Book while in his Custody, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

As to
Searches and
Certificates.

LX. And be it enacted, That such Officer shall, at all reasonable Times, allow Searches to be made in any such Register Book, and shall give a Copy certified under his Hand of any Entry or Entries in the same, on Payment of the Fee herein-after mentioned; (that is to say,) for every Search extending over a Period of not more than One Year the Sum of One Shilling, and Sixpence additional for every additional Year; and the Sum of Two Shillings and Sixpence for every single Certificate.

Penalty for
falsifying
Registers.

LXI. And be it enacted, That every Person who shall wilfully destroy or injure or cause to be destroyed or injured any such Register Book or any Part or certified Copy of any Part thereof, or shall falsely make or counterfeit or cause to be falsely made or counterfeited any Part of any such Register Book or certified Copy thereof, or shall wilfully insert or cause to be inserted in any such Register Book or certified Copy thereof any false Entry of any Burial, or shall wilfully give any false Certificate, or shall certify any Writing to be a Copy of or Extract from any such Register Book knowing the same Register to be false in any Part thereof, or shall forge or counterfeit the Handwriting of such Officer, shall be guilty of a Misdemeanor.

Power to ap-
point Grave-
diggers, &c.

LXII. And be it enacted, That the Council may appoint Grave-diggers and other Officers and Servants necessary for the Care and Use of the Cemetery, and for keeping such Register as aforesaid, and pay them such Wages and Allowances as they think shall fit out of the Fees received in respect of the Cemetery, and may remove them, or any of them, at their Pleasure.

Regulations
for ensuring
Decency and
Solemnity.

LXIII. And be it enacted, That the Council shall make Regulations for ensuring that all Burials within the Cemetery are conducted in a decent and solemn Manner.

No Burials
under or close
to Chapels.

LXIV. And be it enacted, That no Body shall be buried in any Vault under any Chapel of the Cemetery, or within Fifteen Feet of any outer Wall of the Cemetery.

As to Bishop's
Objections to
Monuments.

LXV. And be it enacted, That the Provisions of the said Cemeteries Clauses Act, 1847, with respect to the Right and Power of the Bishop of the Diocese in which the Cemetery is situated to object to the placing, and procure the Removal of monumental Inscriptions, shall apply only to any Part of the Cemetery hereby authorized to be constructed which may be appropriated for the Burial of Members of the Established Church.

Provisions
relating to
Fees.

LXVI. And be it enacted, That the said Council shall, from Time to Time as they in their Discretion shall deem fit, fix and order the Fees to be paid on the Interment of any Corpse in the said Cemetery: Provided always, that the Scale of Fees for Interment in the un-
consecrated

consecrated Part of the Cemetery shall be the same as the Scale of Fees for the Interment of Corpses in the consecrated Portion of the Cemetery.

LXVII. And be it enacted, That the Council shall not be bound or required to make any Sewer Rate distinct from the general Improvement Rate.

Council need not levy a separate Sewer Rate.

LXVIII. And be it enacted, That for the Purposes of defraying the Costs and Expenses of carrying this Act and the Powers and Provisions thereof into execution (except the Purposes to which any Rates to be made for Drains and private Improvements are hereby or by any Act incorporated herewith directed to be applied), and including the Cost and Expenses of the Waterworks, Markets and Fairs, and Cemetery, and of defraying the Expenses of and incident to the obtaining of this Act, it shall be lawful for the Council from Time to Time to make, assess, and levy such equal Rate, to be called the "Improvement Rate," as may be necessary for the Purposes aforesaid, not exceeding in any One Year, until the Council shall have become liable to the Maintenance and Repair of the Streets and Roads, Three Shillings in the Pound on the full net annual Value of the Property included in such Rate, and not exceeding in any One Year after the Council shall have so become liable Four Shillings in the Pound on such net annual Value.

Power to levy a general Improvement Rate.

LXIX. And be it enacted, That all Monies which shall come to the Hands of the Council from the said Rate called the "Improvement Rate," and the Tolls, Stallages, and Fees hereby authorized to be levied or received, or which shall be raised by any Mortgage or Security thereof granted by the Council, shall be applied and disposed of as follows:

Application of Improvement Rate.

- Firstly, in defraying the Charges and Expenses which shall have been incurred or incident to the obtaining and passing this Act;
- Secondly, in paying the Interest of all Monies borrowed, and which shall be from Time to Time due and owing on the Credit of the said Rates;
- Thirdly, in carrying all the Purposes of this Act into execution;
- Fourthly, in setting apart and appropriating the Sum directed to be set apart and appropriated in Payment of the Principal Monies which shall have been borrowed or secured under the Authority of this Act; and
- Lastly, in paying off the Principal of all Monies which shall have been so borrowed or secured.

LXX. And be it enacted, That every House, Building, or Garden within the Limits of this Act, situate at a greater Distance than One hundred Yards from the public Lamp nearest to such House, Building, or Garden, shall be rated, for the Purposes of this Act, in the Proportion of One Third only of the net annual Value thereof.

As to Levy of Proportion of Rate on the Holders of certain Houses, &c.

LXXI. And be it enacted, That the Owners of all rateable Property of which the full net annual Value does not exceed Four Pounds,

Owners of certain Property to pay

Rates instead
of Occupiers.

Pounds, or which are let to weekly or monthly Tenants or in separate Apartments, shall be rated to and pay the Rates by this and the said incorporated Acts and Parts of Acts directed to be made instead of the Occupiers thereof.

Costs of Pro-
ceedings for
Recovery of
Rates.

LXXII. And be it enacted, That it shall be lawful for any Justice who shall issue any Warrant of Distress for the Recovery of any Rate payable under this Act to order that the Costs of the Proceedings for the Recovery of such Rate shall be paid by the Person failing to pay the same, and such Costs shall be ascertained by such Justice and levied by Distress, and the Justice shall include in his Warrant of Distress for the Recovery of the said Rate the Amount of such Costs, and shall issue his Warrant accordingly.

A Sinking
Fund to be
raised for
paying off
Monies bor-
rowed.

LXXIII. And be it enacted, That the Amount to be appropriated and set apart every Year by the Council out of such Rate as a Sinking Fund to be applied in paying off the Monies borrowed under the Powers of this Act shall be not less than One Fortieth Part of the Monies so borrowed, and that until the Expiration of Five Years from the passing of this Act it shall not be obligatory on the Council to set apart any Money as a Sinking Fund.

Application
of Monies
arising from
Sale of super-
fluous Lands.

LXXIV. And be it enacted, That all Monies which shall come to the Hands of the Council in consequence of the Sale of any superfluous Lands under the Provisions of this and the said Lands Clauses Consolidation Act shall be applied and disposed of in paying off any Principal Monies at the Time due and owing on the Credit of the said Improvement Rate.

Council may
make Ar-
rangement
with other
Receivers of
Rates as to
Collection.

LXXV. And for the more convenient and economical Collection of the Rates and Assessments which may from Time to Time be made and levied within the Limits of this Act, as well under this Act as any other Act, be it enacted, That it shall be lawful for the Council from Time to Time to agree and determine with any other Officers having the Charge and Application of other Rates and Assessments for the Purpose of collecting the same in such Manner and Form as the Council and such Officers respectively shall mutually determine, with the Object of facilitating the Collection thereof in the most satisfactory and economical Manner.

Sinking Fund
to be raised
for Improve-
ments.

LXXVI. And be it enacted, That it shall be lawful for the Council, Once in every Year, to take out of the Rates levied under this Act any Sum not exceeding Ten Pounds *per Centum* on the Amount received for such Rates, and to invest the same in the Name of the Council on such Securities as they shall think proper, and from Time to Time to apply such Monies, with the Interest and Dividends thereof, in widening and improving and in making such Alterations in the Streets as they shall think necessary.

Penalties to
be paid to
Treasurer of
Borough.

LXXVII. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act or any Act or Part of an Act incorporated herewith, the Application whereof or of any Part whereof is not otherwise provided for, be it enacted, That the
Justices

Justices by whom any such Penalty or Forfeiture shall be imposed shall award such Penalties or such Part thereof as aforesaid to the Treasurer of the Borough of *Londonderry* in aid of the Funds to be levied under this Act.

LXXVIII. And be it enacted, That all Damages, Costs, and Expenses which are by this Act or any Act or Part of an Act incorporated herewith directed to be paid, and the Amount of which shall not be disputed, may be levied by Distress, and any Justice on Application shall issue his Warrant accordingly.

Damages to be levied by Distress.

LXXIX. And be it enacted, That nothing herein contained shall extend or be construed to extend to take away, prejudice, lessen, or affect any of the Powers, Rights, Privileges, or Authorities of the Ballast Office Corporation of *Londonderry*, or of the Trustees of the *Londonderry Bridge*, or of the Quaymaster of *Londonderry*.

Saving Rights of Ballast Office Corporation, and Trustees of Bridge.

LXXX. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Honourable the *Irish Society*, the Governor and Assistants, *London*, of the new Plantation in *Ulster* within the Realm of *Ireland*, under or by virtue of any Charter or Charters heretofore granted to them by the Crown or of any Statute or Statutes in anywise relating thereto, except as is in this Act otherwise expressly provided.

Saving Rights of the Irish Society.

LXXXI. And whereas it may be necessary for the Purpose of carrying into effect the Provisions of this Act for supplying of the said Borough with Water to erect Reservoirs, Aqueducts, Waterworks, Conduits, Bridges, Embankments, Fences, Drains, Sluices, Waste-gates, Stopgates, Weirs, Gorges, Roads, Engines, Mains, Pipes, and other Works upon and within certain Limits situate without the Limits of this Act, called or known as the *Bishop's Demesne*, and on other Lands of the said See, which said Lands form Part of the Mensal Lands of the See of *Derry*: And whereas an Act was passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act for confirming certain Conveyances in perpetuity made by the Ecclesiastical Commissioners for Ireland and the Bishop of Derry and Raphoe of Parts of the Mensal Lands of the See of Derry, and for confirming certain Leases made by the same Bishop and his immediate Predecessor for the See of Derry of other Parts of the Mensal Lands of the same See; and also for enabling the Bishop of Derry and Raphoe for the Time being to grant Leases of the Parts last mentioned, and certain other Parts of the Mensal Lands of the See of Derry; and for other Purposes*: And whereas the Power conferred by the said recited Act to demise Parts of the said Mensal Lands does not extend to that Part known by the Name of the *Bishop's Demesne*: And whereas for the Purpose of enabling the said Council to procure and furnish the Inhabitants of the said Borough the requisite Supply of Water it is necessary to extend the Provisions of the said Act to the said Lands known by the Name of the *Bishop's Demesne*: Be it therefore enacted, That from and after the passing of this Act it shall be lawful for the said Lord Bishop of *Derry and Raphoe* and his Successors in the said

Power for Bishop of Derry and Raphoe to grant Leases for the Purposes of this Act.

5 & 6 Vict. c. 34.

See of *Derry* to make such Demises or Leases of such Portions of the said Lands, Messuages, and Tenements known as the *Bishop's Demesne*, and which are set forth and described in the Schedule (A.) to this Act annexed, to the Mayor, Aldermen, and Burgesses of the Borough of *Londonderry* as shall be required or deemed necessary by them for obtaining and supplying to the Inhabitants of *Londonderry* a sufficient Supply of Water in the Manner provided by this Act, together with all Profits, Easements, and Appurtenances belonging thereto, for such Term as the said Bishop is by Law empowered to grant other Lands of the See of *Derry*; and also that it shall be lawful for the said Bishop to sanction and authorize the Erection of Reservoirs, Aqueducts, Waterworks, Conduits, Bridges, and Embankments, and the cutting of Drains, Sluices, Embankments, Feeders, Water-gates, Stop-gates, Weirs, Gorges, Roads, Engines, Main Pipes in, upon, over, and within such Portions of the said Mensal Lands known by the Name of the *Bishop's Demesne* as are set out, marked, and specified in the said Schedule (A.) hereunto annexed; and after such Sanction and Approval the Lessees holding under any such Lease or Leases shall not be impeached or impeachable by the said Bishop or his Successors for any Manner of Waste committed in the Erection or Construction of any such Works: Provided nevertheless, that there be reserved by every such Lease which shall be made under the Authority and for the Purposes of this Act the best yearly Rent that can be reasonably obtained for the Premises therein comprised, payable half-yearly or oftener, and so as every such Lease be made without taking any Fine, Premium, or Foregift, or anything in the Nature thereof, for or in respect of the making of the same.

Provisions of Acts enabling Lessees to purchase Fee extended to Lessees under the Power contained in this Act.

LXXXII. And be it enacted, That from and after the passing of this Act the Powers which by an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Temporalities of the Church in Ireland*, and of another Act passed in the Session of Parliament held in the Fourth and Fifth Years of the same King's Reign to amend the last-mentioned Act, or by either of those Acts, were and are given to Tenants or Lessees holding, under or by virtue of any Lease or Contract for any of the therein-mentioned Terms, immediately from and under any Bishop in *Ireland's* Lands or Hereditaments belonging to his See, to purchase the Fee Simple of the Lands and Hereditaments so held by them; also the Powers which by the said Act passed in the Session of Parliament held in the said Fourth and Fifth Years of the Reign of His said late Majesty King *William* the Fourth were and are given to Under-tenants having any derivative Estates or Interest in any such Lands or Hereditaments by virtue of any Lease containing such Covenant or Contract for the Renewal thereof, as in that Act mentioned, either mediately or immediately through or under the first or immediate Tenant thereof, to purchase the Fee Simple of the Lands and Hereditaments held by such Under-tenants under any such Lease; also the Powers of an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His said late Majesty King *William* the Fourth to amend the said Two last-mentioned Acts, giving to the inferior Tenants or Lessees therein mentioned the Power to purchase from their next immediate Landlords therein mentioned,

tioned Conveyances of perpetual Estates in the Lands, Tenements, and Hereditaments mentioned in the same Act, shall extend and apply to Tenants or Lessees, Under-tenants and inferior Tenants, or Lessees similarly circumstanced of the Lands and Hereditaments by this Act authorized to be demised; and all and singular the Powers, Directions, and Duties by all, any, or either of the said Acts passed respectively in the Sessions of Parliament held respectively in the Third and Fourth, in the Fourth and Fifth, and in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, given to and devolved upon such Tenants, Lessees, Under-tenants, and inferior Tenants, or Lessees, the Commissioners under the said Acts, the Bishop under whom are holden the Lands and Hereditaments to be purchased, the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being in Council, the Courts of Chancery and Exchequer, and others respectively for carrying into effect such Powers to purchase, and the Purchases made thereunder, shall extend and apply to the Powers to purchase hereby given and to the Purchases made under such Powers; and the several Provisions in the same Acts any or either of them contained and now in force relating to the Variation, Recovery, Division, and Appointment of Rents payable in respect of such Purchases, and to the Effect and Compensation of such Purchases, and of the Conveyances in execution thereof upon the Rights and Obligations of Third Persons, shall extend and apply to the Rents payable in respect of Purchases made under the Authority of this Act, and to such Purchases and the Conveyances in execution thereof respectively; and generally all and singular the Clauses contained in the said Acts passed respectively in the Sessions of Parliament held respectively in the Third and Fourth, in the Fourth and Fifth, and in the Sixth and Seventh Years of the Reign of His said late Majesty King *William* the Fourth, or in either of those Acts having relation in any way to the Purchases and Conveyances therein mentioned, or to any Matter or Thing arising out of or consequent upon the same respectively, shall extend and apply to the Purchases and Conveyances authorized by this Act, and to the similar Matters and Things arising out of or consequent upon the same respectively.

LXXXIII. Provided always, and be it enacted, That the Powers herein contained for the Construction of the Waterworks, Market-places, and Cemetery, and the Works connected therewith hereby authorized to be made, shall not be exercised after the Expiration of Five Years from the passing of this Act.

Limiting
Time for
Completion
of Works.

LXXXIV. And be it enacted, That in this Act, and the Acts and Parts of Acts incorporated herewith, the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpreta-
tion of Act.

The Words "General Quarter Sessions, or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the Division of the City and County of *Londonderry* held at *Londonderry*:

The Expressions the "Undertakers," "the Promoters of the Undertaking," "the Company," and "the Commissioners" respectively, shall

shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Londonderry* acting by the Council of the said Borough ; and the Expressions "the Clerk" and "the Clerk of the Commissioners" respectively shall mean the Town Clerk of the said Borough for the Time being :

The Word "Carriage" or "Hackney Carriage" shall include any Coach, Omnibus, Chariot, Car, Jaunting Car, Fly, Cabriolet, Gig, Sociable, Lorry, Sedan Chair, Landau, Landaulet, Timber Carriage, Float, Waggon, Dray, Drag, Cart, Sledge, Truck, Handcart, Wheelbarrow, or Handbarrow, or other such like Carriages :

The Word "Cart" shall include Caravan, Lorry, Waggon, Timber Carriage, Float, Dray, Drag, or such like Carriage :

The Words "any offensive Matter or Thing" shall also include any Nightsoil, Offal, putrid Meat or Fish, Entrails of Fish, Carrion, dead Animals, Blood, Dung, Manure, Fish Shells, Bones, broken Glass, China, or Earthenware, Lime, Rubbish, Dust, Ashes, Refuse of Vegetables or Fruits, Orange Peels, Soap Lees, Coal Tar, Gas Water, or such like Matters or Things :

The Word "Tenements" shall respectively extend to Messuages, Lands, Houses, Tenements, and Hereditaments of any Tenure :

The Words "net annual Value" shall mean the net annual Value according to the next preceding Assessment for the Relief of the Poor within the Limits of this Act, under the Provisions of the Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for the more effectual Relief of the Destitute Poor in Ireland*, or of the Act passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to the Valuation of Rateable Property in Ireland* :

The Words "Mayor, Aldermen, and Burgesses" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Londonderry* :

The Words "the Council" shall mean the Council of the Borough of *Londonderry* :

The Words "the Mayor" shall mean the Mayor of the Borough of *Londonderry*, and shall include the Deputy of such Mayor :

The Words "the Town Clerk" shall mean the Town Clerk of the Borough of *Londonderry* :

The Word "Treasurer" shall mean the Treasurer of the Borough of *Londonderry* :

The Word "Driver" shall mean the Driver, Conductor, or Carter of any Carriage or Cart,

1 & 2 Vict.
c. 56.

9 & 10 Vict.
c. 110.

Expenses
of Act.

LXXXV. And be it enacted, That notwithstanding anything herein contained the Council shall, out of the first Monies which shall come to their Hands from Rates, Fees, Mortgages, Grants of Annuities, or otherwise, pay the Expenses of obtaining and passing this Act.

Public Act.

LXXXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULE (A.)

PARISH OF TEMPLEMORE, IN THE CITY AND COUNTY OF LONDONDERRY.

Townland of Creggan.

No. on Plan.	Description of Property.	Owner or reputed Owner.	Lessee.	Occupiers.
1	Arable Field	The Honourable and Right Reverend Richard Lord Bishop of Derry and Raphoe and the Ecclesiastical Commissioners for Ireland.	- - -	Samuel Wright.

Townland of Edenballymore.

1	Arable Field	The Honourable and Right Reverend Richard Lord Bishop of Derry and Raphoe and the Ecclesiastical Commissioners for Ireland.	- - -	Thomas Foster.
2	Ditto	Ditto	- - -	James Johnston.
3	Ditto	Ditto	- - -	R. Christy Shaw.
4	Ditto	Ditto	- - -	William Scott.
5	Ditto	Ditto	- - -	John Hegarty.
6	Ditto	Ditto	- - -	John Campbell.
7	Ditto	Ditto	- - -	Ditto.
8	Ditto	Ditto	- - -	John Mackey (Assent).
9	Ditto	Ditto	- - -	Ditto.
10	Ditto	Ditto	- - -	James Johnston, Assent.
11	Ditto	Ditto	The Trustees of Gwynn's Institution.	The Trustees of Gwynn's Institution.
12	Public Road	City and County of Londonderry.	-	-
13	Arable Field	The Honourable and Right Reverend Richard Lord Bishop of Derry and Raphoe, and the Ecclesiastical Commissioners for Ireland.	J. W. Johnston	John Mitchell.
14	House	Ditto	Ditto	Ditto.

SCHEDULE (B.)

PARISH OF TEMPLEMORE, IN THE CITY AND COUNTY OF LONDONDERRY.

Townland of Edenballymore.

Description of Property.	Owner or reputed Owner.	Lessees.	Occupiers.
Building Ground	The Irish Society and James M'Crea.	Andrew Thompson.	-
Arable Field	The Irish Society	James Wilson Johnston	Bartholomew M'Corkell.

1878

11° & 12° VICTORIÆ, Cap. cxli.

SCHEDULE (C.)

PARISH OF TEMPLEMORE, IN THE CITY AND COUNTY OF LONDONDERRY.

Townland of Londonderry.

Description of Property.	Owner or reputed Owner.	Lessee.	Occupiers.
Gardens - - -	The Irish Society - -	Samuel Lyle and Acheson Lyle.	Michael M ^c Carron.
Garden - - -	Ditto - - -	Ditto - - -	Ditto.
House and Yard - -	Ditto - - -	Ditto, and Andrew Mc Laughlin.	Margery M ^c Daid.
Garden - - -	Ditto - - -	Ditto - - -	Ditto.
Ditto and Gravel Pit -	Ditto - - -	The Heirs of the late P. B. Ormsley.	John Fullerton.
Building Ground - -	Ditto - - -	Ditto - - -	Ditto.
House and Yard - -	Ditto - - -	Ditto - - -	Joseph Arthur.
Ditto - - -	Ditto - - -	Ditto - - -	James Smyley.
Ditto - - -	Ditto - - -	Ditto - - -	James Walker.
House and Yard - -	Ditto - - -	The Executors of the Will of the late Fras. M ^c Davitt.	Wm. M ^c Laughlin.
Store - - -	Ditto - - -	The Heirs of the late P. B. Ormsby.	John Fullerton.
House and Yard - -	Ditto - - -	Henry Aug. Frederick Lecky and John Fullerton.	Wm. Johnston.
Ditto - - -	Ditto - - -	The Executors of the Will of the late Fras. M ^c Davitt.	Hugh M ^c Monagle and Hugh Donnell
Garden - - -	Ditto - - -	Ditto - - -	Unoccupied.
House, Outhouse, and Yard.	Ditto - - -	Henry Aug. Frederick Lecky.	Chas. M ^c Daid.
Garden - - -	Ditto - - -	Ditto - - -	Ditto.
House, Outhouse, and Yard.	Ditto - - -	Ditto, and Thos. M ^c Fadden.	Daniel Sheerin.
House, Yard, and Shed	Ditto - - -	Ditto - - -	Edward Joy.
House and Yard - -	Ditto - - -	Ditto - - -	Geo. Doherty.
Ditto and Outhouse -	Ditto - - -	Ditto - - -	Thos. Kennedy.
Gateway and Loft - -	Ditto - - -	Ditto - - -	Thos. M ^c Fadden.
Railway Ground - -	Ditto - - -	Hy Aug ^s Fred ^k Lecky and Dan ^l Doherty.	—
Pigstye - - -	Ditto - - -	Ditto - - -	Daniel Doherty.
House - - -	Ditto - - -	Ditto - - -	Ditto.
Ditto - - -	Ditto - - -	Ditto - - -	George Haughey.
Ditto - - -	Ditto - - -	Ditto - - -	Mrs. Mary Evans.
Cowhouse - - -	Ditto - - -	Ditto - - -	Daniel Doherty.
House, Yard, and Out-houses.	Ditto - - -	Ditto - - -	Ditto.
Garden - - -	Ditto - - -	Ditto - - -	Ditto.
Ditto - - -	Ditto - - -	Henry Augustus Frederick Lecky.	Wm. Campbell.
Ditto - - -	Ditto - - -	Ditto and Mrs. Jane Watt	Humphry Colhoun.
Ditto - - -	Ditto - - -	Ditto - - -	Alex ^r M ^c Elwes.
Ditto - - -	Ditto - - -	Henry Augustus Frederick Lecky.	Unoccupied.
Ditto - - -	Ditto - - -	Ditto - - -	John Miller.
House, Outhouses, and Yard.	Ditto - - -	Ditto and Frederick Smith	Elizabeth Smith and Peter Duffy.
Garden - - -	Ditto - - -	Ditto - - -	Ditto.
House, Outhouses, and Yard.	Ditto - - -	Hy Aug ^s Fred ^k Lecky and Robert Irwine.	Robert Irwine and Alex ^r Irwine.

Description of Property.	Owner or reputed Owner.	Lessee.	Occupiers.
Garden - - -	The Irish Society - -	Hy Aug ^s Fred ^k Lecky and Robert Irwine.	Robert Irwine and Alex ^r Irwine.
House, Outhouses, and Yard.	Ditto - - -	Henry Augustus Frederick Lecky and Frederick Smith.	Rebecca Hobson.
Garden - - -	Ditto - - -	Ditto - - -	Ditto.
House, Outhouses, and Yard.	Ditto - - -	Henry Augustus Frederick Lecky and John Fullerton.	John Fullerton.
Garden - - -	Ditto - - -	Ditto - - -	Ditto.
House, Outhouses, and Yard.	Ditto - - -	Henry Augustus Frederick Lecky and Thomas Mc Fadden.	Thomas Mc Fadden.
Garden - - -	Ditto - - -	Ditto - - -	Ditto.

SCHEDULE (D.)

Tolls payable.

For every covered or uncovered Shed, Stall, Bulk, Block, Bench, Trestle, Standing Place, Compartment, Space, or Station, used by any Person for exposing to Sale Flesh, Meat, Cheese, Bacon, Pickled Pork, Fish, or any other Victuals, Vegetables, Fruit, Glass, Earthenware, or other Goods, Article, Commodity, or Thing whatsoever, except as herein otherwise specifically charged, the following Tolls per Day shall be taken :

Not exceeding Six Feet by Five Feet, One Shilling :

Not exceeding Nine Feet by Five Feet, One Shilling and Sixpence :

Not exceeding Twelve Feet by Five Feet, Two Shillings :

And in the same Proportion for any longer Space :

And for each Stand of Weights in the Market, Three-pence per Day.

Carts.

For every Cart or other Vehicle used by any Person for exposing, or in which shall be exposed to Sale any Article, Commodity, or Thing, the following Tolls per Day :

If drawn by One Horse, Nine-pence ; by Two Horses, One Shilling :

If drawn by One other Animal, Sixpence ; or if by Two other Animals, Nine-pence.

Butter.

For every Basket, Parcel, or Quantity of Butter not exceeding Twelve Pounds Weight, One Penny per Day :

For each additional Twelve Pounds Weight, One Halfpenny per Day.

Game and Poultry.

For Poultry, including Fowls, Chickens, and Ducks, Wild Fowls, Pigeons, and Rabbits (videlicet) :—

Not exceeding Three Couple, One Penny per Day :

For each additional Three Couple, One Halfpenny per Day :

For every Turkey or Goose, One Halfpenny per Day

For every Head of Game, One Halfpenny per Day :

For every Dozen of all other Description of Birds, Two-pence per Day.

Eggs.

Eggs.

For every Basket, Parcel, or Draught of Eggs not exceeding Half a Hundred, One Halfpenny per Day; if exceeding Half a Hundred and not exceeding One Hundred, One Penny per Day:

For each additional Half Hundred, One Halfpenny per Day.

Cattle.

For the Exposure to Sale of Horses or other Beasts, Cattle, or Pigs per Day, as follows; (that is to say,)

For every Horse, Mare, or Gelding, Four-pence:

For every Mule, Ass, Colt, Filly, or Foal, Two-pence:

For every Bull, Ox, Cow, Heifer, or Steer, Three-pence:

For every Stallion exposed or shown on a Market Day, One Shilling:

For every Calf, One Penny:

For every Ram, Sheep, Lamb, or Goat, One Penny:

For every Pig, One Penny:

For every Sucking Pig, One Halfpenny:

And so in proportion for any greater Number:

For the Exposure to Sale of every Carcase of Beef One Shilling; of every

Carcase of Calf, Sheep, Lamb, or Pig, Two-pence:

For each Stand of coarse Meat, Three-pence per Day.

Fruit.

For every Quantity not exceeding a Bushel, One Penny per Day:

For every additional Bushel, One Halfpenny per Day:

For every Load of Plants, Quicks, or Trees, Four-pence per Day:

For any lesser Quantity, Two-pence per Day:

For every Stand of Grass, Two-pence per Day.

Vegetables.

For every Load of Potatoes, Three-pence per Day:

For every Quantity of other Vegetables not exceeding One Bushel, One Penny per Day:

For every additional Bushel, One Halfpenny per Day.

Fish.

For all Salmon and Turbot not exceeding a Dozen, Four-pence per Day, and so on in proportion for any greater Number; all Salmon, Trout, Soles, and Mackarel, Two-pence per Dozen per Day; all other Kinds of Fish, except Shell Fish, at the Rate of One Penny per Dozen per Day:

For every Description of Shell Fish, at the Rate of One Penny per Basket, and Three-pence per Load per Day:

For every Cart of Salt Fish, Four-pence per Day:

For every Barrel of Herrings open, Two-pence per Day.

Weighing and measuring.

For weighing every Piece of Meat or any other Article or Thing weighing not more than Twenty Pounds Avoirdupois, One Halfpenny:

For weighing every Piece of Meat or other Article or Thing weighing more than Twenty and not exceeding One hundred Pounds, One Penny; and so on in proportion for any greater or smaller Quantity than One hundred Pounds Weight over and above One hundred Pounds Weight:

For measuring any Quantity of Goods and Things sold by Measure, not exceeding One Bushel, One Halfpenny:

For

For measuring every Quantity more than a Bushel and not exceeding Two Bushels, One Penny :

And for every Bushel beyond Two Bushels One Halfpenny :

For every Firkin of Butter, Three-pence Halfpenny :

For every Butt of Butter not exceeding a Quarter of a Hundred Weight, Two-pence :

For every Butt of Butter exceeding a Quarter of a Hundred Weight, and not exceeding Half a Hundred Weight, Three-pence :

For every larger Package of Butter, Four-pence :

For every Cow Hide, Two-pence :

For every Dozen or less Number of Skins, Two-pence ; and so in proportion for any greater Number than a Dozen :

For every Hundred Weight and under of Carriers Goods, One Penny :

For every Hundred Weight and under of Flax, Two-pence ; and so in proportion for any greater Quantity than a Hundred Weight :

For every Bag of Corn, One Penny :

For every Sack of Corn, Two-pence :

For every Bag of Oatmeal, One Penny :

For every Quantity of Wheat not exceeding Twenty Stone, One Penny Halfpenny ; and so in proportion for any greater Quantity.

Weighing Machines.

For weighing any Cart, Waggon, or other Carriage not exceeding One Ton, Five-pence ; not exceeding Ten Hundred Weight, Three-pence ; not exceeding Six Hundred Weight, Two-pence ; and so in proportion for any greater Weight than One Ton.

Slaughter-houses.

For every Bull, Ox, Cow, Bullock, Steer, or Heifer, One Shilling :

For every Calf, Sixpence :

For every Sheep, Lamb, or Goat, Three-pence :

For every Hog or Pig, Four-pence :

For any other Beast, One Shilling.

General Tolls.

For every Load of Flax, per Day Nine-pence :

For every Load of Hay, per Day Sixpence :

For every Load of Straw, per Day Four-pence :

For every Load of Turf, per Day One Penny :

For every Basket, Hamper, Parcel, or Quantity of any other Goods, Commodity, Article, or Thing exposed or offered for Sale there, not being specially charged or enumerated or falling within any of the preceding Heads ; (that is to say,)

If the Spot on which the Person shall stand be covered over from the Weather, not containing more than One Bushel, One Penny Halfpenny ; for every additional Bushel, One Halfpenny. If the Spot be not covered over as above, not containing more than One Bushel, One Penny :

For every additional Bushel, One Halfpenny.

The above-mentioned Tolls and Stallage in the said Markets and Fairs to be paid and payable in respect to the Occupation of any Stall, Bench, Compartment, or Space of Ground as well by the original Taker or Occupier thereof for a Part or Portion of the Day or Space of Time as by any subsequent Taker or Occupier of the same for any other Part or Portion of the Day or Space of Time.

1882

11° & 12° VICTORIÆ, Cap. cxli.

SCHEDULE (E.)

PARISH OF TEMPLEMORE, AND CITY AND COUNTY OF LONDONDERRY.

Townland of Ballymagowan.

Description of Property.	Owner or reputed Owner.	Lessee.	Occupiers.
House - -	The Irish Society -	Mrs. Anne Watt -	Unoccupied.
Arable Field - -	Ditto - -	And ^w Alex ^r Watt - -	And ^w Alex ^r Watt.
Ditto - -	Ditto - -	Ditto - -	Ditto.
Ditto - -	Ditto - -	Ditto - -	Ditto.
Ditto - -	Ditto - -	Daniel Baird - -	Daniel Baird.
Ditto - -	Ditto - -	Ditto - -	Ditto.
Ditto - -	Ditto - -	And ^w Alex ^r Watt - -	And ^w Alexander Watt.
Ditto - -	Ditto - -	William Moore - -	William Moore.
Ditto - -	Ditto - -	And ^w Alex ^r Watt - -	And ^w Alex ^r Watt.

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