



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. cvii.

An Act for the Formation of a new Street in the
Borough of *Londonderry*. [17th June 1852.]

WHEREAS by an Act passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act for the Improvement of the Borough of Londonderry*, the Mayor, Aldermen, and Burgesses of the said Borough were empowered to open new Streets and otherwise improve the said Borough, and for those Purposes to borrow, on the Security of the Rate thereby authorized to be raised, any Sum not exceeding in the whole the Sum of Forty thousand Pounds: And whereas Plans and Sections showing the Situation, Line, and Levels of a proposed new Street in the Borough of *Londonderry*, to communicate with the Bridge over the River *Foyle*, and also a Book of Reference to the said Plans, have been deposited with the Clerk of the Peace for the City and County of *Londonderry*: And whereas it is expedient that the said Mayor, Aldermen, and Burgesses should be authorized, with and out of the said Sum of Forty thousand Pounds, to construct and maintain a new Street to communicate with the said Bridge; but the same 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

11 & 12 Vict.
c. 141.

[*Local.*]

17 Q

most

The Londonderry Improvement Act, 1852.

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,

8 & 9 Vict.
c. 18. incor-
porated with
this Act.

I. That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Short Title.

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Londonderry* Improvement Act, 1852."

Power to
apply Portion
of Monies
raised under
11 & 12 Vict.
c. 141. to the
Purposes
of the new
Street.

III. That it shall be lawful for the said Mayor, Aldermen, and Burgesses to apply any Portion of the Sum of Forty thousand Pounds authorized to be raised by the said recited Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty for and towards the making and laying out of the new Street hereinafter described.

Power to
make new
Street and
Approaches.

IV. That, subject to the Provisions in the Act incorporated herewith contained, it shall be lawful for the said Mayor, Aldermen, and Burgesses to lay out, make, and maintain a new Street, Approaches, and Works, and all Fences, Walls, and other Conveniences connected therewith respectively, in the Line and upon the Lands and within the Limits of Deviation delineated on the Plans deposited with the Clerk of the Peace for the City and County of *Londonderry*, and described in the Book of Reference deposited therewith, and to enter upon, purchase, take, and use such of the said Lands as shall be necessary for the several Purposes aforesaid: Provided always, that the Plans of any Works to be constructed under the Powers of this Act below the Line of High-water Mark shall, previous to the Works being executed, be submitted to the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, and the Works shall then only be constructed in such Manner as their Lordships shall approve of, such Approval to be signified in Writing under the Hand of the Secretary to the Admiralty.

Proviso for
Approval of
Admiralty to
Works below
High-water
Mark.

Errors, &c. in
Plans may be
corrected by
Two Justices,
who shall
certify the
same.

V. That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands delineated on the said Plans and described in the said Book of Reference, or of the Owners, Lessees, or Occupiers thereof, it shall be lawful for the said Mayor, Aldermen, and Burgesses to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that the Omission or Mis-statement or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such

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such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the said City and County of *Londonderry*, and such Certificate shall be kept by such Clerk of the Peace along with the other Documents to which it relates, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Company to make the Works in accordance with such Certificate.

Certificate
to be depo-
sited.

VI. That it shall be lawful for the said Mayor, Aldermen, and Burgesses to deviate from the Level of the Works as shown on the said deposited Sections to the Extent of Five Feet only, and no more, unless with the previous Consent in Writing of the Owners and Occupiers of the Land in which such Deviation is to be made; also to deviate from the Line of such Works to the Extent delineated on the said Plans, but not to any greater Extent, unless with the previous Consent in Writing of the Owners and Occupiers of the Land into which such Deviation may extend; nor into the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the Book of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner provided by this Act in Cases of Errors in the said Book of Reference.

Powers of
Deviation

VII. That the Powers of the said Mayor, Aldermen, and Burgesses for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

Period for
compulsory
Purchase of
Lands
limited.

VIII. That the new Street, with the Approaches thereto, shall be completed within Seven Years from the passing of this Act; and on the Expiration of such Period the Powers by this Act, and the Act incorporated therewith, granted to the said Mayor, Aldermen, and Burgesses, for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Period for
Completion
of Works.

IX. That it shall be lawful for the said Mayor, Aldermen, and Burgesses, in or upon any Lands within the Limits of the Deviation, to deposit and work Materials for making and maintaining the said new Street and Approaches, and to construct any temporary Erections necessary for such Purposes, doing as little Damage as may be, and making Satisfaction for such Damage to the Owners and Occupiers of such Lands in manner provided by "The Lands Clauses Consolidation Act, 1845."

Power to use
Lands within
Limits of
Deviation
for deposit-
ing Mate-
rials, &c.

X. That

The Londonderry Improvement Act, 1852.

Communica-
tions not to
be made
without
Consent.

X. That it shall not be lawful for any Person to remove any Wall, Fence, Rail, Building, or Footway of the said Mayor, Aldermen, and Burgesses, for the Purpose of making any Communication with or Opening into or upon the said Street or Approaches, without the Consent in Writing of the said Mayor, Aldermen, and Burgesses, under their Common Seal, previously obtained for that Purpose.

Saving the
Rights of
the Irish
Society.

XI. That nothing in this Act or in the Act incorporated herewith 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 of *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.

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