



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxcviii.

An Act for giving Effect to an Award relating to the Borough of *Belfast*, and for confirming Things done with a view to the Execution of the Acts for the Improvement of the Borough; and for other Purposes. [14th *July* 1864.]

WHEREAS an Act was passed in the Ninth Year of Her present Majesty, Chapter One hundred and forty-two, intituled *An Act for the Improvement of the Borough of Belfast*, herein-after called the Act of 1845: And whereas an Act was passed in the Tenth Year of Her present Majesty, Chapter Two hundred and ninety-four, intituled *An Act for better lighting and improving the Borough of Belfast*, herein-after called the Act of 1846: And whereas an Act was passed in the Eleventh Year of Her present Majesty, Chapter Two hundred and fifty-four, intituled *An Act for the further Improvement of the Borough of Belfast*, herein-after called the Act of 1847: And whereas an Act was passed in the Fourteenth Year of Her present Majesty, Chapter One hundred and eight, intituled *An Act for better improving the Borough of Belfast*, herein-after called the Act of 1850: And whereas an Act was passed in the Seventeenth Year of Her present Majesty, Chapter One hundred

8 & 9 Vict.
c. cxlii.

9 & 10 Vict.
c. ccxciv.

10 & 11 Vict.
c. ccliv.

13 & 14 Vict.
c. cviii.

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c. 114. (Pub.)

dred and fourteen, intituled *An Act to extend the Municipal Boundaries of the Borough of Belfast, and to reduce the Scale of Rating upon certain Property within the said Borough*, herein-after called the Act of 1853: And whereas by virtue of the recited Acts, or some of them, the Mayor, Aldermen, and Burgesses of the Borough of *Belfast* (in this Act called the Corporation) were authorized to borrow Money to the Extent of Two hundred thousand Pounds, and to purchase Lands for the Purposes of those Acts, and make Rates and grant Mortgages for securing the Repayment of the Money so borrowed: And whereas the Sums of Money actually raised by the Corporation amounted to the Sum of Two hundred and eighty-four thousand six hundred and forty Pounds and Elevenpence, and Mortgages were granted to the Extent of Two hundred thousand Pounds, and the Sum of Eighty-four thousand six hundred and forty Pounds and Elevenpence remains unsecured: And whereas an Information in the Court of Chancery in *Ireland* was filed in the Year One thousand eight hundred and fifty-five by the Attorney General for *Ireland* at the Relation of *John Rea* on behalf of himself and the other rated Inhabitants of the Borough, against the Corporation and others, for the Purposes (amongst other things) of having the Trusts of those Acts, or some of them, carried into effect under the Order of the Court, and of having the Rates by those Acts authorized to be levied relieved from the Charge thereon of Part of the Sum of Two hundred thousand Pounds, and the Respondents, or some of them, charged with Parts of the Monies raised by the Corporation: And whereas, after long protracted Litigation and various Attempts at Negotiation and to obtain legislative Provisions for the Settlement of the Matters in dispute, a Submission to Arbitration of the Matters in difference was agreed to, and the Award of the Arbitrators was thereby made subject to the Confirmation of the Right Honourable *Edward Cardwell*, who was also appointed Umpire under the said Submission in case the Arbitrators differed: And whereas the Attorney General for *Ireland* for the Time being approved of the said Submission to Arbitration, and caused the said Suit to be stayed for the Purpose of the Reference thereunder: And whereas the Examination of the Proofs connected with the Arbitration extended over nearly Three Years: And whereas the Arbitrators on the Fifth Day of *November* One thousand eight hundred and sixty-three agreed to and executed and presented to the said *Edward Cardwell*, and to the Corporation and to the several other Persons therein named, the Award set forth in the First Schedule to this Act, and the same fully and correctly states the various Facts and Circumstances of the Case, from the passing of the first of the said Acts up to the Time of making the said Award: And whereas the said *Edward Cardwell* did on the Second Day of *February* One thousand eight hundred and sixty-four by his Fiat in Writing set forth in the

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Second Schedule to this Act, approve of the said Award, with the Modifications, Alterations, and Additions expressed in his Fiat: And whereas the said Award of the Arbitrators, as altered by those Modifications, Additions, and Alterations, and the said Fiat, are in this Act hereafter referred to as "the Award:" And whereas it was One of the Terms of the Submission to the said Arbitration that the Arbitrators might direct a Bill to be brought into Parliament to confirm their Award, and that all Parties to the said Suit should do their utmost to obtain the passing of such Bill: And whereas it is expedient that the Award be so confirmed, and that Effect should be given to the same by the passing of this Act, and for such Purpose that the Rates authorized to be levied by the Act of 1845 and the Act of 1853 respectively should be altered: And whereas it is expedient that such Powers as are in this Act contained should be given to the Corporation, and the Provisions of some of the recited Acts be amended, but the same cannot be effected without the Authority of Parliament: And whereas, pursuant to an Order made by the High Court of Chancery in *Ireland*, the Sum of One thousand seven hundred and eighty-two Pounds Sixteen Shillings and Sixpence, Portion of the said Sum of Eighty-four thousand six hundred and forty Pounds and Elevenpence, has been lately paid to ——— *Moore* in the said Award named, and the said unsecured Debt has thus been reduced to the Sum of Eighty-two thousand eight hundred and fifty-seven Pounds Four Shillings and Fivepence, with Arrears of Interest thereon: And whereas the Special Respondents, for the Purpose of satisfying any Costs or other Monies which may become payable by them under the Award, did, before the Introduction of any Bill into Parliament for the Purposes of this Act as in the Award mentioned, deposit the Sum of Ten thousand Pounds in the Bank of the *Belfast* Banking Company: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

1. This Act may be cited for all Purposes as "The *Belfast* Award Act, 1864." Short Title.

2. The Award is hereby confirmed and made effectual to all Intents and Purposes. Award confirmed.

3. The Act of the Session of the Third and Fourth Years of Her present Majesty, Chapter One hundred and eight, for the Regulation of Municipal Corporations in *Ireland*, and the Act of the Session of the Sixth and Seventh Years of Her present Majesty, Chapter Ninety-three, for the Amendment of that Act, and all the Clauses and Provisions of those Acts respectively now in force, save so far only

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as by this Act otherwise expressly provided, shall, with respect to the Borough of *Belfast* (in this Act referred to as the Borough), be and continue in full Force and Effect, and shall be applied to this Act and the Matters therein, so far as the same are applicable, and those Acts and this Act shall accordingly be construed together as if they were One Act, and for that Purpose the Provisions of that Act of the Third and Fourth Years of Her present Majesty assigning Meanings to Words and Expressions therein shall extend and apply to the like Words and Expressions in this Act.

Act to be carried into execution by Corporation.

4. This Act shall be carried into execution by the Corporation acting by the Council of the Borough.

Expenditure of Money confirmed.

5. The Sum of Two hundred thousand Pounds, and all other Monies received by the Corporation under the recited Acts or any of them, and also the Sum of Eighty-four thousand six hundred and forty Pounds and Elevenpence, shall be deemed to have been applicable to all or any of the Purposes of the Act of 1845 and the Act of 1847, and the Application of those Monies is hereby confirmed.

Purchases by Corporation confirmed.

6. The Purchases of all Lands and Property, and of all Estates and Interests therein which the Corporation have at any Time purchased or contracted to purchase for any of the Purposes of the recited Acts, or any of them, are hereby confirmed, and the same Lands and Property shall continue vested in the Corporation for the Purposes of those Acts, and the Provisions of the recited Acts shall extend and apply to those Lands, subject to the Provisions of this Act.

Existing Mortgages to have Priority.

7. The several Mortgages now outstanding duly issued under the first and secondly recited Acts, and all Mortgages duly issued for the Purpose of paying off those Mortgages, shall have Priority over all other Mortgages from Time to Time granted under this Act.

Power to borrow to pay off existing Mortgages.

8. For the Purpose of paying off any Principal Money secured by any of the said outstanding Mortgages, when and as the same becomes due and payable, the Corporation may from Time to Time borrow on Mortgage of the Rates and other Property by the Act of 1845 and the Act of 1846 authorized to be mortgaged, and at such a Rate of Interest as they think fit, the Sums required to pay off the Mortgages so falling due, but the Money so from Time to Time borrowed shall be applied forthwith and exclusively in paying off the Mortgages for Payment of which it is borrowed.

Corporation to grant Mortgages

9. After the passing of this Act the Corporation may and shall grant Mortgages of the Rates by the Act of 1845 and the Act of 1853 and

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and by this Act authorized to be levied to the several Persons entitled to the several Sums of Money amounting to the said Sum of Eighty-two thousand eight hundred and fifty-seven Pounds Four Shillings and Fivepence, and those Mortgages shall include as Part of the Capital Sums for which the Mortgages are granted Interest on those Sums from the Date up to which Interest has already been paid thereon respectively, until the Mortgages are executed, and such Interest shall be calculated at a Rate not exceeding the Rate of Interest agreed to be paid when the Advances were respectively made; and if no Rate of Interest was so agreed on at the Time of making the Advances, then at a Rate not exceeding Four Pounds *per Centum per Annum*; but no Compound Interest shall in any Case be paid, and the said Rates shall be liable and be applied in satisfaction of those Mortgages, and the Mortgages so given may be according to the Form in the Third Schedule to this Act, or to the like Effect, and shall be valid and effectual Mortgages for the Sums thereby expressed to be secured.

in respect of
Sum of
82,857l. 4s.
5d.

10. The Town Clerk shall keep a Register of all Mortgages granted under this Act, and of all Transfers and Assignments thereof, and within Fourteen Days after the Date of any such Mortgage the Town Clerk shall enter in such Register the Number and Date thereof, and the Names of the Parties thereto, with their proper Additions; and within Thirty Days after the Date of any Transfer of a Mortgage granted under this Act it shall be produced to the Town Clerk, who shall enter in such Register the Date and Particulars of such Transfer, and for such Entry the Town Clerk may demand the Sum of Two Shillings and Sixpence; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage in all respects, and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage so transferred, or any Sum thereby secured.

Register of
Mortgages
and
Transfers.

11. All those to whom the Mortgages by this Act authorized shall be granted, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the same Rates so mortgaged in the following Order; that is to say, the Creditor in respect of the Sum of Seven hundred Pounds, Residue of the Sum of Two thousand four hundred and eighty-two Pounds Sixteen Shillings and Sixpence in the Award mentioned remaining, after deducting therefrom the said Sum of One thousand seven hundred and eighty-two Pounds Sixteen Shillings and Sixpence, so paid off as aforesaid, shall have Priority next after the Holders of the existing Mortgages issued under the Act of 1845 and the Act of 1846 and all Mortgages issued for the Purposes of paying

Priority of
Mortgages
under this
Act.

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off those Mortgages; and the Creditors in respect of the Sum of Forty-six thousand and eight Pounds Twelve Shillings and Elevenpence in the Award mentioned shall have Priority next after the Creditor in respect of the said Sum of Seven hundred Pounds, and the Creditor or Creditors in respect of the Sum of Thirty-six thousand one hundred and forty-eight Pounds Eleven Shillings and Sixpence in the Award mentioned shall have Priority next after the said Creditors in respect of the said Sum of Forty-six thousand and eight Pounds Twelve Shillings and Elevenpence.

Power to Corporation to borrow Money to pay off Mortgages under this Act.

12. The Corporation may from Time to Time, when any of the Sums secured by the Mortgages by this Act authorized fall due, borrow Money to pay off the same at Interest, and may issue Mortgages to secure the same, according to the Form in the Third Schedule to this Act; but the Money so borrowed shall be applied forthwith and exclusively in paying off the Mortgages for paying off which it is so borrowed, and all Mortgages duly issued for paying off the Mortgages by this Act authorized shall have the like Priority with the Mortgages which have so been paid off.

Power to Corporation to sell their Surplus Lands.

13. The Corporation, with the Consent of the Lords Commissioners of Her Majesty's Treasury, may and shall within Ten Years from the Fifth Day of *November* One thousand eight hundred and sixty-three, sell and dispose of all such of the said Lands as may not be wanted for the Purposes of the recited Acts, or any of them, and apply the net Monies to arise from the Sale, in the first place, in the Payment or Reduction of the said Mortgages to be granted under this Act in respect of the said Sum of Eighty-two thousand eight hundred and fifty-seven Pounds Four Shillings and Fivepence, having regard to the Priorities of the said Mortgages as herein-before declared, and in the next place in aid of the Sinking Fund required to be provided by the Act of 1845.

Rate to be levied.

14. For the Purpose of carrying the recited Acts and this Act and all the Powers and Provisions thereof respectively into execution, it shall be lawful for the Corporation once in every Year after the passing of this Act, to be computed from the First Day of *January* in each Year, or oftener if they shall think it necessary, to make, under the Authority of the Act of 1845 and the Act of 1853 and this Act respectively, one or more Rate or Rates, Assessment or Assessments, upon the Occupiers of all Houses, Buildings, Tenements, Quays, Wharfs, and other Hereditaments within the Limits of the Borough for the Time being, according to the annual Value of the same, so as the aggregate Amount of such Rates or Assessments do not in any One Year exceed the following Sums; (that is to say,) where the annual Value shall not exceed Twenty Pounds, the Sum of One Shilling and Eightpence

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Eightpence in the Pound; and where the annual Value exceeds Twenty Pounds, the Sum of Three Shillings and Fourpence in the Pound; and such Rate shall be diminished or varied in the Proportions aforesaid, according to the Sum to be raised, and shall be applied for the Purposes of the recited Acts and this Act respectively: Provided always, that anything in this Act contained shall not repeal, alter, or in any Manner affect the Provisions of the recited Acts or any of them, relating to the making, collecting, recovering, or Mode of applying of the Rates thereby authorized; and that all those Provisions, and all other Provisions contained in those Acts, or in either of them, relating to Rates or to Exemption from Rates, shall extend and apply to the Rates by the Act of 1845 and the Act of 1853 and by this Act respectively authorized.

15. The Corporation shall once in every Year, to be computed from the First of *January* next after the passing of this Act, appropriate a Part of the annual Rates to be raised under this Act, not exceeding *Three per Centum* nor less than *One and a Half per Centum per Annum* upon the Amount for which Mortgages shall be granted under the Provisions of this Act, and shall apply the same either to the gradual Extinction of the Mortgage Debt for the Time being or to the Formation of a Fund to be accumulated for the Discharge of such Debt, or for both of those Purposes: Provided always, that in any Application of any such appropriated or accumulated Monies as aforesaid to the Payment of the said Mortgages, the Corporation shall have regard to the Priorities thereof as herein-before declared; and it shall be lawful for the Corporation to invest the Fund to be accumulated as aforesaid in the Name of the Corporation in the Public Stocks or Funds, or in Government or Real Securities, and from Time to Time to vary the same.

Sinking
Fund to be
provided.

16. The Corporation shall not apply any Part of the Rates, Monies, Lands, or other Property of the Corporation in Payment of any Costs of the Relator or the Special Respondents in the said Chancery Suit.

Corporation
limited in
Payment of
Costs of
Relators, &c.

17. The said Suit in Chancery now pending shall be stayed, except so far as may be necessary for carrying into effect the Provisions of the Award and of this Act, and for the Purposes of the Corporation receiving out of Court the Sinking Fund in the Award mentioned, and any other Monies standing to the Credit of the said Suit which shall be paid to the Corporation and be applied by the Corporation in the first place in the Payment of the Sum of Four thousand one hundred and seventy-eight Pounds Eighteen Shillings, the Costs and Expenses of the said Arbitration mentioned in the said Award, or such lesser Sum as may be ascertained to be the Amount of such Costs and Expenses, and also the Sum of Two hundred and nine Pounds Eleven Shillings
and

Pending
Chancery
Suit to be
stayed, and
Application
of the Fund
in Court.

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and Fourpence, the Costs and Expenses of the Umpirage required to be paid by the said Fiat, and in the next place to the Purposes of the Sinking Fund directed by the Act of 1845; and the several Persons Parties to the Deed of Submission, and their Representatives or Assigns, shall concur in all Acts and give all the necessary Consents for the Purpose of staying all further Proceedings (except as aforesaid) in the said Chancery Suit.

Expenses of
Act.

18. The Costs, Charges, and Expenses of and incidental to the passing of this Act, not exceeding the Sum of Two thousand Pounds, shall be paid by the Corporation out of the Rates by this Act authorized to be raised, and the Residue of such Costs, Charges, and Expenses shall be paid by the Special Respondents.

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SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

AWARD OF THE ARBITRATORS.

To the Right Honourable Edward Cardwell, and to the Mayor, Aldermen, and Burgesses of the Borough of Belfast, and to Messrs. John Rea, John Thomson, John Potts, William Hamilton, Samuel Græme Fenton, Samuel Thomson, Robert Stewart Lepper, Frederick Harry Lewis, William M'Gee, Philip Johnston, and Samuel M'Causland.

1. BY a Deed of Submission made on the 13th Day of June 1860 between you, the above-named John Rea, of the First Part, the Mayor, Aldermen, and Burgesses of the Borough of Belfast, John Thomson, John Potts, William Hamilton, Samuel Græme Fenton, Samuel Thomson, Robert Stewart Lepper, Frederick Harry Lewis, William M'Gee, Philip Johnston, and Samuel M'Causland, of the Second Part, after reciting that Differences had arisen between the Parties thereto of the First and Second Parts, and that a Suit had been instituted in the Court of Chancery in Ireland by Her Majesty's Attorney General at and by the relating of the said John Rea on behalf of himself and all the other Inhabitants of Belfast subject to the Payment of Rates payable under the Belfast Improvement Acts, as Petitioners against the Mayor, Aldermen, and Burgesses of the Borough of Belfast, and the said John Potts, William Hamilton, Samuel Græme Fenton, Samuel Johnston, Robert Stewart Lepper, Frederick Harry Lewis, William M'Gee, William Carson, Philip Johnston, Samuel M'Causland, and John Thomson, and against John Bates, David Grainger, James Sterling, and John Cuddy, all since deceased, as Respondents thereto, and against Samuel Nelson and Joseph Young, who had left the Country, and James Hart, who had become insolvent; and that a Decree had been made in the said Suit, dated the 19th Day of June 1855, and under such Decree the said Respondents had become liable to pay divers large Sums of Money, in addition to other Obligations; and that the Matters in difference between the said Parties of the First and Second Part have been investigated by Two Select Committees of the House of Commons, but the same were not yet settled, and that the Parties thereto had agreed to submit to such Reference as was therein-after mentioned, and had consented that the Representatives of the several Respondents, who were therein-before mentioned to have died since the Institution of the said Suit and the Respondents who had left this Country, or become insolvent, should be omitted from that Submission, and that no Objection should be taken by reason of such Omission; it was witnessed that it was thereby covenanted and agreed by and between the Parties thereto as follows, (by Section 1.) that all Matters in difference between the Parties thereto, or any or either of them, up to the Date of those Presents, should be referred to the Arbitration of ourselves, the undersigned William

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Bryden,

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Bryden, of No. 4, New Palace Yard, and of Richard Henry Wyatt, of No. 28, Parliament Street, Westminster, Parliamentary Agents, subject to the Approval of the above-named Right Honourable Edward Cardwell, as Umpire, who was to be invested with such Powers as were therein-after mentioned; and (by Section 2) the said Arbitrators should deliver their Award in Writing, signed by them, of and concerning the Matters referred by them to the said Edward Cardwell on or before the 1st Day of November 1860, with Power nevertheless for the said Arbitrators by any Writing signed by them from Time to Time to enlarge the Time for delivering their said Award to the said Edward Cardwell; and (by Section 9) the said Arbitrators should, in making their Award, take into consideration the Conduct of the Parties and all the Circumstances of the Case, and they might decide according to what they deemed to be the moral Justice of the Case, irrespectively of the legal Rights of the Parties; and (by Section 10) the said Arbitrators should, for the Purposes of that Arbitration, have full Power over the Parties to that Reference, they might direct the Parties to those Presents, or any or either of them, to pay any Money, to deliver up any Property, to certify any Books, to dismiss any Officer from Office, to make any Apology, to give any Relief, to execute any Conveyance, to give Satisfaction in any Manner, and generally to do or suffer any Act or thing which the said Arbitrators might think necessary for doing full Justice between the Parties, subject to this Proviso, that the said Mayor, Aldermen, and Burgesses should not, nor should any of them, incur any personal Liability by reason of their being made Parties to those Presents in their Character of Mayor, Aldermen, and Burgesses; and (by Section 12) the Parties thereto would concur in any Acts, and give any Consents the said Arbitrators might think fit for the Purpose of staying any Proceeding in the said Chancery Suit, or for obtaining any Decree of the Court for modifying the Decree already pronounced, and generally for dealing with the said Chancery Suit in such Manner as the said Arbitrators might direct; but nothing therein contained should be held or construed to prevent the said John Rea from proceeding in Chancery with the said Suit, unless the said Arbitrators, by Writing under their Hands to be duly served on him or his Solicitor, should require him not to proceed for such Period as they should therein think fit to specify, which Order the said Arbitrators might from Time to Time extend or renew as they deemed fit; and the said John Rea should be bound to obey, unless the Court of Chancery or the Attorney General should require him to proceed without regard thereto, in which Case such Order of such Arbitrators should be wholly null and void; and (by Section 13) the Submission to Arbitration thereby made should not be affected by the Death of any Party thereto, but might be proceeded in, and the Matters in difference determined, in the same Manner as if the Award of the Arbitrators had been made in the Lifetime of the Party so dying; and the personal Representatives of the Party so dying should be deemed to be Parties to the Submission thereby made; and (by Section 14) the Costs, Charges, and Expenses of the said Chancery Suit of that Reference of any Inquiry that might be held at Belfast of the Award to be made thereon, and all other Costs, Charges, and Expenses, Parliamentary or otherwise, that might have been or might be incurred by the Parties thereto, or any of them, in relation to the said Matters in difference, or to that Submission, or incidental to or consequential thereon, should be in the Discretion of the said Arbitrators; and (by Section 15) the Arbitrators might award any Costs to be paid as between Solicitor and Client; they might or might not, as they thought fit,
direct

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direct such Costs, or any of them, to be taxed; they might also themselves assess such Costs, or any of them, at a specified Sum, and declare the Parties by whom and to whom such Sum or Sums were to be paid, and might direct the said Costs to be paid to the Solicitors of the Parties in place of the Parties themselves; the Arbitrators might examine on Oath or not, as they thought fit, any Witnesses on the Reference, and any of the Parties thereto; and (by Section 19) the Arbitrators might direct a Bill or Bills to be brought into Parliament by all or any of the Parties thereto, for the Purpose of giving Effect to their Award, enabling them more effectually to proceed with their Arbitration, and including the Amendment of the Municipal Corporation Acts, or of any Local Acts in force within the Borough of Belfast, or the Introduction of any new Acts, and might determine the Parties by whom and the Manner in which the Costs of such Bill or Bills were to be paid, and the Provisions to be contained in such Bill or Bills, and the Parties to promote the same; and (by Section 20) the Parties thereto would do their utmost to obtain the passing into an Act or Acts of any Bill or Bills brought in in pursuance of such Award, and would enter such Appearances (by Counsel or otherwise), give such Notices, and do all such other Acts as might be directed by the Award, or might conduce to the carrying of the same into complete Effect; the Award of the Arbitrators should not be of any Validity until it had been approved of by the said Edward Cardwell, therein-after referred to as the "Umpire;" and (by Section 21) the Umpire might disapprove altogether, or might approve, either with or without Modification of the Award of the Arbitrators, and might substitute a new Award in the place of the Award of the Arbitrator; and (by Section 22) the Arbitrators might from Time to Time refer to the Decision of the Umpire without making any Award themselves; and (by Section 23) in the event of the Arbitrator disagreeing in any Matter, or refusing or declining to make any Award in respect thereof, it should be referred to the Decision of the Umpire; and (by Section 24) the Umpire might from Time to Time make Awards with respect to Matters arising from Time to Time within his Cognizance, and need not at once determine the whole Matter in difference; and (by Section 25) the Umpire might examine any Witnesses, make any fresh Inquiries, and generally act in all Matters within his Cognizance as if he was sole Arbitrator; and (by Section 26) the Umpire, in addition to the Powers thereby conferred on him specially, should be deemed to be invested with all the Powers thereby conferred on the Arbitrators, and to be capable of enforcing all Provisions of that Submission whereby the Parties thereto bind themselves to do any Act for the Purpose of enabling that Submission or the Award of the Arbitrators to be carried into complete Effect; and (by Section 27) any Award made by the Umpire in respect of any Matter within his Cognizance should be binding to all Parties thereto; and (by Section 29) that any Submission, and any Award or Awards made under it, might be made a Rule of all or any of Her Majesty's Courts of Record in Ireland or England.

2. On the 23d October 1860, and so on from Time to Time, we the said William Bryden and Richard Henry Wyatt have, in pursuance of the Power conferred upon us in the Deed of Submission by several Writings signed by us, enlarged the Time for delivering this our Award to the said Edward Cardwell until the 1st November 1864, and in pursuance of the same Deed we have sat as Arbitrators in the Matters of this Arbitration at 80 Meetings in all.

3. It was agreed amongst other things, by and on behalf of the several Parties to the Deed of Submission, that a Short-hand Writer on Mr. Gurney's Staff

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Staff should attend during the whole Proceedings and take Notes, and that the Notes so taken by him, including any Documents received and entered as Evidence, should be submitted to Mr. Cardwell for his Consideration as Umpire, and that he might make his Decision exclusively on the Footing of such Notes, and that he should not be bound to hear any Parties or receive any further Evidence unless he so desired; and a Short-hand Writer has accordingly attended during the whole Proceedings, and taken Notes thereof, pursuant to the said Agreement.

4. It appears from the Evidence which has been produced that an Act was passed in the Ninth Year of the Queen, Cap. 142., intituled "An Act for the Improvement of the Borough of Belfast" (in this Award called the Act of 1845), and "The Lands Clauses Consolidation Act, 1845," was incorporated therewith; and it was enacted (by Section 4) that the Mayor, Aldermen, and Burgesses of the Borough of Belfast (in this Award called "the Corporation") should by the Council of the Borough carry the Act into execution; and (by Section 28) the Council were authorized to borrow at Interest any Sum which, with any Sum previously borrowed, should not exceed £150,000, on the Credit of the Rates by the Act authorized; and in the event of all or any Part of such Monies being repaid by the Council, to reborrow the same, and so toties quoties, but so that there should not be owing on such Security more than £150,000 in the whole at any one Time, and for securing the Repayment of the Monies so borrowed, with Interest, to mortgage the Rates, provided that Persons advancing or lending such Money should not be bound to see to the Application thereof; and (by Section 41) the Council were authorized to borrow Money at a lower Rate of Interest than the Interest payable on any Securities then in force, in order to pay off the Securities bearing such higher Rate of Interest, notwithstanding they might have previously borrowed the whole of the Sum which they were by the Act authorized to borrow, and to grant Mortgages for the same, provided that the Persons lending such further Sums should not be bound to see to the Application thereof; and (by Section 44) the Council were authorized to apply any Part of the Money so borrowed, not exceeding £100,000, for the Purpose of widening old, and making new Streets and Places within the Limits of that Act, in removing Projections therein, and in the Purchase of any Lands or Buildings for all or any of such Purposes, and the Remainder of the Money borrowed for the Purpose of carrying into effect the several other Works and Purposes of that Act; and (by Section 46) Provision was made for appropriating a Part of the annual Rates to be raised under that Act, not exceeding £3 per Cent., nor less than £1. 10. per Cent. per Annum, on the Money borrowed by way of Sinking Fund; and (by Section 55) for the Purpose of enabling the Council to carry into effect the Works, Improvements, and Purposes of that Act, they were authorized to purchase the Houses, Lands, and Grounds comprised in Schedule D. to that Act annexed; and (by Section 56) the Council were authorized to widen or otherwise improve Streets therein specified within the Borough; and (by Section 58) the Council were authorized to open and make the new Streets therein specified; and (by Section 64) the Council were authorized to sell superfluous Land vested in them; and (by Section 66) the Limits of that Act were declared to be the Borough of Belfast for the Time being; and (by Section 106) the Council were authorized to purchase other Land for the Purpose of widening Streets; and (by Section 257) the Council were authorized to light the Streets and other Places within the Limits of that Act; and (by

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Section 258) to contract (for not exceeding 21 Years) with any Person for lighting such Streets; and (by Section 277) the Council were authorized to purchase or take on Lease any Land or Premises within the Limits of the Act then used as Markets, and all Rights, Privileges, and Franchises connected therewith, and to appropriate and use so much of such Land and Premises as they might think expedient for Markets, and the Residue thereof for any other of the Purposes of the Act; and (by Section 278) the Council were authorized to purchase, rent, and provide other Lands to be appropriated and used as Markets; and (by Section 279) the Council were authorized to build Market Places; and (by Section 280) it was provided that the Council should not provide any new Market Place until they should have purchased from the Persons willing to sell the same all their Rights and Interests in any existing Market Places, and the Stallage, Rent, or Market Tolls; and (by Section 286) the Council were authorized to take Stallage, Rents, and Tolls for the Market Places; and (by Section 287) Tolls for weighing or measuring Articles; and (by Section 288) Tolls for weighing Carts; and (by Section 318) Tolls for Slaughter-houses; and (by Section 348) it was enacted that for the Purposes of defraying the Costs and Expenses of carrying the Act, and all the Powers and Provisions thereof, into execution, the Council once in every Year, or oftener if they should think it necessary, might make One or more Rate or Rates upon the Occupiers of all Hereditaments, except Arable Land and other Hereditaments thereby excepted, within the Limits of that Act, according to the annual Value thereof, and so as such Rates should not exceed in any One Year, where the annual Value should not exceed £20, the Sum of 1s. 6d. in the £1; and where the annual Value should exceed £20, and should not exceed £80, the Sum of 3s. in the £1; and where the annual Value should exceed £80, the Sum of 4s. 6d. in the £1; and (by Section 354) the several Rates made under that Act were vested in the Corporation; and (by Section 383) it was enacted that the Money which should arise from the Rates and all other Monies to be received by the Council under that Act should be applied, in the first place, in Payment of the Expenses of obtaining and passing that Act, or preparatory or incidental thereto; secondly, in Payment of the Interest of Monies borrowed by Mortgage by virtue of the Acts of the 40th and 56th Years of George the Third, thereon recited, and by virtue of the recited Act, thirdly, in defraying the Expenses of lighting, paving, cleansing, sewerage, watching, and regulating the Streets within the Limits of the reciting Act and of improving the same, and of carrying the several Purposes of that Act into execution; and, lastly, in paying off the Principal Sums borrowed.

5. The Council proceeded to put this Act of 1845 into execution.

6. An Act was passed in the 10th Year of the Queen, Cap. 294., intituled "An Act for better lighting and improving the Borough of Belfast" (in this Award called the Act of 1846), and it was thereby enacted that the Provisions, Matters, and Things contained in the Act of 1845, and in the Acts incorporated therewith, except such of them as were by the reciting Act repealed, altered, or otherwise provided for, should, where the same might be applicable, and were not inconsistent with the Provisions thereof, extend to the reciting Act and to the several Purposes and Things thereby authorized to be done, and those Acts and the reciting Act should be construed and read together as forming One Act; and (by Section 2) the Council were authorized to borrow at Interest on the Credit of the Rates, by the Act of 1845, and also on the Credit of the Rents and other Monies to arise or become payable under the Powers of the reciting

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Act, and for the making and vending of Gas, and otherwise to arise or be made in respect of the Gasworks which should belong to or be vested in the Council, in pursuance or by virtue of the reciting Act, and on the Credit of all other the Property whatsoever vested in the Corporation by virtue of the Act of 1845 and the reciting Act, any Sums not exceeding £50,000, nor together with Monies authorized to be borrowed under the Act of 1845, £200,000, and, in the event of any Part of such Sums being repaid by the Council, to reborrow the same, and so toties quoties, but so nevertheless that there should not be owing on those Securities more than £200,000 in the whole at any One Time, and to mortgage those Rates, Rents, and other Property, or any Part thereof, as Security for the Payment of the Money so borrowed with Interest, provided that the Persons lending such Monies should not be bound to see to the Application thereof; and (by Section 4) after reciting that no Money had been borrowed under the Act of 1845, or the Acts recited therein, it was enacted, that all Persons to whom such Mortgages should be made should be Creditors equally, without Preference; and (by Section 15 and 19 and other Sections) the Council were authorized, but only by Agreement, to purchase Lands and make Gasworks, and to purchase or take on Lease Gasworks, and to supply the Borough with Gas, and to take Rents and Charges for such Supply; and (by Section 42) it was enacted that the Money which should arise from the Rents and from all other Monies to be received by the Council under the reciting Act should be applied, in the first place, in Payment of the Expenses for obtaining and passing that Act, or preparatory or incidental thereto; secondly, in Payment of the Interest of the Monies borrowed by virtue of the Act of 1845 and that Act respectively; thirdly, in defraying the Expense of manufacturing Gas, and of lighting, paving, cleansing, sewerage, watching, and regulating the Streets within the Borough and of improving the same, and in carrying the several Purposes of the Act of 1845 and the reciting Act into execution; and, lastly, in paying off the Principal Sums borrowed.

7. The Act of 1846 did not limit any Time within which Gasworks were to be provided by the Council.

8. The Council were advised that the Act of 1846 did not impose any Obligation upon them to apply the £50,000, or any Part thereof by that Act authorized to be raised, to the Purpose of manufacturing and vending Gas, and the Council have not provided Gasworks under that Act, but they have provided for the lighting of the Streets and other Places within the Borough by means of a Contract with the Belfast Gaslight Company under Section 258 of the Act of 1845.

9. An Act was passed in the 11th Year of the Queen, *Cap. 254.*, intituled "An Act for the further Improvement of the Borough of Belfast" (in this Award called the Act of 1847), and it was thereby enacted that the Provisions, Matters, and Things contained in the Acts of 1845 and 1846 and in the Acts incorporated therewith, should, where the same might be applicable, and were not inconsistent with the Provisions thereof, extend to the reciting Act, and to the several Purposes, Works, and Things thereby authorized to be done as fully and effectually as though the same Provisions, Matters, and Things were repeated and re-enacted in the reciting Act in reference to such Works, Purposes, and Things, and the Acts of 1845 and 1846 and the reciting Act should be construed and read together as forming one Act; and (by Section 4) for the Purpose of enabling the Council to carry into effect the Works, Improvements, and Purposes of the reciting Act and of the Acts of 1845 and 1846, as respects the Markets of the Borough, they were authorized to purchase Houses and Lands comprised

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comprised in the Schedule (A.) to the reciting Act annexed ; and (by Section 5) the Council were authorized to sell their surplus Lands ; and (by Section 6) the Council were authorized to lease any Land already purchased, contracted for, or acquired under the Act of 1845, abutting on the Sides of Streets opened in the Borough by the Council, and not in their Opinion necessary for the Improvement of the Borough, to any Person who should build thereon as the Council should think proper ; and (by Section 7) the Council were required, within 10 Years after the Execution of any such Lease, to sell the Ground Rents thereby reserved, and the Reversion and Inheritance in Fee Simple in Possession, subject to such Lease of the Land thereby demised ; and (by Section 8) it was enacted that every Sum of Money which should be received by the Council from any Sales made under the Powers of the reciting Act, and also the Rents, if any, which should be received from the Lands until the same should be sold, should, after Payment of the Expenses of Sale, be applied for any of the Purposes of the Acts of 1845 or 1846, or of the reciting Act ; and (by Section 27) a Purchase by the Corporation under the Act of 1845 of certain Franchises, Tolls, Privileges, and Hereditaments, with respect to Fairs and Markets within the Manor of Belfast, was confirmed ; and (by Section 28) the Provisions of the Act of 1845, relating to Markets and to Tolls for Slaughter-houses, were extended to the Markets so purchased ; and (by Section 47) it was enacted that all Costs, Charges, and Expenses of and attending the passing of the reciting Act, or incidental thereto, should be paid by the Council out of the Monies authorized to be borrowed under the Act of 1845.

10. The Council proceeded to put the said Act of 1847 into execution.

11. For the Purpose of paying the Expenses incurred by the Council in the Execution of the Acts of 1845 and 1847 respectively, they raised Sums exceeding in the whole £200,000, and for securing Part of the Monies so raised, and the Interest thereon, they granted Mortgages under the Acts of 1845 and 1846 to the aggregate Amount of £185,318 13s. 2d.

12. By an Act of the 14th Year of the Queen, Cap. 108., intituled " An Act for better improving the Borough of Belfast " (in this Award called the Act of 1850) the Council (by Section 3) were authorized and required, for the Purpose of the Improvement of the Blackstaff River and the Drainage of the Borough in connexion therewith, to purchase Lands specified in Schedule (B.) to the Act of 1847 annexed, so soon as Arrangements could be made for the Execution of the Works, and to proceed to execute the same within Two Years after the passing of the reciting Act, provided that the Consent of the Owners, Lessees, and Occupiers of those Houses and Lands should be first obtained ; and (by Sections 23 and 24) further Provision was made with respect to the Terms of the Leases to be made by the Corporation of their surplus Lands, and with respect to Notice of the Intention to make such Leases ; and (by Section 26) after reciting that the Council had, under the Authority of the Acts of 1845 and 1846, borrowed on the Security of the Rates, Rents, and other Monies authorized to be raised and levied under the Provisions of those Acts the Sums by those Acts authorized to be borrowed, and which Sums were the first and primary Charge on those Rates, Rents, and other Monies the Council were authorized to borrow, not exceeding £15,000, for the Improvement of the Blackstaff River, on the same Security, and to grant Mortgages for securing the Money so borrowed ; and (by Section 74) the Council were authorized to pay the Costs, Charges, and Expenses of and attending the passing of that Act, or incidental thereto, out of the Monies which should come to their Hands under the Provisions of the Acts of 1845, 1846, and 1847.

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13. The Council have not borrowed any Money under the Authority of the Act of 1850, nor has the Consent of the Owners, Lessees, and Occupiers of the Houses and Lands specified in Schedule (B.) to the Act of 1850 annexed to the Purchase thereof by the Council been obtained.

14. An Act was passed in the 17th Year of the Queen, Cap. 114., intitled "An Act to extend the Municipal Boundaries of the Borough of Belfast, and to reduce the Scale of rating upon certain Property within the said Borough" (in this Award called the Act of 1853), in the Preamble of which were recited the Act for the Regulation of Municipal Corporations in Ireland (3 & 4 Vict. c. 108.); an Act to amend that Act (6 & 7 Vict. c. 93.), and the several Acts of 1845, 1846, 1847, and 1850; and it was further recited that it was expedient that the Boundaries of the said Borough, as defined by the Act first therein recited (3 & 4 Vict. c. 108.), should be extended, and that the Boundaries of the several Wards into which the same were divided should be altered, and that the maximum Scale of rating upon Property above the annual Value of £80, liable to be rated under the Act therein thirdly recited (the Act of 1845) should be reduced, and that the same could not be effected without the Authority of Parliament; and (by Section 2) the Municipal Boundaries of the Borough were extended; and (by Section 3) all the Provisions of the Acts of 1845, 1846, 1847, and of all other Acts amending, altering, or enlarging the same, or any of them, so far as they were then in force, and were unrepealed by, and were not inconsistent with, the Provisions of the reciting Act, were extended and applied to the Borough and to the several Wards thereof, and to the Inhabitants of the Borough, as extended and defined by the reciting Act; and (by Section 5) so much of the Act of 1845 as authorized the Council to make Rates upon the Occupiers of all Hereditaments within the Limits of that Act exceeding £80 annual Value, so as such Rates should not exceed in any One Year the Sum of 4s. 6d. in the Pound on the annual Value of the same, was repealed, and in lieu thereof the Council were authorized once in every Year, or oftener if they should think it necessary, to make One or more Rate or Rates upon the Occupiers of all Hereditaments within the Limits of the Borough for the Time being, exceeding £80 annual Value, so as such Rates should not exceed in any One Year the Sum of 3s. in the Pound on the annual Value of the same; and the last-mentioned Rates, and the other Rates authorized to be levied by the Act of 1845, and not by the reciting Act repealed, should be applied in the Manner and subject to the Provisions of the Act of 1845, and all the Provisions of the Act of 1845 relating to Rates or Exemption from Rates were extended and applied to the Rates by the reciting Act authorized to be made in lieu of the Rates so repealed; and (by Section 6) Provision was made with respect to the rating of Demesnes of not less than 40 Acres within the Borough.

15. The Council sold Parts of the Lands purchased by them under the recited Acts, and applied the Proceeds thereof towards the Discharge of their Liabilities, or otherwise for the Purposes thereof.

16. The Expenditure of the Council in paying the Costs and Expenses of the said recited Acts, in carrying into execution the Street Improvements by the Act of 1845 authorized, and the Purchase of Lands in connexion with the said Street Improvements which the said Act authorized them to purchase, and in the Purchase of Market Rights and Markets, and providing additional Market Accommodation for the said Borough, has greatly exceeded the Amount which
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the Council were by the said Acts authorized to raise by Mortgage of the Rates; but a Portion of the Lands so purchased have not been required for the Purposes of the said recited Acts and now belong to the Corporation as surplus Lands which the Council have Power to lease and sell under the Provisions of the said recited Acts.

17. The Balance of the Accounts of the Council with respect to the carrying of the several recited Acts into execution, including the Sum of £200,000, secured by Mortgage, is the aggregate Sum of £284,640. 0. 11., and £84,640. 0. 11., Part of the Balance of £284,640. 0. 11., is not secured by Mortgage granted by the Council.

18. That Sum of £84,640. 0. 11., called in this Award £84,000 consists of a Sum of £46,008. 12. 11., for which written Acknowledgments signed by Members of the Council were given to the several Persons by whom the same was advanced to the Council for the Purposes of the recited Acts, or some of them, and a Sum of £2,482. 16. 6., claimed by Messrs. Kyland and Moore for unpaid Purchase Money, and a Sum of £36,148. 11. 6., claimed by the Treasurer for Cash advanced to the Corporation.

19. On the 19th June 1855 an Information in the High Court of Chancery in Ireland was filed by the Attorney General for Ireland at the Relation of John Rea above named (on behalf of himself and all the other Inhabitants of the Borough subject to the Payment of Rates), against the Corporation and divers Persons who were at the Time of filing such Information or had been previously Aldermen and Councillors of the Borough; that is to say, John Potts, William Hamilton, Samuel Græme Fenton, Samuel Thomson, Robert S. Lepper, Frederick H. Lewis, William M'Gee, William Carson, Philip Johnston, Samuel M'Causland, and John Thomson, and against John Bates, David Grainger, James Sterling, and John Cuddy, all since deceased, and against Samuel Nelson and Joseph Young, who have left the Country, and James Hart, who has become insolvent, which several Persons are in this Award called "the Special Respondents," and the Treasurer and the Town Clerk and Solicitor to the Corporation, for the Purpose (among other things) of having the Trusts of the Acts of 1845 and 1846 carried into effect under the Order of the Court, and of having the Rates by those Acts authorized relieved from the Charge thereon of Part of the Sum of £200,000 secured by Mortgage thereof, and of having the Respondents, or some of them, charged with Parts of the Monies raised by the Council, as appears by the preceding Recitals.

20. By the Decree made on the Hearing of that Case it was declared to the Effect (among other things) that the Council were not authorized to charge the Rates with more than the £150,000 by the Act of 1845 authorized to be raised, and that the Special Respondents were liable to indemnify the Borough against the £50,000 raised under the Act of 1846, and also against all unauthorized Loans and the Interest thereof, but without Prejudice to any Questions the Special Respondents might thereafter be entitled to raise as to their Right to be recouped the same out of any Funds or Properties which the Court might think applicable thereto.

21. We have considered it important, in the Discharge of the onerous Duty imposed upon us under the Deed of Submissions, to consider carefully the Judgment of the Lord Chancellor in making the said Decree, a Report of which will be found in the Fourth Volume of the Irish Chancery Reports (by Kennedy and

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Trevor), p. 119; and in the course of his Judgment the Lord Chancellor is reported to have said, among other things, (p. 144,) that anyone who recollected the condition of Belfast some 30 Years ago could not withhold his Approbation from the Body, whatever it might be, through whose Instrumentality that Town had attained its present Dimensions, Character, and Condition in every respect; but the Question with which he had to deal was not whether the Improvements which the Borough had undergone were a Subject for Approval in the abstract, but whether those Improvements had been attained by any Proceedings that in that Court were to be considered as Breaches of Trust. He observed (p. 145) that the Act of 1845 contemplated primarily the widening of old and making of new Streets and Places, removing Projections, and purchasing Lands or Buildings for those Purposes; and the Council were authorized to expend thereon a Sum of £100,000 out of the £150,000 which they were empowered to borrow; they were entitled, but not bound, to devote the former Sum to those special Purposes; the Corporation alleged they had applied to the special Purposes not merely the £100,000, but £65,000 over and above that Sum; he considered they were not entitled under the Act to spend more than £100,000 on those Objects; he found that besides raising the £150,000 on Mortgage, the Council had borrowed other Sums; £48,491. 9. 5., and £36,307. 0. 8., thus purporting to leave the Corporation in Debt upwards of £84,000 beyond the £150,000; that £48,000, Part of the £84,000 extra Money, having been procured from private Individuals upon what had been called "Debentures," and the Balance of £36,000 had been overdrawn either from the Treasurer of the Corporation or from the Belfast Bank, with which he was connected, it was difficult to say which. Then, as to the Second Act, he considered the Council were only empowered as against the Ratepayers to borrow the £50,000 there mentioned, in order to apply it to the providing of Gas; he did not, however, say the Act was to be regarded in a Light so stringent that the Special Respondents, the Members of the Council, were to bear the Burthen of the £84,000 extra Monies, and the Corporation or Ratepayers to retain whatever Property might have been bought with it or with any Portion of it; that, he said, was not to be contemplated, and proper Accounts must be directed so as to do Justice to all Parties in this respect; he should be very happy to find, and he was sure so would every other Person, that what was called the surplus Property was fully available to clear off any Money which had been borrowed to purchase it; that would be but common Justice. If, for example, the Council had taken subject to a Mortgage the Lands that were stated to be then disposable, that would be a good Charge against the Corporation, and it could not claim the Lands without discharging the Debt, and the Proceeds of that Property, when sold, would seem just as available to recoup to the Respondents any Money that they had raised in order to purchase it, and against which (being in excess of their borrowing Powers) they ought, in the first instance, to exonerate the Rates and other Corporate Estate; although, therefore, he was bound to decide that the Act did not warrant the borrowing of the £84,000, he was specially bound to say that the Court would never take from the Reach of those Respondents Property acquired by the Expenditure of any Part of that Sum without seeing at the same Time that the Amount *pro tanto* was made good to them out of it. The Lord Chancellor further stated that he could not regard in the slightest Degree anything that might have occurred *dehors* the Act, and he could not imagine then that the Special Respondents could have any Relief in that Court, and they should probably be driven to see whether the People of Belfast would

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concur with them in seeking an Indemnity from Parliament, so far as regarded those extra Monies, and if it were necessary he sincerely hoped they might obtain that Aid; and he further added (p. 162), that if Corporate Property had been purchased with the £50,000, it would be available to the Special Respondents to recoup any Loss which they might otherwise sustain by departing from the Provisions of the Act; he would also say, that if it could be shown in the Master's Office that the Town had derived any other Advantage from the actual Outlay of the Money, whatever it might have been, on Markets or otherwise, to that Extent also those Respondents ought to be indemnified; he should therefore direct such Inquiries and reserve to them such Right of future Application there as would secure to them the Benefit of any Case they might be able to make in that respect, and he sincerely hoped the Result of those Inquiries would be that neither as to the £50,000, any more than as to the £84,000, would the Respondents be visited with ultimate Loss.

22. Although, therefore, by the Decree of the Lord Chancellor the Corporation were restrained from applying any of their Funds in paying any Part of the Principal or Interest of the unsecured Sum of £84,000, yet the Suit was so framed that the Rights of the Creditors for that Sum, not being Parties to the Suit, could not be bound by any Decree made therein or be ascertained therein.

23. By the said Decree it was referred to William Brooke, Esquire, One of the Masters of the said Court, to take an Account of all Monies received by the Town Council of the Borough of Belfast, or any of the Members thereof, for Rates, Loans, or otherwise, since the Year 1845, and also to take an Account of what Amounts had been expended by the said Council for the Purpose of widening old and making new Streets and Places within the Limits of the Act of 1845, in removing Projections therein, and in the Purchase of any Lands or Buildings for all or any of such Purposes, pursuant to the 44th Section of the said Act of 1845; also to take an Account of what Amounts had been expended by the Council in the Purchase of Market Rights and Market Places, and providing additional Market Places within the Borough, and in improving the same, pursuant to the Provisions of the 277th, 278th, and 279th Sections of the Act of 1845, having regard to the Declaration in said Decretal Order contained; that the said Council was not authorized to charge the Rates with more than £150,000; also, to take an Account of the Application of all other Monies received by the Council since 1845, and also to report whether the Purchase Monies of any Properties taken by the said Council still remain unpaid and to whom; also, to state in particular what Sums had from Time to Time been paid by the Council for Interests on Loans unauthorized by the said Act, or upon such Portions of Loans thereby authorized as had not been duly applied, or on Debts contracted by the Council, and to state what Portion of such Interest Money had been paid out of the Rates or other Corporate Property; and also in what Manner the Premises purchased by the Council had been used or disposed of, and whether any and what Part thereof still remained undisposed of, and if so how circumstanced, and what Portions thereof were to be considered as Surplus within the Meaning of the Act; also to inquire what Portion of the Costs for which the Council claimed Credit were duly and properly incurred and were properly chargeable against the Borough Funds, and with respect to such Costs so properly chargeable and not taxed by the Master of the Court of Queen's Bench, or the Second Remembrancer of the Court of Exchequer, he was at liberty, if he should see fit, having regard to
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the Taxation already had by any other Person, but notwithstanding such Taxation, to require the same to be taxed, or himself to tax or moderate the same; also, that in taking the foregoing Account he should have regard to the Declarations contained in the Decretal Order, and be at liberty to report special Circumstances; and that in taking all the said Accounts he should have regard to the audited Accounts of the said Council.

24. On the 16th June 1857 the said Master Brooke made his Report under the said Decree, and reported that he had examined the several Matters so referred to him, in the Presence of the Solicitor and Counsel of the Attorney General and of the Solicitor and Counsel for the Respondents, with the Exception of the late John Bates, who died since the pronouncing of the said Decree to account, and did not in his Lifetime appear before him by Counsel, Solicitor, or in Person. The Master found that the Council had received from Rates, Loans, and otherwise since 1845 the Sum of £574,037. 6. 9.; and in the First and Second Parts of the First Schedule annexed to his Report he had set forth a full and particular Account of the Sums so received in each Year, and the Sources from which they were respectively derived, and the Manner in which the said Sums had been respectively applied in each Year since the Year 1845; and he also set forth in the Third Part of the said Schedule an Account in abstract of all such Receipts and Expenditures, stating them in the Form of a Debtor and Creditor Account; he also found that the Town Council did at various Times, from the 14th August 1846 up to the 6th November 1854, accept of Loans of Money in various Amounts from different Persons, and that there was due upon Foot of all Loans made to the Town Council the Sum of £282,566., 19. 11. on the 19th of June 1855; that these Loans so made to the Town Council consisted of Four Classes, the First Class consisting of Loans for the securing of which the Town Council had, by Deed under the Corporate Seal of the Borough countersigned by Three Members of the Town Council, and signed by the Town Clerk of the Borough, granted to such Lenders a Mortgage of the Rates, Rents, and other Monies arising under the Act of 1845, and of the Rates, Rents, and other Monies alleged to be arising under the Act of 1846, and which Mortgages were in all Cases, except those in which special Agreements were made as to the Terms of such Mortgage, in the Form contained in the Schedule to the Act of 1845; he found that the Second Class of such Loans consisted of Sums borrowed upon what in his Report and in the Second Schedule thereto he styled "Loans" on the Repayment of Loans Account, to the Credit of which all Monies received on Loans for the Purpose of making Repayment of Mortgages should be lodged, and against which all Repayment of Mortgages should be charged; he also found that in pursuance of such Resolution an Account was on 7th October 1850 opened with the Belfast Banking Company in the Name of the Treasurer of the Borough, called "The Repayment of Loans Account," and that such Account was kept by the Treasurer of the Borough in his Accounts with the Corporation as a separate Account on the 31st December 1852, and was so treated by the Town Council in their published Accounts up to the 1st January 1853; that after the 7th October 1850, and up to the 31st December 1852, considerable Sums of Money were lodged by various Persons in the said Bank to the Credit of the Repayment of Loans Account; that the Treasurer of the Borough, who was also the Public Officer of the said Bank, continued to accept such Lodgments from that Time up to the 31st December 1852.

That

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That upon the Lodgment of such Sums with the said Bank for the Purpose of the said Account, a Receipt was given to the Depositor in the following Form; that is to say,

“ Belfast, Day of . The Belfast Banking Company
 “ have this Day placed to the Credit of the Repayment of Loans, Town Council,
 “ the Sum of £ ,” and which Receipt was signed by the
 Treasurer, but was not under the Corporate Seal.

The Master further found that Mortgages to the Amount of £76,163. 3. 1. having been paid out of the Deposits so made to the said Account, new Mortgages to a corresponding Amount were afterwards executed to some of the Holders of the said Deposit of Loans Receipts; also, that a further Sum of £13,350. of the said Deposits was repaid to the last-mentioned Depositors or applied in Payments of Loans to the Council, for which no Mortgages or other Security under the Corporate Seal had been granted, but he found that the Sum of £33,100. 19. 10., being the Balance of the Sum so as aforesaid deposited to the Credit of the Repayment of Loans Accounts was never in fact applied in Discharge or Payment of Mortgages or Loans, but was transferred to the general Account therein-after mentioned; also, that the said Sum of £33,100. 19. 10., being the Balance of the said Account, was under a Resolution of the Town Improvement Committee of the 31st December 1852, and which Resolution was confirmed at a General Meeting of the Council on the 1st of January 1853, transferred, together with the Balances of all other separate Accounts theretofore kept with the said Treasurer, to a single general Account between the Treasurer and the said Town Council, entitled “The Town Council of Belfast, in account with the Treasurer;” also, that by a Resolution of the Town Improvement Committee, passed on 8th November 1852, and confirmed by a Resolution passed at a General Meeting of the said Town Council on the 1st December 1852, it was resolved that a Document signed by Three Members of the Town Council and countersigned by the Town Clerk, should be issued to all Persons who had advanced Money for the Repayment of Mortgages, which Document was in the following Terms, and was signed by Three Members of the Town Council and countersigned by the Town Clerk, but was not under the Common Seal of the Corporation:—“ Borough
 “ of Belfast. To———. Sir, You are this Day credited in the Books of
 “ the Mayor, Aldermen, and Burgesses of the Borough of Belfast with the
 “ Sum of £ Sterling, lodged with the Treasurer of the Borough, to
 “ bear Interest at the Rate of £ per Cent. per Annum, to remain until
 “ Three Months after the Council shall have given you a written Notice, either
 “ personally or through the Post Office, addressed to your usual Place of Resi-
 “ dence, of their Intention to pay off the said Sum, or until Three Months after
 “ they shall have received a similar Notice from you, addressed to the Sub-
 “ treasurer, requiring them to do so.

} “ Members of Council.
 } “ Town Clerk.”

The Master also found that afterwards and at various Times Acknowledgments or Certificates in the above Forms were issued to such of the Depositors as had not been paid off, or to whom Mortgages of the said Rates and Rents had not been granted; also that the Third Class of Loans made to the Town Council, which he has distinguished in his Report as Loans made on the temporary Loan System, consisted of Monies borrowed by the Town Council after the

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31st December 1852, upon the Security of the Certificate in the Form therein-before mentioned, signed by Three Members of the Town Council, and countersigned by the Town Clerk, but not under the Common Seal of the Corporation; and that the Fourth Class of Loans made to the Town Council consisted of Sums advanced by the Treasurer of the Borough on his Account with the Town Council, in relation to the Receipt and Expenditure under the several Local Acts, but he did not find that the said Advances were in any Manner secured by the Town Council.

The Master also stated that he had taken an Account of what Amount had been expended by the Council for the Purposes of widening old and making new Streets and Places within the Limits of the Act of 1845, in removing Projections therein, and in the Purchase of any Lands or Buildings for all or any of such Purposes, pursuant to the 44th Section of the Act of 1845; and he found that out of the Balance of the Sum of £150,000 authorized to be raised by the Act of 1845 remaining, after deducting therefrom the Costs, Charges, and Expenses of obtaining and passing the Three several Acts of 1845, 1847, and 1850, the Sum of £87,155. 12. 11. alone remained in the Hands of the Town Council applicable to the Purposes of the 54th Section of the Act of 1845, and he found that the said Council had expended the said last-mentioned Sum of £87,155. 12. 11. upon the Purposes of the said Section; and he further found that the Council had in addition to the said authorized Expenditure of £87,155. 12. 11., expended a further Sum of £47,818. 7. 6. in connexion with the said Street Improvement; but he found that the said last-mentioned Expenditure was unauthorized, being in excess of the Limit imposed by the said Section; the Master further reported that he had also taken an Account of what Amount had been expended by the Town Council in the Purchase of Market Rights and Market Places and providing additional Market Places within the said Borough, and in improving the same pursuant to the Provisions of the 277th, 278th, and 279th Sections of the Act of 1845, having regard to the Declaration in the said Decree that the said Council were not authorized to charge the Rates with more than £150,000; he found that, after providing for the Costs, Charges, and Expenses of obtaining and passing the Local Acts of 1845, 1847, and 1850, and the Payments of the said Sums of £87,155. 12. 11. for the Purposes of the 44th Section, there remained of the said Sum of £150,000 in the Hands of the Town Council, applicable to the Purposes of the said 277th, 278th, and 279th Sections of the Act of 1845, the Sum of £43,577. 16. 5.; and he found that the said Council had expended in the Purchase of Market Rights and Market Places and providing additional Market Places within the said Borough, and in improving the same, the said Sum of £43,577. 16. 5. in addition to the said authorized Expenditure of £43,577. 16. 5., and had expended for the Purposes last aforesaid a further Sum of £49,632. 8. 4.; but he found that the said last-mentioned Expenditure was unauthorized, being an Excess of the said Limit in the Lord Chancellor's Declaration; the Master further found that by the 38th Section of the Act of 1847 it was recited that the Grand Jury for the County of Antrim had agreed and resolved that John M'Neile, John Bowen, and Robert Thomson, Esquires, the surviving Trustees in the Lease executed by the Marquis of Donegall, dated 23d January 1836, and other Trustees and Commissioners having any Interest therein for the Benefit of the County, should be authorized and directed to sell and convey the Site of the old House of Correction in the said Borough of Belfast, and all other Grounds granted, with all the Rights

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and Appurtenances thereto, and also the Materials of the Buildings on the said Premises, to the Council for the Sum of £1,000 Sterling, to be paid to the County Treasurer to the Credit of the County on the 1st August 1849, the Council on receiving a Conveyance and Possession executing a Mortgage of the Rates under the said recited Act to secure the Purchase Money, and a Right being reserved to the County to use the Court House then on a Part of the Ground until the Court House then about to be erected by the Grand Jury at Belfast should be completed, it was enacted that the said Agreement and Sale be thereby confirmed; the Master also found that the Grand Jury of the County of Antrim did accordingly convey to the Mayor, Aldermen, and Burgesses the Site of the old House of Correction and the other Ground granted by the said Lease, subject to the Payment to the Marquis of Donegall of the yearly Rent of £39. 19. 1., being the Rent reserved by the Lease thereof, and the Council paid to the Grand Jury on the 23d March 1849 the Sum of £979. 3. 4. but did not execute any Mortgage of the Rates to secure said Sum; the Master also found that the Building upon the Ground so purchased had partially been pulled down by the Council, but another Portion thereof, including the Court House thereon, was still used as a Court for holding Petty Sessions and for Matters connected with Elections, and for the Transaction of other public Business of the Borough, for which the Master stated there was at present no other Accommodation within the Borough; also, that the yearly Head Rent of £39. 19. 1. so payable out of the Premises was subsequently purchased by the Council for the Sum of £1,001. 7. 1., but the Master found that the said Sums of £979. 3. 4. and £1,001. 7. 1. were not paid out of the Sum of £150,000 authorized to be raised by the Act of 1845; the Master further found that as to the Lands which were to be considered as surplus, within the Meaning of the Act of 1845, that the Lands shown on a Map annexed to his Report as not being used for the Purposes of the Local Acts therein referred to were acquired under the Powers of Purchase conferred by the said Acts of 1845 and 1847, except May's Fields South and the Custom House Premises, but he did not state what Portions thereof were paid for by the Town Council out of the Sum of £150,000, borrowed under the Act of 1845, inasmuch as the Lord Chancellor's Decree did not direct him to take any Account distinguishing the Lands paid for out of the said Sum of £150,000 from the Lands paid for out of the unauthorized Loans, and such Portion of the authorized Loan as was not duly applied, pursuant to the Act of 1846; the Master found that the Lands already sold by the Council had produced the Sum of £28,462. 10. stated in the Schedule to the said Report to be £28,482. 4. 6. With respect to the Lands called May's Fields South it appeared from his Report that the Town Council of Belfast did in 1847 apply to Parliament for a Bill giving them compulsory Power to purchase Lands for additional Market Places, containing in the whole 64 a. 0 r. 30 p., Statute Measure, and that One of the Parcels of said Lands which contained 31a. Statute Measure was situate partly to the North and partly to the South of the Road known as May's Road, which traversed May's Fields, and that a preliminary Inquiry into the Purposes of the said Bill was held by Commissioners appointed by the Commissioners of Woods and Forests under the Act 11 & 12 Vict. c. 129., and that the Commissioners reported that a certain other Parcel of Land, included in the said Bill, and situate on the Antrim Road, was the best fitted for such additional Market Places, and that compulsory Powers should be given to purchase the same; and the Commissioners reported that compulsory Powers should not be granted to purchase the said 31 Acres of Land, lying partly to the

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the North and partly to the South of May's Road in consequence of the low Situation thereof, since much of the said Lands would be required to be drained or filled up before being applicable for Market Purposes, and in consequence of the Expense which would necessarily attend the Preparation thereof; that before, however, this Bill came under the Consideration of the Committee of the House of Commons, the Town Council came to an Agreement with the Trustees of Sir Stephen May in pursuance of which Agreement (dated the 29th of May 1847) the Council purchased the said Lands at the North Side of May's Road for £7,000. Finally, it appears from the Report of the Master that the Council have expended on the Purchase of Market Rights and Market Places and providing additional Market Places within the Borough of Belfast, and in improving the same pursuant to the Provisions of the 277th, 278th, and 279th Sections of the said Act of 1845, (having regard to the Declaration in the said Decree that the Council were not authorized to charge the Rates with more than £150,000,) the following Sums, viz. after providing for the Costs, Charges, and Expenses of obtaining the Local Acts of 1845, 1847, and 1850, and the Payments of the Sums of £87,155. 12. 11. applicable to the Purposes of the 44th Section of the Act of 1845 (making new Streets, Purchase of Lands and Buildings), there remained of the said Sum of £150,000 in the Hands of the said Council applicable to the Purposes of the 277th, 278th, and 279th Sections of the Act of 1845 (Purchase of Markets) the Sum of £43,577. 16. 5., and that the Council had expended for the Purchase of Market Rights and Market Places and for providing additional Market Places within the Borough, and in improving the same, the said Sum of £43,577. 16. 5, and in addition to the said authorized Expenditure had expended for the Purposes last aforesaid a further Sum of £49,632. 8. 4., but that the said last-mentioned Expenditure was unauthorized, being in excess of the Limit stated in the Lord Chancellor's Declaration.

25. By the said Act of 1845 (Section 62) the Council were empowered, if they should deem it expedient so to do, to take up, lease, or otherwise rent, any Land which they might think convenient or proper for any of the Works and Purposes of that Act, for such Term, at such Rent, and subject to such Conditions and Covenants as they might think proper, and to erect on such Land any of the Works authorized by that Act, and to pay the Costs thereof, together with the Rent of such Land, out of the Monies to be raised under that Act.

26. In pursuance of the Power so vested in them, the said Council did, in the Year 1848, for the Purpose of said recited Acts, and especially to provide extended Market Accommodation for the Borough, agree to take a Lease from the Trustees of Sir Stephen May of certain Lands situate within the Borough known as May's Fields South, and a Lease of the said Lands, bearing Date the 23d July 1850, was executed to the Corporation for the Term of 999 Years at an annual Rent of £801.

27. The said Council afterwards purchased the Reversion in the said Lands, whereby the annual Rent of £801 payable by them in respect thereof became extinguished.

28. In the Session of Parliament of 1856 a Private Bill was deposited in the House of Commons for the Purpose of amending the Acts before referred to, and confirming what had been done by the Corporation, and preventing further Litigation, but this Bill was not proceeded with.

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29. In the following Session of Parliament (1857) a Bill was also introduced into the House of Commons and promoted by the Corporation for a like Purpose, but this Bill was ultimately withdrawn by the Promoters.

30. In the Session of 1858 another Bill was again introduced into the House of Commons and promoted by the Corporation for a like Purpose, but was thrown out by a Committee of the House of Commons; and in the same Session another Bill with a like Object was introduced into Parliament promoted by certain Ratepayers of the Borough, but this Bill was abandoned.

31. In the Month of October 1857 a Submission of the Litigation and principal Matter in difference between the Parties to the Deed of Submission was made to Messrs. Dunville, Macnamara, Bristow, and Lemon (influential Gentlemen resident in the Borough), but no final Settlement of these Differences was effected by this Reference.

32. On the 28th July in the 22d Year of the Queen, Her Majesty was pleased to issue Her Majesty's Letters Patent, addressed to James Major and Christopher Coppinger, Esqrs., Two of Her Majesty's Counsel learned in the Law, commanding them to inquire, amongst other things, what Monies had been borrowed by the Corporation of Belfast under and by virtue of the several Acts for the Improvement of the Borough or otherwise, and whether any and what Sums so borrowed and expended, and not their Property, chargeable on the Rates and other Corporate Property of the Borough, had been so borrowed and expended bonâ fide and for the Benefit of the Borough, and whether the same or any Part thereof ought to be charged on the said Rates or other Corporate Property, or upon any and what Part of such Rates or Property, and whether it would be fit and proper, and for the Benefit of the Borough, that any and what Matters then in Litigation in relation thereto should be adjusted and arranged upon any and what Terms, and whether, with reference to the Purposes aforesaid or any of them, any and what additional Powers of borrowing Money would be necessary or expedient, and that after a careful Inquiry they should report to Her Majesty in Writing, under their Hands and Seals, their several Proceedings by virtue of that Commission.

33. On the 18th December 1858 the said James Major and Christopher Coppinger accordingly reported to Her Majesty their several Proceedings by virtue of the said Commission, and found, amongst other things, that the said Sum of £84,000 having been borrowed in excess of the Sum authorized to be charged on the Rates at any One Time by the Acts of 1845 and 1846, and not having been applied in Repayment of the same, were borrowed by the said Corporation otherwise than under and by virtue of the said Acts, and that the same were not nor was any Part thereof a Charge on the Rates and other Corporate Property of the Borough of Belfast under the said Acts; they also found that the Town Council was not only warranted in the Expenditure of the Money so borrowed which related to Law Costs, but that they were bound to make the Expenditure; that the Outlay relating to the said Lease of the Property in May's Fields and the Purchase of the Reversion was judicious and highly beneficial to the Borough, and was made for the Benefit of the Borough. The said Commissioners further found that the Corporation exercised a wise and sound Discretion in not purchasing existing Gasworks or erecting new Works for the Manufacture of Gas, and that the Corporation in entering into an Arrangement with the Belfast Gas Company acted not only bonâ fide and

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for the Benefit of the Borough, but conferred on the Inhabitants of the Borough more Advantages than if they had erected Works at considerable Expense, and entered into Competition with a rival Establishment in a Matter of Trade, while at the same Time they were enabled to apply to other Purposes contemplated by the Improvement Acts the Monies authorized to be borrowed thereunder; the said Commissioners further found that, with regard to the Expenditure of the Money borrowed, which related to the Markets of the Borough for the Reasons expressed in detail in their Report, a substantial and increasing Income, amounting at the Time of their Report to over £5,000 a Year, was applicable to the Payment of the Monies borrowed, in addition to the other available Property of the Corporation, and that Trade, Commerce, and Manufactures had been materially promoted by the Purchase of the Market Rights of private Owners, and by the Establishment of the Markets and the Abatement of the Nuisance arising from the Sale of marketable Commodities in the public Streets of the Borough: And further, that with regard to the Outlay relating to the Streets of the Borough, they were of opinion that in opening those Streets and clearing the overcrowded Locality and opening the Town to the River, not only its sanitary Condition had been greatly improved, but the Character of the Town had been raised, and a great Benefit had arisen from the Expenditure thereon, which had contributed to the Increase of the Value of other Properties in the Town, and that the Sewerage of the Town had been much improved, although in that respect much remained to be done; and the said Commissioners further reported that, as to the said Sum of £84,000, it was contended before them on behalf of certain Ratepayers having rateable Property in that Part of the Borough which had been added to the former Borough by the Act of 1853, had been expended prior to the passing of that Act, and that the extended Borough did not derive any or if any only a very small Benefit from the Expenditure, and that the extended Borough ought not to be required to contribute to the Payment of the said Sum or if to any only to a small Proportion thereof; but the said Commissioners were of opinion that the entire Sum therein mentioned, including the said Sum of £84,000, ought to be charged upon the Rates and other Property of the entire Borough, and that no Distinction should in this respect be made between the rateable Property situate within the old Borough and that situate within the extended Borough, for they found that by the Act of 1853 the then existing legal Debt of the Corporation became charged upon the Rates leviable upon the extended Borough, and that before the passing of that Act the Inhabitants and Ratepayers of the extended Borough were aware, not only from the Accounts of the Corporation which the Town Council in compliance with the Act of 1854 annually printed and circulated among the Ratepayers and Inhabitants of Belfast, but also from an Investigation held by Captain Gilbert before the passing of that Act, that the Corporation had, before the 11th of February 1853, expended the Sum of £149,244 in Town Improvements, and the Sum of £95,999 on Markets, in all £245,243: And the said Commissioners were unable to make any Distinction in Principle between the legal Debt of the Corporation, which by the Act of 1853 had become a Charge on the Rates of the Borough, and the said Sum of £84,640. 0. 11., both of those Sums having been in their Opinion expended bonâ fide, judiciously, and with a due Regard to the Benefit of the entire Borough; and the extended Borough having in their Opinion derived considerable Benefit from its Incorporation with the old Borough, and from the Expenditure of the Monies both legally and illegally borrowed

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borrowed by the Corporation; and the said Commissioners further reported that having thus recommended that the said Sum of £84,640. 0. 11., the Amount of the Monies not then legally chargeable upon the Rates and Corporate Property, should be made a Charge upon the same, and having set forth the Expenditure made by the Corporation, the Advantages conferred upon the Borough, and the Value and Amount of Property created by such Expenditure, and then applicable to the Payment of the Debt created, they thought it right to set forth a Debit and Credit Account of the Sums of Monies actually borrowed by the Corporation, both under the said Acts and otherwise than under the same, to what Extent the same had been reduced by Payments, what Monies then actually existed in the Funds applicable for the Payment of the same, and the Value of the Property also applicable (if realized) to the Payment of the same, and after the Application of such Funds in Payment of such Monies so borrowed, what Sum would remain a Charge upon the Rates of the said Borough, which Account was as follows:

<i>Dr.</i>	LEGALLY CHARGED.	£	s.	d.	£	s.	d.
Money due on Mortgage -	-	190,318	13	2			
Less paid in 1858 -	-	5,000	0	0			
					185,318	13	2
<i>Cr.</i>	LEGALLY CHARGED.						
Money invested in Stock in Chancery -	-	12,739	7	10			
Money invested in Name of Corporation -	-	2,942	0	0			
Value of the Tolls and Rents of Markets, £5,000 a Year, at 20 Years Purchase -	-	100,000	0	0			
<i>Dr.</i>	NOT LEGALLY CHARGED.						
Money due on Certificates -	-	46,008	12	11			
Money due to Messrs. Keyland & Moore for unpaid Purchase Money -	-	2,482	16	6			
Money due to Treasurer for Cash Advances -	-	36,148	11	6			
					84,640	0	11
					£269,958 14 1		
<i>Cr.</i>	NOT LEGALLY CHARGED.						
Value of Ground Rents, Lands, &c., of Corporation as estimated -	-	70,000	0	0			
					£185,681	7	10
Balance -	-	84,277	6	3			
					£269,958	14	1

The said Commissioners further report that it would appear from this Account (which was based upon the Evidence adduced before them) that a Sum of about £84,277 would remain and be the only Charge upon the Rates of the Borough of Belfast, and for which Sum of £84,277 all the Advantages of Street Improvement and Market Accommodation before mentioned were then available to the Inhabitants of the Borough; and the said Commissioners further reported as to the Matters in Litigation, and the Adjustment and Arrangement thereof, that those Matters consisted, first, of the said Information by the Attorney General for Ireland; secondly, a supplemental Information by the Attorney

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Attorney General for Ireland against the Corporation and other Persons called the new Special Respondents ; and, third, an Action at Law, by Summons and Plaint, wherein William Pirrie and John Mullin Pirrie, Executors of William Pirrie deceased, were Plaintiffs, and the Corporation Defendants, and as to the supplemental Information that it had been dismissed as against all the new Special Respondents save Mr. John Kennedy ; and the said Commissioners further reported that it was in Evidence that the Existence of the Litigation had shaken the Confidence of the mercantile Communities of London, Liverpool, and elsewhere, in the Credit and Stability of the Merchants of Belfast generally ; that it had checked commercial Enterprise ; that it had interrupted social Intercourse, and had engendered bad Feelings between Persons in all Ranks of Life ; that it had embittered previously existing Disputes, and that it had deterred Gentlemen of Character, Intelligence, and Station from taking any Part in the Management of public Business ; and that the said Commissioners, therefore, considering that the Question referred to them was upon what pecuniary Terms the existing Litigation should be arranged and adjusted, were of opinion that it should be arranged and adjusted on the following Terms, namely, that the borrowing of the said Sum of £84,640. 0. 11. should be legalized, and that the said Sum and the Interest due and to accrue due thereon should be made a Charge on the Rates and other Property of the Borough ; but nevertheless puisne to and next in priority after the Monies borrowed by the Corporation under and by virtue of the Powers given them for that Purpose by the Acts of 1845 and 1846, and then secured by Mortgage, and that the Proceedings in the original and supplemental Information should be stayed, and that the Special Respondents named in the original Information should jointly and severally be made liable to and should pay the taxed Costs of the Attorney General in the original Information, which Costs should be taxed on the same Principle as Costs ordered by the Court of Chancery to be paid to a Trustee out of a Trust Fund are taxed and ascertained, and that the Special Respondents named in the original Information should also jointly and severally be made liable to and should pay to, the Corporation of Belfast the Costs of the Corporation in the original and supplemental Informations, such Costs to be taxed on the same Principle as aforesaid, and that the Special Respondents should bear their own Costs.

34. On the 15th July 1859 an Application by Memorial to the above-named Edward Cardwell was presented to him by a Deputation of Persons of Influence and of all political Opinions in Belfast, desiring him to introduce into Parliament a Public Bill for the Purpose of adjusting the Differences which previous Negotiations and Private Bills had failed to determine, and this he subsequently consented to do, provided the Matters in difference could be submitted, in the first instance, to Arbitration ; but in consequence of the Difficulties which afterwards arose in settling the Terms of an Arbitration, the Deed of Submission under which these Differences have now been submitted to us for our Award was not executed until the 13th of June 1860.

35. On the 10th October 1863, in pursuance of the Terms of the said Deed of Submission, we, the said Arbitrators, by Writing under our Hands bearing Date on that Day and Year, and duly served on the said John Rea on the 14th October 1863, required the said John Rea not to proceed in the said Chancery Suit for the Period of Twelve Calendar Months from the Day last aforesaid, but that nothing in the said Writing contained should prejudicially affect any Award

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to be made by us under the said Deed, nor prevent the said John Rea from concurring in any Acts and giving any Consents which we might think fit for the Purpose of staying any Proceedings in the said Chancery Suit, or for obtaining any Decree of the Court for modifying the Decree already pronounced, and generally for dealing with the said Chancery Suit in such Manner as we, such Arbitrators, might direct.

THE AWARD.

Now, therefore, we, the undersigned William Bryden and Richard Henry Wyatt, the Arbitrators above named, having accepted the Office of Arbitrators as aforesaid, and having taken on ourselves the Burden of this Arbitration, and having at the several Meetings before referred to received Evidence touching the Matters in difference referred to us, and having, in making our Award, taken into consideration the Conduct of the Parties and all the Circumstances of the Case, and having used our best Endeavours to decide the Matters in difference referred to us according to what we deem the moral Justice of the Case, irrespective of the legal Rights of the Parties, do now make and publish this our Award in Writing of and concerning the Matters referred to us, and do deliver the same to the said Edward Cardwell pursuant to the Terms of the said Deed of Submission, as follows:

First. The Sum of £200,000 raised on Mortgage, and all other Monies received by the Council under the several Acts before mentioned, or any of them, and also the Sum of £84,640. 0. 11. herein-before mentioned, shall be deemed to have been applicable to all or any of the Purposes of the said Acts of 1845 and 1847, and the Application of those Monies shall be confirmed.

Second. The Purchases of all Lands and Property, and of all Estates and Interests therein, which the Council have at any Time before the Day of the Date of the said Deed of Submission purchased or contracted to purchase for any of the Purposes of the several Acts herein-before mentioned, or any of them, shall be confirmed, whether such Purchases were by those Acts, or any of them, authorized or not, and such Lands and Property and all Estates and Interest therein shall be vested in the Corporation; and all the Provisions of the several Acts above mentioned with respect to the Lands and Property thereby respectively authorized to be purchased by the Council shall extend and apply to all such Lands and Property from Time to Time vested in the Corporation pursuant to the Provisions of this Award.

Third. The several Mortgages now outstanding duly issued under the Acts of 1845 and 1846, and all Mortgages duly issued for the Purpose of paying off the said existing Mortgages, shall have Priority over all other Mortgages from Time to Time granted by the Council.

Fourth. For the Purpose of paying off any Principal Money secured by any of the said outstanding Mortgages when and as the same becomes due and payable, the Council may from Time to Time borrow on Mortgage of the Rates and other Property by the Acts of 1845 and 1846 authorized to be mortgaged, and at such a Rate of Interest as they think fit, the Sums required to pay off the Mortgages so falling due; but the Money so from Time to Time borrowed shall be applied forthwith and exclusively in paying off the Mortgages for paying off which it is borrowed.

Fifth. The Council may and shall grant Mortgages of the Rates and other Property authorized to be mortgaged under the Acts of 1845 and 1846 to the

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several Persons entitled to the several Sums of Money amounting to the said Sum of £84,640. 0. 11., and such Mortgages shall include as Part of the Capital Sums for which such Mortgages shall be granted Interest on such Sums from the Date when they were respectively advanced or become due until such Mortgages shall have been executed, and such Interest shall be calculated at a Rate not exceeding the Rate of Interest agreed to be paid when any of such Advances were made, and if no Rate of Interest was so agreed on at the Time of making such Advances, then at a Rate not exceeding £4 per Centum per Annum, but no Compound Interest shall in any case be paid to such Persons, and the Rates so authorized to be mortgaged as aforesaid shall be liable and be applied in satisfaction of such Mortgages as fully as if such Sum of £84,640. 0. 11. had formed Part of the Monies authorized to be raised under the Powers of such last-mentioned Acts.

Sixth. All those to whom the Mortgages mentioned in the Fifth Paragraph of this Award shall be granted, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Rates and other Property so mortgaged, in the following order, that is to say, the Creditors in respect of the said Sum of £2,482. 16. 6. shall have Priority next after the Holders of the existing Mortgages referred to in the Third Paragraph of this Award, and the Creditors in respect of the said Sum of £46,008. 12. 11. shall have Priority next after the Creditors in respect of the said Sum of £2,482. 16. 6., and the Creditor or Creditors in respect of the said Sum of £36,148. 11. 6. shall have Priority next after the said Creditors in respect of the said Sum of £46,008. 12. 11.

Seventh. The Council may from Time to Time, when any of the Sums secured by the Mortgages mentioned in the Fifth Paragraph of this Award fall due, borrow Money to pay off the same at such Rate of Interest as they shall think fit, and may issue Mortgages to secure the same, but the Money so borrowed shall be applied forthwith and exclusively in paying off the Mortgages for paying off which it is so borrowed, and all Mortgages duly issued for paying off the Mortgages mentioned in the Fifth Paragraph of this Award shall have the like Priority with the Mortgages which have been so paid off.

Eighth. The Corporation, with the Consent of the Lords Commissioners of Her Majesty's Treasury, shall within Ten Years from the Date of this Award sell their surplus Lands, and apply the net Monies to arise from the Sale thereof, in the first place, in the Payment or Reduction of the said Mortgages to be granted pursuant to the Fifth Paragraph of this Award, in respect of the said Sum of £84,640. 0. 11., and in the next place in aid of the sinking Fund required to be provided by the Act of 1845.

Ninth. For the Purpose of carrying out this Award the Rates by the Act of 1853 granted shall be deemed Part of the Rates by the recited Acts authorized to be mortgaged; [but the Rates to be levied for the Purpose of securing the said Sum of £84,640. 0. 11. shall be made and levied according to the Scale of rating in force at the Time when such Sum was borrowed, and which Scale is specified in the Act of 1845, and not according to the Scale of Rating specified in the Act of 1853, and the several Provisions of the said Acts now in force with respect to the borrowing and paying off of Monies shall be applicable to the said Sum of £84,640. 0. 11.]

[Tenth. The Council shall keep an Account of all Monies received and disbursed under the Provisions of this Award, in respect of the said Sum
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£84,640. 0. 11., separate and distinct from all other of their Accounts, and the same shall be audited, certified, and inspected and dealt with in the same Manner as the other Accounts of the Council, and according to the Provisions of the Statutes in force relative to the said Corporation and Council.]

Eleventh. The Corporation shall not apply any Part of the Rates, Monies, or other Property of the Corporation in Payment of any Costs of the Relator or of the Special Respondents in the said Chancery Suit.

Twelfth. The said Suit in Chancery now pending shall be stayed, except so far as may be necessary for carrying into effect the Provisions of this Award, and for the Purpose of the Corporation receiving out of the Court the said Sinking Fund, and any other Monies standing to the Credit of the said Suit which shall be paid to the Corporation, and be applied by the Corporation to the Purposes of the Sinking Fund directed by the Act of 1845, and the several Persons Parties to the Deed of Submission shall concur in all Acts and give all the necessary Consents for the Purpose of staying all further Proceedings (except as aforesaid) in the said Chancery Suit.

Thirteenth. The Costs, Charges, and Expenses in the said Suit in Chancery of the said John Rea, the Relator in that Suit, to be taxed by the proper Officer connected with the Court of Chancery in Ireland (unless the Amount thereof shall have been agreed upon between the Parties), shall be paid to the Solicitor or Solicitors of the said John Rea, by the Special Respondents Parties to this Reference (herein-after referred to as the "Special Respondents"), Credit being first given for all Monies paid by the Special Respondents towards those Costs.

Fourteenth. The Costs, Charges, and Expenses in the said Chancery Suit of the Corporation to be taxed as aforesaid (unless the Amount thereof shall have been agreed upon between the Parties), shall be paid to the Corporation by the Special Respondents.

Fifteenth. The Costs, Charges, and Expenses in the said Chancery Suit of the Special Respondents shall be borne and paid by the Special Respondents.

Sixteenth. The Costs, Charges, and Expenses of the said John Rea [and of the several Ratepayers], who petitioned against and appeared in Committee to oppose the several Bills in Parliament introduced as aforesaid, in the said Years 1857 and 1858, to be taxed as aforesaid (unless the Amounts thereof can be agreed upon between the respective Parties), shall be [respectively] paid by the Special Respondents to the said John Rea [and to the respective Solicitors who appeared in support of such Petitions], and the Receipts of the said John Rea [and of such Solicitors respectively] shall be sufficient Discharges for the same, and the said Special Respondents shall bear and pay their own Costs in connexion with those Bills.

Seventeenth. The Expenses of and incident to this Reference of the said John Rea (including the Expenses of any legal Advice or Assistance he may have obtained in connexion therewith) to be taxed as aforesaid (unless the Amount thereof shall have been agreed upon between the Parties) shall be paid to the said John Rea by the Special Respondents.

Eighteenth. The Costs, Charges, and Expenses of and incident to this Reference of the Corporation to be taxed as aforesaid (unless the Amount thereof shall have been agreed upon between the Parties), shall be paid to the Corporation by the Special Respondents.

Nineteenth.

The Belfast Award Act, 1864.

Nineteenth. The Costs, Charges, and Expenses of and incident to this Reference of the Special Respondents shall be borne and paid by the Special Respondents.

Twentieth. In case any of the Costs, Charges, and Expenses aforesaid have been taxed and certified by the proper Officer the same shall not be taxed again.

Twenty-first. The several Costs, Charges, and Expenses in this Award made payable, save and except the Costs, Charges, and Expenses mentioned in the Twenty-second Paragraph of this Award, shall be paid at the Expiration of Three Calendar Months next after the Day of the passing of an Act of Parliament for the Purpose of carrying into effect the Provisions of this Award, or as soon after such Period as such Costs shall have been taxed or adjusted as practicable; but no Part of those Costs, Charges, and Expenses, save as aforesaid, shall be recoverable at any Time before the Expiration of the said Three Calendar Months, or until they shall have been taxed or adjusted as aforesaid.

Twenty-second. The Costs, Charges, and Expenses of and in any way incident to the making of this Award, other than those above mentioned, and which we assess at the Sum of £4,178. 18., shall be paid by the Special Respondents; but such last-mentioned Sum shall be repaid to them by the Corporation if Parliament in its Wisdom shall so direct.

[Twenty-third. Within Three Months after the passing of an Act for carrying into effect the Provisions of this Award, the Special Respondents shall pay the Sum of £3,000 to the said John Rea, as Compensation for his Loss of Time as Relator in the said Suit, and in connexion with the final Settlement thereof, in addition to the Costs and Expenses to be paid to him and to his Solicitor or Solicitors as herein-before directed.]

[Twenty-fourth. That no Party to the said Arbitration who shall violate the Provisions of the said Deed of Submission, or who shall offer any Obstacle to the carrying into effect of this Award, shall be entitled to any personal Benefit or Relief under this Award; but this Provision shall not be construed so as to make any Person herein mentioned answerable for other than his personal Acts.]

Twenty-fifth. That for the Purpose of satisfying any Costs or other Monies which may become payable under this Award by the Special Respondents, they shall, before the Introduction of the Bill into Parliament as herein-after mentioned, deposit the Sum of £10,000 in the Bank of the Belfast Banking Company (or, in the event of that Company refusing to receive such Sum) the same shall be deposited in some Bank to be named by One of the Judges of the Court of Chancery, by an Order to be obtained upon a Petition to be presented in a summary way by any Party to this Reference, and such Sum shall be placed to an Account, to be entitled "the Account of the Belfast Arbitration," and all Cheques drawn upon such Account, and signed by any Two of the Special Respondents, and countersigned by any Person entitled to Monies under this Award, shall be paid by the said Banking Company so holding the said Monies, and a Certificate signed by a Master in Chancery in Ireland shall be sufficient Evidence of the Accuracy of the Amount mentioned in such Cheque, and of the Identity of the Person entitled to receive the same; and if the Special Respondents, or any Two of them, refuse to sign any Cheque after the same shall have been so certified to be correct, such Cheque may and shall be paid without the Signatures of any of the said Special Respondents.

Twenty-

The Belfast Award Act, 1864.

Twenty-sixth. In the event of the said Sum of £10,000 being insufficient to satisfy the Amounts to be paid under this Award, the Special Respondents shall be answerable for and pay any Deficiency; and, in the event of the said Sum of £10,000 being more than sufficient to pay such Amounts the Surplus shall be returned to the Special Respondents, and the Receipt of such Special Respondents (or the Survivors of them) for any such Surplus shall be a full and complete Discharge to the said Banking Company.

Twenty-seventh. The said Sum of £10,000 shall, if so desired by the said Special Respondents, be placed to a Deposit Account, or be laid out in Government or Real Securities.

Lastly. A Bill or Bills shall be brought into Parliament in the Session of 1864, and may be introduced in any subsequent Session for the Purpose of giving Effect to this our Award; and the said Corporation and the Special Respondents, or either of them, may and shall cause all necessary Notices to be published, and take such other Steps as may be necessary to insure the Introduction and Promotion of such Bill or Bills, and the several Parties to the said Deed of Submission shall do their utmost towards the Promotion of the said Bill or Bills, and the Costs, Charges, and Expense of and incidental to such Bill or Bills shall be paid as Parliament may please to direct.

In witness whereof we have subscribed our Names hereto as such Arbitrators as aforesaid this Fifth Day of November 1863.

WILLIAM BRYDEN.

RICHARD HENRY WYATT.

Signed and published by the said William Bryden and Richard Henry Wyatt as such Arbitrators, and delivered to the said Edward Cardwell, in my Presence, this Fifth Day of November 1863.

THOMAS SEARSON.

NOTE.—*The Parts of the preceding Award disapproved of by the Right Honourable Edward Cardwell are marked in Brackets, thus []*

SECOND SCHEDULE.

IN THE MATTER OF THE BELFAST BOROUGH ARBITRATION.

FIAT of the Right Honourable Edward Cardwell, the Umpire.

WHEREAS by an Indenture bearing Date the 13th Day of June 1860, and made between John Rea of No. 80, Donegal Street, Belfast, in the County of Antrim, of the First Part; the Mayor, Aldermen, and Burgesses of the Borough of Belfast; John Thompson, of Lowood, in the County of Antrim, Esquire; John Potts, of Belfast, Ironmonger; William Hamilton, of Belfast, Gentleman; Samuel Graeme Fenton, of Belfast, Linen Merchant; Samuel Thomson, of Belfast, Merchant; Robert Stewart Lepper, of Belfast, Cotton Spinner; Frederick Harry Lewis, of Nettlefield, in the County of Down, Gentleman (then late a Timber Merchant); William M'Gee, of Belfast, Medical Doctor; William Carson, of Belfast, Grocer; Philip Johnston, of Belfast, Grocer and Flax Spinner; and Samuel M'Causland, of Belfast, Grocer, of the Second Part; after reciting that

[*Local.*]

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Differences

The Belfast Award Act, 1864.

Differences had arisen between the Parties thereto of the First and Second Parts, it was agreed that all Matters in difference between the Parties thereto, or any or either of them, up to the Date of such Indenture should be referred to the Arbitration of William Bryden and Richard Henry Wyatt, subject to the Approval of me the Right Honourable Edward Cardwell as Umpire, who was to be invested with such Powers as were therein-after mentioned; and it was amongst other things provided that the Award of the Arbitrators should not be of any Validity until it had been approved of by me the said Edward Cardwell as such Umpire as aforesaid, and further that the Umpire might disapprove altogether, or might approve, either with or without Modification, of the Award of the Arbitrators, and might substitute a new Award in the place of the Award of the Arbitrators; and whereas it was agreed by and on behalf of the Parties to the said Reference that a Shorthand Writer on Messrs. Gurney's Staff should attend during the whole Proceedings and take Notes, and that the Notes so taken by him, including any Documents received and entered as Evidence, should be submitted to me the said Edward Cardwell for my Consideration as Umpire, and that I might make my Decision exclusively on the Footing of such Notes, and that I should not be bound to hear any Parties or receive any further Evidence unless I so desired; and whereas a Shorthand Writer accordingly attended during the whole Proceedings, and took Notes thereof pursuant to the said Agreement; and whereas the said Arbitrators having made and published their Award delivered the same to me on the 5th Day of November 1863, and have furnished me with the Shorthand Writer's Notes of their Proceedings and the Evidence adduced before them, and having considered the same I have not deemed it and do not deem it necessary or advisable to receive any Evidence or to hear the Parties further or otherwise than hereinafter appears; and whereas by Notice in Writing I desired to be attended by the Parties on the following Parts of the said Award, viz., the Ninth, Tenth, Sixteenth, Twenty-third, and Twenty-fourth Clauses of the same, on which I have accordingly been attended by the said John Rea and by the Agents or Attorneys of the other Parties and I have heard and considered what was urged by them respectively in relation thereto; and whereas Application was afterwards made to me on behalf of the Ratepayers resident in the District added to the Borough in the Year 1853 to be heard on the said Award, and I accordingly appointed to hear them thereon on the 30th Day of January last, whereof Notice was given to all Parties, and I was accordingly attended thereon by Mr. A. J. Macrory on behalf of the said Ratepayers, and by all Parties except the said John Rea; and whereas the said Mr. Macrory, on behalf of himself and such Ratepayers and the Petitioners in the same Interest with him against the Bills in Parliament in 1857 and 1858 submitted to be bound by my Decision in the same Manner as if they had been Parties to the said Deed of Submission and the Agents or Attorneys for the Corporation and the other Parties (except the said John Rea) being present, also desired to have my Decision on the Matters submitted to me on behalf of such last-mentioned Ratepayers and Petitioners; and whereas the Matters so submitted to me were as follows, viz., it was requested of me, first, that I should find and award as Part of the general Settlement of the Affairs of the Borough of Belfast, that the said District so added should be exempted wholly from all Burthen in respect of all corporate Debt or Expenditure over and above the Sum of £150,000, legally borrowed and expended, and that all the Debts and Sums due and to be provided for over and above that Sum ought to be borne by that Part of the Borough which is within
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The Belfast Award Act, 1864.

the ancient Limits, or that I should direct or make some other Exemption or Difference in favour of such District; secondly, that I should direct a Redistribution of the Wards of the Borough, so as to give to the said District a distinct or more efficient Representation in the Town Council; thirdly, that I should direct that there should be no Taxes levied on the new District to be lighted and watched, unless and until Streets are laid out and built upon to the Extent of Twelve Houses, as provided for the outside Boundary in the Belfast Water Act; fourthly, that I should direct the Payment of the Costs of the said Mr. Macrory and his co-Petitioners, of their Parliamentary Opposition to former Bills in Parliament; fifthly, that I should direct Provisions to be inserted accordingly in any Bill to be introduced under the Award; and whereas I have heard and considered all that was alleged before me in support of the said Application; and whereas I am of opinion that it would not be right or expedient by any Bill to be presented to Parliament in pursuance of the said Award to propose to alter or deal with the said Act of 1853, or with the established Mode or Scale of Rating, or with the Distribution of public Debts or Burthens between different Parts of the Borough, or with the existing Division into Wards, or with the Representation of different Parts of the Borough in its Town Council; and whereas I do not find any sufficient Ground for directing the Payment of such last-mentioned Costs, and I have therefore declined, and do decline, to accede to the said Requests, or any of them, or to make any Addition to or Alteration in the Award in accordance therewith; now I, the said Edward Cardwell, do hereby declare that I do disapprove of the Ninth Clause of the said Award, except the First Part thereof, which is as follows: "For the Purpose of carrying out this Award, the Rates by the Act of 1853 granted shall be deemed Part of the Rates by the said recited Acts authorized to be mortgaged;"

I do also disapprove of the Tenth Clause.

I do also disapprove of the Sixteenth Clause, so far as it directs Payment of the Costs, Charges, and Expenses of any Person other than the said John Rea.

I do also disapprove of the Twenty-third Clause.

I do also disapprove of the Twenty-fourth Clause.

And with respect to the Twenty-second Clause, I do declare that my Approval of the Award is not to be deemed to preclude the Right (if any) of any Party to have the Amount of the Charges thereby assessed, taxed, or moderated, in the same Manner as if the Award had been made under an ordinary Reference, and had not required my Approval.

And, except as aforesaid, and with the Modifications aforesaid, I do hereby approve of the said Award.

And I do hereby declare that the several Parties are to bear respectively their own Costs of attending me as Umpire; but the Costs, Charges, and Expenses of the Umpirage, viz., the Fees of Counsel and Clerk, and the Charge of the Shorthand Writer, are to be borne and paid in the same Manner as the Costs, Charges, and Expenses directed to be paid by the Twenty-second Article of the Award.

In witness whereof I have hereunto set my Hand this Second Day of February 1864.

EDWARD CARDWELL.

Signed by the said Edward Cardwell,
in the Presence of

THOMAS SEARSON,

Clerk to Mr. W. M. James, Q.C., 6, Stone Buildings, Lincoln's Inn.

THIRD

The Belfast Award Act, 1864.

THIRD SCHEDULE.

Borough of Belfast.

Mortgage No. Security under Belfast Award Act.

By virtue of "The Belfast Award Act, 1864," the Mayor, Aldermen, and Burgesses of the Borough of Belfast (in this Mortgage called the Corporation) in consideration of the Sum of £ [*here state the Nature and Amount of the Consideration of the Mortgage*], do grant and assign unto *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates and other Monies arising by virtue of the Belfast Award Act, 1864, as the said Sum of £ bears to the entire Sum for which Securities have been or shall be issued under the Authority of the Belfast Award Act, 1864, to hold to the said *A.B.* his Executors, Administrators, and Assigns, from the Day of the Date of this Mortgage until the said Sum of £ with Interest at (*here insert the Rate of Interest which in the Cases of Mortgages granted in the first instance in respect of the said Sum of £82,857. 4. 5. is to be the Rate of Interest at which the Capitalized Arrears are calculated*) per Centum per Annum for the same shall be fully paid and satisfied, the said Interest to commence from the Day of and the Corporation agree with the said *A.B.* as follows:

First. The said Interest shall be payable half-yearly on the 5th Day of April and the 5th Day of October in every Year at the Office of the Treasurer of the Borough.

Secondly. The Corporation will not pay off any Part of the Principal Sum by Instalments, and will not pay any Part of the Principal Sum until the Expiration of Six Calendar Months, terminating on the 5th Day of April or the 5th Day of October, after a written Notice shall have been given by them of their Intention to pay off the same; and the said *A.B.*, his Executors, Administrators, or Assigns, will not call in any Part of the said Principal Sum by Instalments, and will not call in any Part of the Principal Sum without a like Notice of his or their Intention to call in the same, nor shall the said *A.B.* give such Notice until after the Expiration of (*the Corporation may here insert any Period of Time they may think proper, not exceeding Ten Years*) from the Date hereof.

Thirdly. That the Notice of the said *A.B.*, his Executors, Administrators, or Assigns, shall be delivered to the Town Clerk, and that the Notice by the Corporation shall be delivered to the said *A.B.*, his Executors, Administrators, or Assigns, or if he or they cannot be found, then by Advertisement in "The Dublin Gazette," and in some Newspaper published in the Borough; and at the Expiration of the Notice of the Corporation the Interest shall cease to be payable, unless on Demand of the Principal the Corporation do not pay the same: Provided always, that all Mortgages issued under the several Acts recited in "The Belfast Award Act, 1864," or any of them, and all Mortgages hereafter to be issued for the Purpose of paying off or in substitution for the same, shall have Priority over this Mortgage.

In witness, &c.

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