



ANNO DECIMO OCTAVO

# VICTORIÆ REGINÆ.

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## *Cap. liv.*

An Act for enabling the Mayor, Aldermen, and Burgesses of *Londonderry* to raise a further Sum of Money ; and for other Purposes.

[15th *June* 1855.]

**W**HEREAS by “The *Londonderry* Improvement Act, 1848,” 11 & 12 Vict. c. cxli.  
the Mayor, Aldermen, and Burgesses of the Borough of *Londonderry*, by the Council of the said Borough, were empowered to borrow, on the Security of the Improvement Rate thereby authorized to be levied, any Sum not exceeding in the whole the Sum of Forty thousand Pounds, for opening new Streets and effecting other Improvements within the said Borough : And whereas the said Mayor, Aldermen, and Burgesses have borrowed and raised upon the Credit of the said Rate the whole of the said Sum of Forty thousand Pounds, which has been expended by them in effecting some of the Improvements authorized by the said Act : And whereas it is expedient that the said Mayor, Aldermen, and Burgesses should be empowered to borrow a further Sum of Ten thousand Pounds upon

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the Credit of the said Rate, for the Purpose of completing several of the Improvements already commenced, and of effecting other Improvements authorized by the said Act, and for which the said Sum of Forty thousand Pounds has proved to be insufficient; and it is also expedient that Provision should be made with respect to the Sale of Gunpowder, and the Regulation of Porters, within the said Borough, and that the said Act should be amended; but the several Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title. I. This Act shall for all Purposes be sufficiently described or referred to as "*The Londonderry Improvement Act, 1855.*"

Power to raise further Money on Security of Rates. II. It shall be lawful for the Council of the Borough to borrow, on the Security of the Improvement Rate by the said recited Act authorized to be levied, the further Sum of Ten thousand Pounds.

Certain Provisions of recited Act incorporated. III. The Provisions of the said recited Act with respect to the Application of the said Rate called "*The Improvement Rate,*" and with respect to the Amount to be appropriated and set apart as a Sinking Fund for paying off the Monies borrowed under the Powers of that Act, shall be incorporated with this Act, and shall be applicable to the Sum hereby authorized to be borrowed.

Provisions of 10 & 11 Vict. c. 16. as to Mortgages incorporated. IV. The Provisions of "*The Commissioners Clauses Act, 1847,*" with respect to the Mortgages to be executed by the Commissioners, shall be incorporated with this Act.

Former Mortgages to have Priority. V. All Mortgages and other Securities made and given under the Authority of the said recited Act shall during the Continuance thereof have Priority over all Mortgages or other Securities which may be made and given under the Authority of this Act.

Power to re-borrow Sums paid off. VI. In the event of all or any Part of the Monies borrowed under the Powers of the said recited Act or this Act being repaid by the Council, it shall be lawful for the Council to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the



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the Security of the said Rate any more than the Sum of Fifty thousand Pounds at One Time: Provided always, that in case all or any Part of the Monies so borrowed by the Council shall be repaid by means of the Sinking Fund by the said recited Act and this Act directed to be formed, it shall not be lawful for the Council again to borrow the Amount so paid.

VII. If at the Time in any Mortgage or other Security appointed for Payment of the Principal Money thereby secured the Sum of Money set aside as a Sinking Fund shall be insufficient for that Purpose, it shall be lawful for the Council to borrow such Sum of Money as shall be required for the Purpose of paying off the whole or any Part of the Principal Money secured by any such Mortgage, and the Money so borrowed shall be applied to that Purpose, and to no other Purpose whatsoever.

Power to borrow for Payment of Mortgages, where Sinking Fund is insufficient.

VIII. It shall be lawful for the Council to agree with the Owners of any Lands that may be available for the Purpose of making an Approach or Road to the Cemetery authorized by the said recited Act, for the Purchase of the same; and the Provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands by Agreement, shall be incorporated with and form Part of this Act.

Power to purchase Lands by Agreement, for making Approach to Cemetery.

IX. The Powers contained in the said recited Act for the Construction and Completion of the Waterworks, Market Places, and Cemetery, and the Works connected therewith, thereby authorized to be made, may be exercised for the Period of Two Years from the passing of this Act: Provided always, that nothing herein contained shall authorize the Council to purchase, take, or use any Lands for the Purposes aforesaid or either of them, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Extension of Period for Completion of Works.

X. No Gunpowder shall be sold within the Borough by Candle or other artificial Light, under a Penalty not exceeding One Pound for each Offence; and no Person shall keep at any Time more than Ten Pounds Weight of Gunpowder, except by special Permission of the Council, signed by the Town Clerk, and under such Regulations for its safe Custody as they may approve and determine, under a Penalty for the First Offence of any Sum not exceeding One Pound, for the Second Offence not exceeding Three Pounds, and for the Third or any

Restrictions as to keeping of Gunpowder.

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any subsequent Offence not exceeding Five Pounds, besides Forfeiture of all Gunpowder which shall be found exceeding the aforesaid Weight; and the Quantity of Gunpowder allowed to be kept as aforesaid shall be deposited in a Place separate from all other Goods and Commodities, and shall be secured by Lock and Key, under a Penalty not exceeding One Pound to be paid for each Offence by the Occupier of the Premises in which such Quantity not so kept and secured as aforesaid shall be found: Provided always, that nothing herein contained shall apply to any Quantity of Gunpowder provided for Military or Constabulary Purposes.

As to  
Punishment  
of Swindlers,  
&c.

XI. All Thimblers, Loaded Dice Players, and other Swindlers of that or any similar Description, who shall be found within the Limits of the Borough in possession of Implements or Articles for practising Games of Hazard, or who within the said Limits shall exhibit such Implements or Articles in order to induce or who shall induce any Person to play at any Game of Hazard within the said Limits, or who by any fraudulent Art or Device shall cozen, cheat, or attempt to cozen or cheat, any Person within the said Limits, may be convicted before a Justice on the Testimony of One or more Witness or Witnesses, and on Conviction shall be imprisoned for any Term not exceeding Thirty Days, and shall also at the same Time be sentenced to repay any Money or restore any Property which they may have obtained by means of any such Offence, and failing such Payment or Restoration may under the same Procedure be committed to or detained in Prison for any further Term not exceeding Thirty Days.

Power to  
Council to  
license  
Porters.

XII. The Council may from Time to Time license to ply for Hire and act as Porters within the Limits of the Borough such Number of Persons as they shall from Time to Time think fit.

Licence to be  
signed by  
Mayor, &c.

Fee, 2s. 6d.  
for the same.

XIII. Every such Licence shall be signed by the Mayor, and countersigned by the Town Clerk, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next licensing Day, as appointed by the Council; and for every such Licence there shall be paid to the Town Clerk, or other Person appointed to receive the same, the Sum of Two Shillings and Sixpence.

Licences and  
Offences to  
be entered in  
a Book.

XIV. Every Licence shall be made out by the Town Clerk, and duly entered in a Book to be provided for that Purpose, and in such



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such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Porter; and any Person may at any reasonable Time inspect such Book, without Fee or Reward.

XV. If any Person shall ply or act as a Porter within the said Limits without a Licence being had and obtained for that Purpose, he shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty for acting as a Porter without Licence.

XVI. The Council shall and may from Time to Time appoint and fix the several Rates or Fares to be taken and demanded by any Porter acting, plying, or carrying for Hire within the said Limits, and shall and may from Time to Time make such Regulations to be observed by the said Porter as the Council may think fit; and every Porter who shall exact or demand any greater Fares than the Fares so appointed and fixed, or who shall refuse or neglect to observe the several Regulations aforesaid, or any or either of them, shall for every such Offence be liable to a Penalty not exceeding Ten Shillings.

Council to fix Fares to be taken by Porters, and to make Regulations. Penalty on Porters for Offences.

XVII. The Council may from Time to Time suspend or revoke the Licence of any Porter for Drunkenness or other Misconduct, or any Breach of the aforesaid Regulations, or any or either of them.

Council may suspend or revoke Licence for Misconduct, &c.

XVIII. If any Person refuse to pay, on Demand, to any Porter, the Fares so appointed and fixed, such Fares, together with Costs, may be recovered before any One Justice.

Recovery of Fares by Porters.

XIX. The Clauses of "The Petty Sessions (*Ireland*) Act, 1851," with respect to the Recovery and Appropriation of Penalties, shall be incorporated with this Act.

Recovery of Penalties.

XX. The following Words and Expressions in this Act shall have the Meaning hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction:

Interpretation of Terms.

The Word "Porter" shall include Luggage, Quay, and Coal Porters, and Market Carriers, and all Persons acting as such:

The Word "Justice" shall mean a Justice of the Peace for the Borough of *Londonderry*.

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XXI. The

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Expenses of  
Act.

XXI. The Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act shall be paid by the Council.

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